

European Social Partner Agreement on WOMEN IN RAIL



Between CER and ETF



EUROPEAN TRANSPORT
WORKERS' FEDERATION

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EUROPEAN SOCIAL PARTNER AGREEMENT ON WOMEN IN RAIL

Between the Community of European Railway and Infrastructure Companies (CER) and the European Transport Workers' Federation (ETF)

5 November 2021

PREAMBLE

Within the framework of the European Sectoral Social Dialogue Committee, CER and ETF have been active since 2004/2005 to promote a better representation and integration of women in their sector through various studies and joint recommendations. Since 2012, the social partners CER and ETF regularly published annual reports (WiR Report - Women in Rail), analysing 12 indicators in order to follow the progress made on the topic. The outcome of the WiR Reports demonstrated the need for strengthening the efforts to increase women's presence and gender equality in the railway sector. Within their social dialogue Work Program 2018/2019, CER and ETF decided to enter into negotiations for a binding autonomous agreement in accordance with Article 155 TFEU¹ on promoting gender equality and gender diversity in the rail sector.

This binding autonomous European agreement corresponds to the objectives and challenges of the European Union. Indeed, a Union of Equality is one of the major priorities of the Ursula von der Leyen Commission. This is highlighted by a proposal of a new anti-discrimination legislation and the Gender Equality Strategy 2020-2025. This strategy outlines a set of key actions including ending gender-based violence (including sexual harassment), ensuring equal participation and opportunities in the labour market (including equal pay), and achieving gender-balance in decision-making, such as corporate boards. Moreover, the Gender Equality Strategy calls for concrete actions making EU-rules on work-life balance for women and men work in practice - by ensuring that Member States transpose and implement the rules. Furthermore, CER and ETF joined the "Women in Transport - EU Platform for Change" that was launched by the EU Commissioner for Transport in 2017 with the objective to find solutions to increase female employment in transport.

¹ Treaty on the Functioning of the European Union (TFEU)

Gender diversity is a source of enrichment and better performance. It contributes to better working conditions for all and respectful climate among employees. Attracting more women to the railway sector and retaining them is important for a variety of reasons:

- The demographic developments in the rail sector are challenging and the companies recognise that they should not miss out as workforce, women who represent half of the population.
- Women working in male dominated workplaces are more likely to experience discrimination, sexual harassment and inappropriate behaviour; a more gender-balanced company contributes to a more respectful company and work culture.
- Improvements of working places from the female perspective, like providing sufficient and appropriate sanitary facilities for stationary and mobile personnel or health&safety conditions at the workplace as well as a better work-life-balance help to retain women within the sector. This is also true when ensuring equal pay, e.g. through the development of gender-neutral classification systems.
- Increasing automation and digitization in the railway sector is leading to new job opportunities that are more attractive in particular for women in transport but also for men. In the future, it is important to ensure that diversity is guaranteed, especially in IT-based innovation jobs and IT product development.
- Furthermore, in the still male-dominated railway industry horizontal segregation, such as missing women in engineering and technical professions, is one of the most significant contributing factors to the gender pay gap. Moreover, attracting women with STEM* education (*Science, technology, engineering and mathematics) can help to reduce the skills gap for companies, increase employment and productivity of women and thus reduce the occupational gender segregation.
- Attracting women to the workforce, matching their educational profile and available jobs in the industry, gives rail companies an innovative strength and the possibility to benefit from the best available talents also keeping in mind that women often have better educational outcomes than men and a higher average level of education in most EU countries.
- All available studies (e.g. Harvard, McKinsey, BCG, Ernst&Young) show that mixed teams with at least 30% of the underrepresented gender have significantly higher problem-solving competence and innovative strength - i.e. work more productively - than homogeneous teams. When the underrepresented group represents at least 1/3 of the workforce, it has enough self-confidence to promote ideas and make its voice heard.
- It is in the intrinsic interest of the railway companies to implement gender diversity in the workforce and to provide for appropriate representation of women in all the occupational groups and management levels.

