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Equal Pay as a Moving Target: International perspectives on forty-years of addressing the gender pay gap

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1. Introduction

It is forty years since statutory initiatives were taken in Britain and Europe to tackle gender pay inequality. In Britain, the Equal Pay Act, enacted in 1970 after a long and bitter industrial conflict led by women workers at Ford's Dagenham plant, acquired full legal effect on 29 December 1975. The European Community's Equal Pay Directive was adopted on 10 February of the same year. Since the implementation of this hard-fought-for legislation there has been a growing body of statute and case law amplifying and modifying the original law. These further legal developments have addressed and clarified issues around new forms of discrimination, recognition and reward. Extensions of equality legislation have gone beyond the demands for equal pay to include a more general right to equal treatment and to address equality strands beyond that of gender (Hepple et al 2000; Hepple, 2012, 2013 and 2014). The Anglo-Saxon and European models of gender pay equality have inspired campaigns and laws around the world. Less directly, the equal pay model helped to foster the living wage movement in the US and the UK, and assisted the introduction of minimum wage policies in a number of countries (Figart et al. 2002). Thus the original equal pay legislation triggered a step change in policy and practice towards gender inequality and pay inequality more generally.

Historic data for the UK demonstrates a dramatic decline in the pay gap from 36.2% in 1970 to 19.8% in 1997 (Perfect 2011). A similar trend was observable in the US where the gender pay gap for full timers fell from 35.7% in 1970 to 23.1% in 2000

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<http://www.brighton.ac.uk/crome/events/cambridge-journal-of-economics-equal-pay.aspx>. The

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(IWPR 2014). However, over the last decade it has stayed rather stubbornly around 19% in these two countries (see table 1).ⁱ

Table 1: The Gender Pay Gap in Selected Countries 2002 to 2012

	2002	2006	2008	2010	2012
Belgium	:	9.5	10.2	10.2	10.0
Bulgaria	18.9	12.4	12.3	13.0	14.7
Czech Republic	22.1	23.4	26.2	21.6	22.0
Denmark	:	17.6	17.1	15.9	14.9
Germany	:	22.7	22.8	22.3	22.4 ^p
Estonia	:	29.8	27.6	27.7	30.0
Ireland	15.1	17.2	12.6	13.9	14.4 ^p
Greece	25.5	20.7	22.0 ^b	15	:
Spain	20.2	17.9	16.1	16.2	17.8 ^p
France	:	15.4	16.9	15.6	15.4 ^p
Italy	:	4.4	4.9	5.3	6.7
Cyprus	22.5	21.8	19.5	16.8	16.2
Latvia	:	15.1	11.8	15.5	13.8
Lithuania	13.2	17.1	21.6	14.6	12.6
Hungary	19.1	14.4	17.5	17.6	20.1
Netherlands	18.7	23.6	18.9	17.8	16.9
Poland	7.5	7.5	11.4	4.5	6.4
Portugal	:	8.4	9.2	12.8	15.7
Romania	16.0	7.8	8.5 ^b	8.8	9.7 ^e
Slovenia	6.1	8.0	4.1	0.9	2.5
Slovakia	27.7	25.8	20.9	19.6	21.5
Finland	:	21.3	20.5	20.3	19.4 ^p
Sweden	:	16.5	16.9	15.4	15.9
United Kingdom	27.3	24.3	21.4	19.5	19.1
Switzerland	:	18.6	18.4 ^b	17.8	:
Australia	15.0	16.7	11.9	14.0	13.8
Japan	32.5	33.0	30.7	28.7	26.5
New Zealand	7.5	9.3	7.8	6.8	6.2
United States	22.1	19.2	20.1	18.8	19.1

Notes: (a) “:” not available (b) “b” break in series (c) “p” provisional (d) “e” estimate.

Source: Eurostat (2015) for EU Member States and Switzerland; OECD (2015) for Australia, Japan, New Zealand and USA.

Comparable international data presented in Table 1 illustrate the diversity of levels and trends between countries. Estonia has one of the highest gender pay gaps of 30% in 2012, followed by Japan, Germany and the Czech Republic with wage gaps of over 20% in 2012. In comparison, the lowest gaps are found in Slovenia, New Zealand, Poland and Italy. Nevertheless, the comparable data available from Eurostat and the OECD suggest that the gender pay gap has been quite erratic in some of these countries over the last decade. In some countries this gap has even increased, especially since the economic crisis of 2008, for example in Portugal and Italy. The gender pay gap in Italy has been traditionally very low. This results from specific characteristics of more limited numbers of better-qualified women being employed in higher paying wage segments of the formal economy in Italy. The recent widening of

this gap in Italy has been attributed to an expansion of women's employment in lower-wage sectors (Peruzzi *this issue*). This phenomenon highlights the risks of encouraging the expansion of low-quality employment in order to encourage increased rates of female employment. The variety and persistence of gender pay gap differences across countries, as well as the direction of change over time, prompt us to ask how well existing theories can explain these recent developments.