The European social partners assume that stereotypes in the work culture, discrimination, (sexual) harassment and inappropriate behavior hinder women from joining or staying in the railway companies. With this autonomous agreement, the signatory parties aim to attract more women to the railway sector and create the right framework conditions to retain them in the companies and the sector. They commit to develop gender equality and gender diversity in the railway sector. Gender equality and gender diversity are topics to be addressed by companies as well as by trade unions.

By choosing the instrument of an autonomous agreement in accordance with Article 155 TFEU, the signatory parties wish to give a binding character to the provisions of this agreement. With their signature they engage to actively promote this agreement and ensure that their members take action at company level in order to implement it in all its elements while leaving it up to CER and ETF members to tailor the concrete implementation to their respective situations, industrial relation systems and legal environment.

The social partners will do everything possible to promote the agreement and its content in the railway sector and to implement it in the respective companies.

The social partners ETF and CER, who have negotiated and concluded this agreement during a long negotiation period, will of course also promote and implement the principles and values contained therein in their organizations and among their members respectively.

ARTICLE 1: AIM OF THE AGREEMENT

The aim of this present autonomous agreement is to

- attract more women to the railway sector, in particular also in areas where women are largely underrepresented;
- increase gender diversity in the railway sector and finish with gender based professional segregation;
- create an appealing working environment to position the railway companies and the sector as an attractive employer for women and to retain them in the long term;
- create a work environment that abolishes stereotype thinking and male dominated culture as a condition to retain women in the railway companies and the sector;
- eliminate gender discrimination;
- ensure equal opportunities for women and men in the railway sector at all levels and in all areas;
- achieve gender equality.

ARTICLE 2: SCOPE

The signatory parties of the present autonomous agreement are the European social partners in the railway sector, the Community of European Railway and Infrastructure Companies (CER) and the European Transport Workers' Federation (ETF).

This agreement covers all employees employed in a railway-sector-member of the CER-affiliated companies or company groups.

This agreement sets minimum standards. Railway companies are invited to go beyond current standards and introduce further measures to achieve gender equality in the rail sector.

Other organisations and companies are invited to apply the provisions of the present agreement in order to increase gender equality and diversity in the entire railway sector.

ARTICLE 3: DEFINITIONS

The following definitions and concepts offer a guidance to companies and the social partners for the implementation of the present agreement. They are described in Annex 2:

Affirmative action, direct discrimination, indirect discrimination, empowerment of women, equal treatment of women and men, gender awareness-raising, gender bias, gender equality, gender indicators, gender mainstreaming, gender pay gap, gender statistics, gender segregation, gender stereotypes, gender-sensitive monitoring, implicit bias, job evaluation method, multiple discrimination, pay gap, maternity, paternity and parental leave, part time work, personal protective equipment, sex, sex-disaggregated statistics, sexism, sexual harassment, specific actions or measures, work-life balance.

ARTICLE 4: PRINCIPLES

Gender equality and diversity are based on the principles of non-discrimination (absence of direct and indirect discrimination), equal treatment and equal opportunities.

In order to respect these principles, the signatory parties consider it essential to prevent and combat all discriminatory practices.

ARTICLE 5: GENDER EQUALITY AND DIVERSITY POLICY (POLICY AREAS WITH PRINCIPLES AND MEASURES)

5(1) Within 24 months after the signature of the present agreement, every CER-affiliated company defines and implements a gender equality and diversity policy, taking into account Article 6 (c) and Article 6 (d) of this agreement. The companies should define this policy within the first 12 months after the signature, reflecting the principles and measures as determined in the following policy areas:

- Policy area 1: Overall gender equality policy
- Policy area 2: Targets for gender balanced representation
- Policy area 3: Recruitment
- Policy area 4: Reconciliation of working and private life
- Policy area 5: Career development
- Policy area 6: Equal pay and gender pay gap
- Policy area 7: Occupational health and safety and work environment
- Policy area 8: Preventing sexual harassment and sexism

5(2) The measures listed in this Article are compulsory (shall) for the companies and have to be implemented. The measures listed in Annex 1 of this agreement are highly advised to be implemented (should) or are listed as options/possibilities companies can decide to apply (could).