Some universal factors accounting for the gender pay gap include the under-valuation of women's work and norms reinforcing women's position as economic dependents. Workplace characteristics and sex segregation of women into low value-added jobs (Burchell et al. 2014), especially in sectors that lack union representation also play an important role. Many of these factors can also be traced to the unequal division of unpaid labour in the home shaping patterns of segregation, working time schedules and access to promotion (ILO 2015: 45; Goldin 2014; Grimshaw 2011; Rubery et al. 2005). However, the intensity of some of these traditional gendered norms and conventions vary between countries mediating the effects of the gender division of labour and the rewards allocated to paid work (O'Reilly et al. 2014).

Nationally specific wage setting mechanisms also have a significant mediating effect and are often used to explain cross-national and inter group differences. In some countries narrowing the gender pay gap has been associated with a general *levelling down* of pay standards through deteriorating conditions for male workers. In particular low paid men, in some countries, have seen a stagnation or relative decline in their wages, as well as varying degrees to which levels of unionisation have fallen and traditional well paid and protected male jobs in the manufacturing sector have disappeared since the 1980s (ONS 2014: 4-5; Grimshaw 2011; Dickens 2007; Whitehouse 2001).

The significant increase in female educational attainment and formal participation on the US labour market during the 1980s has been used to explain why the pay gap closed faster in earlier periods (Blau and Kahn 2007). However, more recently the proportional increase has not been as large and not impacted as much on the pay gap as in earlier decades. Whilst education is an important labour market indicator of economic status, despite women's increased educational attainment equivalent to or surpassing that of men, it has not served to level the pay gap as earlier research might have expected. A large part of the gender pay gap remains 'unexplained', i.e. it is not fully accounted for by variables such as education, job experience, age or skills included in many econometric decomposition methods (ILO 2015: 48-9; Blau and Kahn 2007: 846).

Gender pay inequalities persist. Despite statutory initiatives, new forms of inequality between different groups of women are becoming ever more apparent, especially in the context of global increases in wealth inequalities (Grimshaw 2011; Smith 2012; Piketty 2014). For example, while the gender pay gap at the lower earnings level has narrowed, it has increased at the top. A recent ILO (2015) study noted that, *'In Europe in 2010, the bottom 10 per cent of women earned about €100 per month less than the bottom 10 per cent of men. Conversely, the top 10 per cent of high-earning women*

earned close to €700 per month less than the top 10 per cent of men.' (ILO 2015: 48). Gender pay gaps vary not only between occupational statuses, but also between sectors and regions within the same country (ONS 2014).

While the overall pay gap has tended to fall in many countries over the past forty years, it has not closed; in some countries it has been stubbornly resistant, or has even deteriorated. For some, advances in women's labour market position and the presence of statutory equal pay frameworks suggest optimism and promise, for those who have the patience to sit back and wait for things to improve. One estimation for the US suggests that equal pay will be achieved in 2058 at the current rate of progress (IWPR 2013). For others, the stalling of progress could indicate complacency, or something worse, including the persistence of implicit forms of discrimination.ⁱⁱ However, complacency has a price. Failure to address gender pay inequalities has led to a stream of high profile litigation in the UK and the US. The resulting multimillion compensation awards reported in the press have kept the subject of gender pay inequalities in the public eye and one that governments and organisations ignore at a high cost (Deakin et al. *this issue*; Butler 2012; Blau and Kahn 2007: 849).

Given the range and extent of change in addressing gender pay inequalities since the introduction of statutory change over forty years ago, we considered it timely to look back on these developments and evaluate their effects. With this purpose in mind the CJE held an international symposium in Cambridge in June 2013 to prepare this special issue. The collection of papers presented here look back on early achievements and their legacies; they evaluate subsequent legislation and its impact, identifying where on-going barriers to equal pay persist or new inequalities become more apparent. They also provide an international and comparative perspective on initiatives to implement equality legislation and equal pay, in countries with very different patterns of female labour force participation, skills and wage setting environments. The articles in this collection examine specific dimensions of these debates in different institutional contexts, illustrating the extensive and multi-disciplinary approaches that have been employed to examine evolving gender pay gaps.

To facilitate our understanding of the breath of debates concerned with equal pay over the past forty years the contributions here are organised around four key themes:

1. Theoretical and conceptual debates;
2. Legal developments and their impacts;
3. Wage setting institutions and changing employer demands; and
4. Newly emerging pay inequalities between and within educational and ethnic groups.

In this introductory article we provide an overview of the papers in this special issue around these four themes. We summarises some of the policy implications and identify directions for future research in this area. On the basis of the evidence presented here we argue that this collection of papers presents a picture of gender pay inequality as a dynamic and moving target, or what Rubery and Grimshaw (*this issue*) describe as 'moving goal posts'. The range of papers included reveal how accounting for the causes of this gap have changed over time; they illustrate the problems of measuring and comparing this gap between different groups of workers;

and they identify how policy responses to reduce the gap have changed over time in different institutional contexts. Inequalities in pay have evolved as actors and power relations shift, as new lines of segmentation have led to new contours of disadvantage, and as organisations have adopted new approaches to legal frameworks and the organisation of work.

2. Overview of the themes and articles

2.1 Theme 1: Theoretical and conceptual approaches

Explanations for the gender pay gap have come from a number of different disciplinary fields. Rubery and Grimshaw (*this issue*) distinguish between four distinct analytical approaches: economic, sociological, organisational and institutional. They argue that each approach focuses on different factors as to the causes of inequality in men and women's pay. These different causes imply different solutions as to how to reduce this gap. However, they argue that with the changing structure of employment and qualification attainment, the goal posts to achieve gender pay equality are constantly moving.

Economic approaches to understanding the gender pay gap have traditionally focused on women's lack of investment in human capital, measured in terms of educational attainment and preference for lower commitment jobs that, it is assumed, will allow them to combine work and family responsibilities (Becker 1985). While increased educational attainment has provided access to higher status and better-paid jobs for some women, it has not narrowed the gender pay gap as much as one might have expected (Smith 2012; Peetz *this issue*, Figueiredo et al. *this issue* and Schulze *this issue*).

Sociological explanations place more emphasis on the way pay reflects social status. Historically women's wages were often seen as a surplus or supplementary income to that of the male breadwinner (von Oertzen 2007; Siltanen 1994). However, Muzio and Tomlinson (2012) have argued that the inclusion of professional women in more senior positions has not necessarily been associated with more equal treatment in terms of pay. In fact what we may be seeing are new forms of segregation as women move into occupations whose traditional higher status is becoming less valued (Crompton and Lyonette 2011; Rubery and Grimshaw *this issue*) Economists, such as Myck and Paull (2004) find that the return women receive for their increased experience actually declines over time.

Organisational explanations for pay equalities draw attention to job evaluation and grading schemes and the associated bonus regimes awarded to particular groups of workers (Corby 1999; Davies et al. *this issue*). In addition patterns of occupational segregation can exacerbate the gender pay gap (Burchell et al. 2014). Reskin and Roos (1984) illustrate how female-dominated occupations tend not to have extensive job ladders to higher paid and better qualified jobs. Female-dominated sectors tend to be associated with lower rates of pay in general.

Institutional perspectives give greater weight to the impact of labour market regulation. These approaches have been associated with dual labour market and segmentation theory where exclusionary practices have been reinforced by trade unions protecting insiders' status and reinforcing labour market segmentation (Rubery 1978); although unions have also contributed to more inclusive practices that involve reducing the gender pay gap, as contributions to this special issue show (Guillaume, Deakin et al.). In addition, a raft of anti-discriminatory legislation has sought to remove practices of overt discrimination along the lines of gender, race, disability and age. Institutional and segmentation approaches' emphasise employment regulation and the vested interests of insiders. The degree to which the barriers between different groups of workers are porous, or impermeable, and how these have changed over time, in particular faced with the potential threat of litigation (Deakin et al. *this issue*) or the role of human resource initiatives (Dobbin 2009) varies between societies.

Focusing more on the regulatory dimension Peetz (*this issue*) takes a slightly different approach to developing an analytical framework to understand the gender pay gap. He develops the concept of '*regulation distance*' where employment is (un)regulated through collective agreements, legislation or other means. Regulation distance can be understood as a continuum between '*regulation proximity*' and '*market proximity*'. The latter does not necessarily reduce pay inequalities as these can be tempered by gendered norms including under-valuation, labour segmentation, human and social capital as well as public sector and union effects. Based on empirical evidence from Australia he argues that this framework illustrates how gender pay inequalities exist for groups that are both close to institutional regulation of the labour market and those with jobs subject to a market-based regulation. In fact the jobs subject to market-based regulation underline how non-pay aspects of gendered experience at work help explain why the gender pay gap is greatest for a group of women with the most labour market power, those amongst elite occupations.

The theoretical frameworks and empirical evidence discussed in Theme 1 of this special issue illustrate the range of different explanatory approaches as to the causes of gender pay inequality and how significant labour market changes over the past forty years have made the goal of reducing pay inequalities a moving target. While some equal pay cases have levelled up low-paid women's work, bringing it more in line with comparable male workers, weaker groups of men at the lower end of the income distribution have been subject to the levelling down of their pay (Smith 2012; Deakin et al. *this issue*; Rubery and Grimshaw *this issue*).

The role of the key actors in these developments is contested. Trends in some countries towards adversarial litigation to resolve these inequalities reflect the weakness of trade unions in wage setting institutions and their ability to negotiate equal pay settlements, according to Conley (2013). While legal enactment has put pressure on firms to update their pay practices, Dobbin (2009) suggests that the human resource management profession has been a more effective agent of change than courts or public officials. By contrast, Deakin et al. (*this issue*) show that litigation, while costly in terms of resources, and in the adversarialism that it generates, may

help remedy long-standing injustices. The tensions between negotiated and contested equality battles are examined in Theme 2 looking at the impact of legal developments in European and Australian cases.

2.2 Theme 2: Legal developments and their impacts

Compared to other European countries, there is a comparatively high recourse to litigation strategies in the UK (Fuchs 2013; Klarsfeld et al. 2012). Guillaume (*this issue*) examines the variety of strategies adopted by British trade unions to achieve equal pay and how these have changed over time. Pursuing cases through the courts has gone alongside negotiating large-scale collective agreements in the public sector and participating in job evaluations in the private sector. Her analysis draws attention to different power relations between workers affected by these negotiations and job evaluations. When negotiations either reproduce wage differentials, or fail to address existing inequalities between workers fairly, new forms of conflict mobilization between these workers are generated (Kahn and Meehan, 1992; Acker 1989). Unions often have difficulty in resolving potential inter-worker conflicts (McLaughlin, 2014; Fredman, 2008; McCrudden, 2007). Guillaume's analysis illustrates how litigation strategies are embedded in power relations within organizations and interact with '*institutionalized gendered conceptions of work*' (see also Peetz; Rubery and Grimshaw *this issue*). She argues that the disruption created by equal pay litigation between different groups of workers illustrates why trade union mobilization over equal pay in the UK has been uneven. In the early days they had both the time and money to provide support structures, and in later periods they had the legal knowledge gained from experience. But, although union strategies have been inconsistent at times, the repeated action of a few key trade unionists has been significant.