5(3) The following principles and measures of these 8 policy areas have to be implemented:

POLICY AREA 1: OVERALL GENDER EQUALITY POLICY

Principle

Equality between women and men is a fundamental EU value and objective. Therefore, gender equality in the workplace shall follow the principle of non-discrimination, equal treatment and equal opportunities. Direct and indirect discrimination is not permitted.

Measures

1. Gender equality shall be part of the companies' policy, vision and objectives.
Companies have to commit to principles and measures to be applied in their organisations.
2. Companies shall develop, implement and monitor a gender equality policy in a top-down approach. It shall be supported by the top-level management. The aim is to change work culture to make it free from gender stereotypes.
3. Companies shall adopt a policy document that states the company's values in relation to equality and how they will be put into practice in their respective organisations. The document can take the form of a strategy paper, a policy paper, a resolution, a code of ethics or another relevant document.

Key elements of this document are:

- a. the gender equality vision of the company, e.g. the aim of encouraging and valuing gender equality and equality of opportunities for all and making the work culture free from gender stereotypes;
- b. a commitment to ensuring equality for all its staff and the associated measures to implement the company's vision;
- c. a statement on the company's commitment to combat sexual harassment, harassment, and sexism, including associated measures;
- d. a communication strategy for making the policy known to all employees and at all management levels;

- e. a monitoring and evaluation of gender equality policy.
4. Additionally, a gender equality strategy has to be defined under the companies' top management responsibility. The strategy includes:
 - objectives
 - timeline
 - measures
 - assignment of responsibilities
 - monitoring and evaluation
 - reporting

With the exception of the binding measures, the elements of the strategy will be selected by the company, in alignment with the company's gender policy.

Further measures are listed in Annex 1.

POLICY AREA 2: TARGETS FOR GENDER BALANCED REPRESENTATION

Principle

Increasing the gender balance in the workforce and in the company's management and providing an appropriate representation of women in the company's boards is a condition to remedy gender imbalances in order to reap all potential of a mixed workforce for the rail sector.

Measures

1. Companies shall aim to reach a more balanced gender representation, namely by increasing the proportion of the under-represented sex when there is a strong imbalance.
2. In order to reach a balanced gender representation among the total workforce and/or in specific occupational categories, companies should identify the main barriers and put in place adequate measures.

Further measures are listed in Annex 1.

POLICY AREA 3: RECRUITMENT

Principle

To attract women to apply for a job or a career in the railway sector, companies have to directly address them during the entire communication and recruitment process, including job descriptions.

Measures

1. Employers shall use in all company communication - on their websites, magazines, social media etc. an inclusive and gender sensitive language, based on the non-discrimination principle. They shall formulate job advertisements in a way that they appeal to women, including the choice of pictures.
2. Recruiters shall conduct job interviews in a non-discriminatory manner. Therefore, they shall be regularly trained to create awareness and skills on this matter.
3. Companies shall review the description of job profiles to eliminate gender stereotype-based criteria and establish a procedure to ensure that new job profiles are inclusive.
4. In order to attract potential female candidates, young women, students and trainees to the railway sector, companies should develop a number of further activities, like campaigns and initiatives with schools and universities to promote rail professions, in particular, technical professions to women.

POLICY AREA 4: RECONCILIATION OF WORKING AND PRIVATE LIFE

Principle

The possibility to reconcile working and private life is key to attract and retain women in the rail sector. Flexible working arrangements as well as maternity, paternity, parental and carers' leave can significantly improve the work-life balance of employees. The different means should be available to all employees and for all types of occupation.

Measures

1. Employers should make possible flexible working arrangements depending on the individual needs of the employee. They should make flexible working arrangements possible also for workers in operational professions (that means employees working in shifts and alternating services).
2. The existing legal provisions such as Directive 2019/1158 on work-life balance for parents and carers, and in particular Article 9 shall be taken into account.
3. Companies shall assure that flexible working arrangements do not have a negative impact on the development of vocational and work-related competences.