The recent emergence of no-win no-fee lawyers as significant actors in the UK is examined by Deakin, Fraser Butlin, McLaughlin and Polanska. They analyse a series of high profile cases in the context of a theoretical discussion of the relationship between pay regulation through comparing collective bargaining, on the one hand, and statutory measures and contestation through individual cases of litigation on the other. They argue that legislation to reduce inequality is not inevitably limited in its impact on employers. Deploying quantitative and qualitative empirical evidence, they demonstrate the emerging relationship between the system of collective bargaining and the litigation process: in various ways, they argue, collective bargaining and litigation are complements, not substitutes, for one another. They provide a broad historical analysis of developments in the field including research from equal value cases. Their analysis suggests that the effectiveness of the legislation, as measured by litigation rates and by the ability of the courts to adjust the law to reflect new problems as they came before them, has risen and fallen over time. Although there have been periods when the law has stalled and litigation rates fell away, there have also been times, as recently, of rapid change in the content of the law, coupled with a rise in the volume of claims. This is not to say that the effects of mass litigation are all positive. Empirical evidence drawn from both tribunal data and interviews with key actors illustrates the difficult 'nettle' these cases posed for the trade unions in a

context where the implementation of equality implied cuts in the pay of male workers and where compensation claims appeared to put the financial stability of public sector employers at risk. Their study recognises growing adversarialism in pay bargaining, uncertainty for employers and the deadweight costs of litigation as the dark side of law-centred strategy. But they also acknowledge that litigation has delivered 'tangible gains' for highly disadvantaged groups.

Examining how the ideology of economics and its interpretation of value and worth are understood in specialist and non-specialist circles Austen and Jefferson (*this issue*) draw on evidence presented to an industrial tribunal for Fair Work Australia. They highlight the different logics and arguments used as evidence in these cases. They argue that the emphasis on mathematical economists' methods of evaluation deflects attention from underlying ideological assumptions about gendered patterns of work and pay, a point made in the papers from Guillaume, Peetz, and Rubery and Grimshaw (*this issue*). Austen and Jefferson have a positive assessment of the value of challenging these economic assumptions and underlying norms in public debate as a means to improve policy decisions and highlight the '*need for pluralism in economic research*'.

A more skeptical assessment of legal instruments, also based on the Australian experience, is offered by Charlesworth and Macdonald (*this issue*). They examine the potential effectiveness of the Workplace Gender Equality Act that was introduced in 2012 following on from the Fair Work Act 2009. This legislation created the potential capacity to improve pay equity across large sectors of the labour market; however, its achievements were more limited. According to Charlesworth and Macdonald the failure of the law was largely due to the lack of consistent political commitment to achieving gender equality and a lack of integration between legislation and policy at the labour market, sectoral, workplace and individual levels. Drawing on comparisons from Canada and the UK, they conclude that pay inequity is likely to persist because of these inconsistencies.

Peruzzi (*this issue*) picks up the theme of inconsistencies in the EU policies regarding the gender pay gap within a labour law perspective. They examine the evolution of EU policy approaches towards equal pay and suggest it has gone full-circle. In part this is because of a reduced commitment to the issue inside and outside the Employment Strategy, and in part this is because of a change of location of the related institutional competences within the European Commission. The Commission has placed greater emphasis on individual-centred dimensions of equality claims, at the expense of the truly collective meaning of the equality principle. Peruzzi also highlights the misalignments and shortcomings of the unadjusted gender pay gap indicator currently used by Eurostat in respect to the legal discourse elaborated in the context of EU antidiscrimination law. Using the Italian case he examines two recommendations of the European Parliament and the position of the European Trade Union Confederation (ETUC). His analysis focuses on the contradictions between EU support for the role of the social partners in tackling the gender pay gap and the push for a decentralisation of collective bargaining prompted by the EU policies to address the labour market consequences of the austerity crisis.

Summing up, these papers suggest that while it is not straightforward to draw general lessons from the varied national experiences of law-centred approaches, some themes emerge. In the right context, litigation can address entrenched injustices, and can be used by trade unions and other actors to trigger institutional change. But litigation is unlikely to be effective without complementary processes and mechanisms for addressing pay inequalities, in particular collective bargaining. The pursuit of litigation strategies is highly dependent on the characteristics of the wage setting environments and institutions (see the papers in Theme 3 for extensive analysis of these dimensions). Comparing the effects of different institutions between countries and sectors and between different groups of workers in the light of legal differences is revealing. On the one hand, the fragmentation and decentralisation of the wage setting environment, alongside the diminishing role of trade unions and social actors promoting equal pay, makes it more difficult to enforce pay equality. On the other hand, where certain groups of workers are less well integrated into these wage-setting arrangements because of the effects of labour market segmentation, the effects of the gender pay gap may be exacerbated to a greater or lesser extent by employer practices (Davies et al. *this issue*).

2.3 Theme 3: Wage setting institutions and Employers Demands

The papers in this theme examine the impact of wage setting institutions and the actions of employers in accounting for differences in the gender pay gap both within the same country as well as between countries. These papers highlight the importance of variations across sectors and organisations for different groups of women. Previous research has demonstrated that wage setting institutions have one of the strongest effects in explaining international differences in the gender pay gap between different countries. Gender pay gaps are linked to both the representation of women and men at different points of the distribution and the form of wage distribution itself (Blau and Kahn, 1992, 1997). Industrial relations institutions independently affect wage gaps: more 'inclusive' systems including higher collective bargaining coverage, higher union density, and universal low-wage protection schemes, have been shown to narrow inequalities (e.g. Blau and Kahn, 2003; Kidd and Shannon, 1996; Whitehouse, 1992).

Using data from the European Union Survey on Income and Living Conditions (EU-SILC) Schäfer and Gottschall (*this issue*) explore how wages setting institutions in 25 European countries in different sectors impact upon wages differences for women and men; they also provide an additional more detailed focus for Germany. Comparing health, manufacturing and finance they confirm the existence of a substantial gender wage gap in each sector. Wage penalties for female full-time workers are higher in the more female-dominated sector of health, than in finance and manufacturing. They argue that more inclusive industrial relations systems that include high collective bargaining coverage, industry and/or economy-wide bargaining, and high levels of the minimum wage, all contribute to closing the gender pay gap for female full-timers. Complementing this European-wide analysis they provide a more in-depth study of

the German case using a database of linked employer-employee data to explore the interaction of wage setting at the industry level on gender equity in living wages. The results for Germany also indicate a substantial gender pay gap and wage penalty for women working in a more female-dominated sector. The German results also support the positive effects on wage levels of high coverage of workers by collective bargaining, but they also reveal a high gender pay gap in living wages for full-time skilled workers, particularly in West Germany. In contrast, low union coverage of workers in the female-dominated health and social work sector is associated with lower earnings, a higher share of employees working below a living wage, but also a lower gender pay gap. This mixed picture of the effects of wage setting institutions underlines levelling down of men's experience at one end of the wage distribution and a failure to catch up for women at the upper end (Smith 2012; Deakin et al. *this issue*; Rubery and Grimshaw *this issue*).

Comparing two very different wage setting institutions in Argentina and Chile, Ugarte, Grimshaw and Rubery (*this issue*) investigate the impact of 'inclusive' versus 'exclusive' industrial relations systems in promoting gender wage equity and enabling wage returns to women investing in higher education (Blau and Kahn, 1992; Mandel and Semyonov, 2006). This cross-national comparison is particularly useful for shedding light on the impact of different sets of institutional arrangements. Chile has a higher level of wage inequality and a wider gender pay gap than Argentina. However, over the last decade wage inequality has fallen in both countries and female employment has risen across all points of the wage structure. These similar trends in declining wage inequality have occurred in spite of each country having quite different industrial relations systems and quite distinctive histories of equal pay policies. The analysis of these different institutional contexts underlines the role of the inclusive industrial relations system in narrowing Argentinian gender pay gap to a greater extent than in Chile. For Chile the authors identify the high level statutory minimum wage as a force for redistribution in the more exclusive industrial relations system. The impact of educational attainment discussed in more detail in Theme 4 is also found in both Argentina and Chile. Both countries have witnessed both increased levels of educational attainment among men and especially women, but also falling wage returns to education, for both men and women. Using quantile regressions, the authors demonstrate that even though there is a wider wage gap by educational attainment in Chile and a more class-equal wage distribution in Argentina, it is actually highly educated Argentinian women in high paid jobs that enjoy a larger wage premium.

In examining wage-setting institutions it is also the role of employers that need to be considered in how organisational behaviour can shape the gender pay gap, depending on the sectors firms are located in and their market orientation. Davies, McNabb and Whitfield (*this issue*) address this concern using employer level data drawn from the 2004 and 2007 British Workplace Employment Relations Survey. The link between employer behaviour and the gender wage gap is a much less well-research area than that of sectoral comparisons or economy wide and cross-national studies. Davies et al.'s specific focus is to examine the effect of "high performance work practices" (HPWPs) on the gender pay gap. Initial research into the behaviour of HPWPs were optimistic that the orientation of these companies would provide fairer rewards for

women because discrimination and the under-utilisation of women's potential would be irrational for these kinds of firms. This paper shows the opposite effect: men's pay rewards in these work environments were better than women's. With the benefits of hindsight this outcome is perhaps not at all surprising. HPWPs are associated with high levels of work intensity, making it even harder for those with heavy domestic workloads (i.e. mostly women) to compete on a level playing field whilst maintaining some semblance of healthy work-life integration. However, Davies et al. also show that HPWPs, as well as being a fuzzy and poorly defined concept, are not particularly coherent from a gender perspective either. There are some features of HPWPs that seem to benefit women more than men, for instance through flexible working practices and higher levels of autonomy. However, other dimensions such as incentive schemes used to maximise individual motivation and encourage higher levels of work intensity, appear to reward male workers more in these organisations.

In sum, the analysis of wage setting environments presented in these papers and the illustrations of how they vary both between countries, between sectors and between organisations in the same country underline how recent research identifies the nuanced discrepancies that aggregate analysis can sometimes overlook. These results draw our attention to the fact that in some cases the gender pay gap may be diminishing for particular groups of women, while in other areas this trend is less apparent. The papers in Theme 4 illustrate these differences for both very high and poorly qualified labour market entrants and ethnic groups. One of the research challenges for the future that emerges from the results presented here is the need for more fine-grained analysis of specific sectors and groups of workers that can take account of specific and different factors that serve as obstacles in reducing existing gender pay gaps (Whitehouse 2001). Some of the new factors that need to be taken into account are attributable to how dynamic new forms of segmentation are emerging in relation both to changing skills and qualifications of available labour, as well as differences reflected in the increasing ethnic diversity visible in many advanced economies in the past forty years.

2.4 Theme 4: Newly emerging pay inequalities between and within educational and ethnic groups

The last four papers explore differences in the gender pay gap between different segments of the labour market where educational and ethnic markers of social status and integration are at their most extreme. Two papers, Figueiredo et al. and Schulze, look specifically at highly educated employees while the papers by O'Higgins, and Erne and Imboden focus on ethnic differences.

Figueiredo et al. concentrate on three southern European countries, namely Portugal, Spain and Italy. Comparative frameworks tend to categorise these countries as very similar set of southern welfare states, but they exhibit very different patterns of female labour force participation and experience in terms of the gender pay gap, as illustrated in Table 1. The pay gap in Italy and Portugal has tended to be significantly lower than in Spain; participation rates in Portugal have tended to be much higher

where Portuguese women are also more likely to work full-time; and in both Spain and Italy mothers have much more difficulty of accessing paid employment than in Portugal. Despite these differences, what these countries do have in common is a significant increase in the proportion of young women graduating from universities. Figueiredo et al.'s comparisons of older and younger men and women remind us of how much change there has been in eliminating male educational advantages that were held to be so central to explaining the gender wage gap forty years ago. But, rather than creating a uniform set of new gender-balanced graduate jobs, there emerges two separate streams of predominantly male graduate jobs and female graduate jobs. Figueiredo et al. demonstrate this neatly in creating "job groups" by cross-tabulating industry (NACE) and occupation (ISCO). They argue that gender pay gaps are being perpetuated by a higher proportion of female graduates describing themselves as being over-qualified for their jobs (i.e. stating that their job could be done by a non-graduate). These results are confirmed using standard decomposition techniques to test the implications of controlling for selection bias. However, this description is a simplification: the authors show that these effects are different in the public and private sector, women and men are differentially affected by fixed-term and temporary jobs, and the pay penalties associated with over qualification varies between countries, as well as by gender. Overall, this paper is a classic case of Rubery and Grimshaw's argument about 'moving goalposts'. Campaigners for equal pay in 1975 would have been thrilled at the way in which women's education has completely caught up, or overtaken, men's educational attainment, but they probably did not suspect that the gender pay gap would be so resilient or recreated in the face of these changes.

A further more focused analysis of the gender pay gap amongst very highly qualified doctoral graduates in the UK is provided by Schulze. Her examination of the gender pay gap for this group, six and 42 months after graduation, is refreshingly simple to understand. For those starting work in academia, the gap between men and women is minimal, at this stage; although we know that it increases over time. Female doctoral graduates who decide to work outside academia are less likely to benefit from the higher wage rates awarded to their male equivalents. Male doctoral graduates receive markedly higher pay than for all of the other groups of recent graduates. The paper does not deliver an explanation for this very specific phenomenon, but at least we know where to start looking for an explanation of this employer/sector effect on men's relative pay advantage. It is probably no coincidence that this paper stands out in this special issue in two important respects: the sample is the most homogeneous, and the results are very stark. In the absence of consistent rules that govern the gender pay gap for all labour market conditions, perhaps the most actionable research will come in the future from examining specific types of workers and trends in their pay gaps over longer periods of time in different sectors.

Turning to the experience of workers at the other end of the educational and social spectrum, O'Higgins examines the circumstances on Roma in central and south-eastern Europe, where they are the largest minority ethnic group, and one where a significant proportion have no formal education, in contrast to non-Roma. In this respect they are so different from the rest of society that conventional decomposition analyses are inappropriate method to compare gender pay gaps. While there have

been many qualitative studies of labour market disadvantage amongst Roma, and Roma women in particular, there have been virtually no attempts to quantify the gender pay gap for this group. Using a unique dataset that disproportionately samples Roma and non-Roma in Central and South East Europe, and a non-parametric one-to-many matching technique, O'Higgins' paper fills that gap in the literature. He finds that the pay gap is wider between Roma men and women than non-Roma men and women, giving Roma women a particularly large double disadvantage in comparison to Roma men and to the non-Roma. Part of this can be attributed to the very low educational attainment attributed to many Roma men and women, and part can be linked to occupational and industrial segregation, socio-economic status as well as the impact of living in a Roma community. Somewhat surprisingly, the high rates of informal employment amongst the Roma seem to be unrelated to the low pay for Roma. Much of the pay gap cannot be explained in the statistical models; some of it is probably discrimination by employers, but it could well be attributable to other factors or reverse causation. Nevertheless, the fact that such extreme double-disadvantage of Roma women comes towards the end of a period of policy making focussed on addressing these disadvantages during the 'Roma decade' (2005-2015) is a reminder of the very entrenched nature of gender pay gaps amongst disadvantaged groups, despite policy attempts to address these inequalities.

Pay inequalities between different groups of workers, other than women, has been increasingly receiving attention especially in terms of comparing pay differentials between ethnic groups and those with disabilities (Longhi et al. 2009 and 2013; Jones et al. 2014). Contributing to a vein of this research, the final paper in this collection compares the treatment of women and migrants in Switzerland. Erne and Imboden (*this issue*) highlight the possibilities for heterogeneous outcomes within a unique institutional context. Using Quantitative Comparative Analysis the authors track the implementation of the two policies to address wage inequalities. The first, the Swiss Gender Equality Act (1996) sought to address the gender wage gap; the second "Accompanying measures" to the EU/CH agreements on the free movement of workers (1999) sought to ensure equal pay for migrant workers following the opening of the Swiss labour market to the EU. Erne and Imboden's analysis underlines the importance of different policy discourses for different groups of male, female and ethnic workers. The comparison of these two policies also illustrates how the measures for migrant workers were decisively more effective in achieving equal pay outcomes when compared to the Gender Equality Act. Since both cases are located in the same institutional framework the authors are able to highlight the limitations of explanations drawn from the Varieties of Capitalism approach when we observe diverse outcomes, within the same socio-economic space, for different groups of workers. Rather the different frames of reference in the policy discourse of the various actors including trade unions and women's organisations, employer associations and government are identified as important factors in understanding these different outcomes. The contestation between different regulatory strategies, liberal or neo-corporatist, adopted by these actors help explain the unequal implementation of equal pay policies between these groups of workers.

The papers in this final theme illustrate how initial concerns with addressing 'equal pay for women' have become more complex and diverse in the last forty years. This

reflects a number of factors related both to changing labour market structures in terms of the increased diversity and the skills of available labour, as well as the changing organisation of firms, wage setting institutions and performance reward systems. Alongside this increasing fragmentation and diversification we have also seen attempts to introduce new forms legislation and equality rights being contested and claimed, albeit through a variety of discourses dependent on the constellation of actors and their relative importance within different jurisdictions.

3. Implications for Future Research and Public Policy

This special issue was inspired by the fortieth anniversary of the implementation of the Equal Pay Act in the UK and the 1975 European Directives on equal pay – momentous events in the campaign for equal pay. In bringing together this collection of papers to evaluate the impact of policies and emerging trends in the gender pay gap we have drawn on a range of international experiences, as well as contemporary evidence from the UK. The inter-disciplinary approaches to this topic include labour lawyers, economists, sociologists and those working on the borders of industrial relations and management studies. These diverse approaches identify a range of different explanatory factors accounting for why the gender pay gap exists, how it is changing and what needs to be done to reduce it. From the evidence presented here we have identified three key dimensions shaping these debates: i) litigation and collective bargaining strategies; ii) wage setting institutions and organisational practices; and iii) new forms of gender pay inequalities based on labour market segmentation, particularly linked to educational attainment and ethnicity. These key dimensions mark out signals on the research landscape that we expect will direct future research agendas on this issue. This evidence base could inform the types of policies designed to reduce gender pay inequality in the future.

First, If we look at where policies have been successful and why, we can see that where collective wage setting institutions have been weakened, litigation has had huge benefits to the tens of thousands of female workers whose pay has been brought into line with that of comparable male workers, or who have been compensated for unfair pay systems in the past. While there has been a tangible gain for some of these workers, there are also a number of downsides to these experiences of litigation and its implementation. Interpretations vary been those of Guillaume and Deakin et al. who recognise that the key actors include not only lawyers and unions who take these cases, or the HR managers who Dobbin claims have created the equality agenda, but also include government policies at national and international/EU level that set the parameters within which these legal cases are fought. However the role of institutions impacting upon groups of workers remains strong, for example in the role of minimum wages in helping to close the gender pay gaps at the lower-end of the labour market. Nevertheless, the impact and coverage of legislative approaches is far from guaranteed as a conclusive instrument to help remove gender pay gaps.

Second, from examining wage-setting institutions and organisational practices in different environments we saw that while the effects of institutions clearly vary by

country, this often belies a level of complexity when we start to explore below the national level. The evidence from a number of different institutional contexts around the world point to the positive benefits of an institutionally based approach and a centralisation of wage-setting address wage inequalities. But, even in countries where wage-setting institutions were strong, gender pay gaps vary by sector and different categories of workers. The extent to which pay gaps close for particular groups of workers depends on the specific constellation of institutions and the policy trajectories they adopt. How the gender pay gap affects different groups of workers varies depending on how well they are integrated into these systems, and to what degree these systems protect and promote their interests.

Third, by comparing the interaction between and within educational and ethnic groups these papers were able to illustrate how educational attainment does not appear to be having the same level of impact that was the case in earlier periods immediately following on from the establishment of statutory measures. While educational attainment is clearly a valuable and rewarded distinction on the labour market, new forms of gender inequality are emerging in particular amongst the most highly qualified and highly paid. Furthermore, differences persist in how women and men are rewarded for their investment in higher levels of education. At the other end of the scale, those with very limited, if any, qualifications, as in the case of the Roma women, are particularly disadvantaged by their lack of educational credentials and the way this confines them to working in particularly disadvantaged sectors. For other ethnic groups pay penalties appear to have been less severe. This is dependent on the relative educational status of these workers, especially if they are recent migrants, or whether they are second-generation citizens (Zuccotti 2014). This is an area of research that is gradually receiving increased attention (Longhi et al. 2009) and one that we have only touched on briefly in this collection of papers. As demographic trends and new patterns of migration contribute to workforce diversity these will emerge as new areas of research and policy on the pay equality agenda; the intersection with gender inequalities will be of great interest in terms of how new inequalities emerge and the extent to which traditional ones are reinforced or diminish.

Future research agendas will need to address the dynamic environment in which the gender pay gap is regulated and determined. This will require a focus on gender pay gaps within and across particular groups, as well as monitoring aggregate trends in pay gaps. Additionally, a wider reflection on the suitable measures and methods required to monitor the pay gap will also be required and a critical reflection on the appropriateness of so-called adjusted and unadjusted measures. Similarly policies makers will be required to adopt a more nuanced approach that recognises the need for vigilance for new and emerging pay gaps as novel forms of work emerge. The relative advantages, or disadvantages, of different labour market groups wax and wane over time forcing labour market actors to reassess their positions on pay equality. Policy makers will also need to recognise that the easy gains of the past need to be built upon by innovative and focused measures rather than complacency. As some of the papers here indicate, complacency can be very costly for organisations. Innovative measures may include closer attention to the behaviour of employers, monitoring the impact of wider economic and labour market policy for unintended

consequences on gender pay gaps and measures to address pay gaps at the top end, as well as across the wage distribution through greater transparency and recent discussion of the need for compulsory gender pay audits.

In conclusion, the three key dimensions that emerge from the papers presented here are first the relationship between litigation and bargaining strategies; second the interaction between wage-setting institutions and new organisational practices; and third the increasing diversity or equality strands competing for equal treatment. We might conclude that in the shadow of high profile litigation on women's pay and the modernisation of HR and diversity management, these have contributed to some significant improvements. We have also seen that the demands for equal pay between men and women needs to be contextualised, not only in relation to broader increased income disparities, but also in relation to the continued effects of the recent financial and economic crisis (Karamessini and Rubery 2014). As indicated in our opening analysis, gender pay gaps vary enormously between economically advanced countries, and while there has been a trend for this gap to fall, in some countries these achievements have been reversed, in particular since 2008 and the prolonged economic crisis. The long-term consequences of this recent period of economic difficulty are likely to create significant obstacles in addressing pay inequalities for particular segments of workers who have experienced wage stagnation or a fall in the relative value of their earnings (Eurofound 2015). But this trend will vary in intensity between countries and different segments of workers. Rubery and Grimshaw (*this issue*) suggest that in these circumstances of financial austerity, interest in addressing equal pay may no longer be a central concern to organisations. Monitoring and enforcement are more difficult in periods of economic turbulence, and especially for managerial categories with more individually negotiated pay settlements. However, the fact that many men now fall into sub-living wage conditions associated with female-dominated sectors may create political pressure for action to raise wages at the lowest-end of the wage distribution and thus impact upon gender pay gaps in the future.

The evidence presented here not only illustrates the achievements of legislation, actors and policies as well as the autonomous behaviour of women themselves, but also how the goal posts for achieving equal pay for women have moved over the past forty years. Demands for equal pay now encompass a broader and more diverse range of players, some who are having more success than others, depending on who they are compared with. Blau and Kahn's (2007) analysis of the US labour market prior to the Great Recession suggested that even after a relatively long period of economic stability during the 1990s, current gaps in gender pay are possibly 'as good as it gets'; any further improvements will be at a slower pace, and may well be associated with greater discrepancies between high and low-earning women. One aspect that we can perhaps be sure of is that progress towards closing the gender pay gap will not be easy, will require a collective effort of various actors, and will not be quick.

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ⁱ Comparable historic data prior to 1997 for other countries was unavailable at the time of writing. There are a number of methodological issues with regard to how these gaps are measured using different sources of data and whether comparisons are restricted to full-time workers, or include part-timers (see Grimshaw 2011, Whitehouse 2001 and Zabalza and Tzannatos 1985, for a more in depth discussion of this issue. See also www.equalpayportal.co.uk/statistics/ for the UK, http://ec.europa.eu/justice/gender-equality/gender-pay-gap/situation-europe/index_en.htm for the EU and <http://www.oecd.org/gender/data/genderwagegap.htm> for OECD countries for a useful collection of data sources and definitions on measures of gender pay gaps).

ⁱⁱ Comments by Microsoft CEO Satya Nadella in October 2014 provide one example of a rather complacent expectation when he suggested that, rather than ask for a pay rise, which was bad karma, women should 'trust in the system'. Reaction to this went viral. <http://www.bbc.co.uk/news/blogs-echochambers-29578265>