Further measures are listed in Annex 1.

POLICY AREA 5: CAREER DEVELOPMENT

Principle

Women are still underrepresented in the railway sector. Consequently, the actions taken till now have to be intensified to promote and support women promotion and career development at all levels.

Measures

1. In case of internal promotion for career, companies shall apply the same non-discrimination principles as for external recruitment.
2. Companies have to ensure equal access for women to all development and qualification measures and to all levels, including top positions. This applies also for women who are not in full-time employment.
3. Companies have to base their evaluation system for career development on 'gender neutral' indicators and have to consider the quality and results of the job.

4. Companies shall shortlist for any management position to be filled at least one woman as a potential candidate. A derogation is only possible if all reasonable and concrete efforts have been made to identify the right female candidate.
5. All employees have to be informed that an opening for a higher position is available, and that they can apply as well. Human Resources (HR) departments shall actively inform or encourage women to seize these opportunities.

Further measures are listed in Annex 1.

POLICY AREA 6: EQUAL PAY AND GENDER PAY GAP

Principle

The right to equal pay between women and men for equal work or work of equal value is one of the EU's founding principles enshrined in the Treaty of Rome and has to be implemented. A basis for effective implementation of this right to equal pay is to ensure that the remuneration policy of a company is transparent for all employees.

Measures

1. Companies shall not discriminate based on gender when it comes to remuneration levels, salary increases and awarding of bonuses.

Therefore, companies should:

- reassess their remuneration policy (frequency to be determined, also depending on the size and resources of the company) and include in the assessment anti-discrimination and equality aspects;
 - assess and compare the value of work on objective criteria such as educational, professional and training requirements, skills, effort and responsibility, work undertaken and the nature of tasks involved to prevent or identify and tackle possible pay discrimination based on gender-biased pay scales.
2. Employers shall monitor the level of wages for men and women in comparable positions.

Further measures are listed in Annex 1.

POLICY AREA 7: OCCUPATIONAL HEALTH AND SAFETY AND WORK ENVIRONMENT

Principle

Companies' prevention policies to ensure occupational health and safety and a safe and secure work environment require also a gender perspective in order to take into account female specific needs. This helps to retain women within the railway sector.

Measures

1. Companies shall provide Personal Protective Equipment (PPE) with the best possible fit (wide size ranges suitable for women) for all genders, considering the specificity of women, for the activities and the categories of workers that need PPE. PPE must be designed and manufactured as to facilitate correct position/use and be specifically gender designed to fit the morphology of all employees.
2. Sanitary facilities in buildings shall guarantee standards for privacy and security considering male and female perspective and companies verify the level of privacy and security. Companies recognise the importance of the issue.
3. In addition to the general health and safety and employees' security obligations, employers shall provide appropriate security and safety conditions for women working on trains, particularly in late or night hours, if possible.

Further measures are specified in Annex 1.

POLICY AREA 8: PREVENTING SEXUAL HARASSMENT AND SEXISM

Principle

Safety and mutual respect are crucial for employees' wellbeing and in turn for their performance at work. Behaviors related to harassment, sexual harassment and sexism humiliate, degrade or damage a person's well-being, value or dignity; it is unacceptable and may adversely affect the quality of work assigned. Furthermore, such forms of

behavior have a real economic effect in terms of absences, staff turnover and wellbeing of employees. Harassment shall be deemed as discrimination.

Every person has the right to be treated with dignity and respect and therefore, actions shall be taken to prevent and fight sexual harassment and sexism.

Measures

1. A policy against sexual harassment, harassment and sexism (SHHS) shall be put in place. Such a policy should:
 - Clearly state what is considered inappropriate behaviour in a working collective;
 - Explain that such behaviour, in certain circumstances, may be unlawful;
 - States that all forms of inappropriate behaviour should be discouraged and sanctioned and that such behaviours will not be permitted or condoned;
 - Contains clear, proportionate/progressive and properly enforced disciplinary procedures.
2. Persons with managerial responsibilities have the duty to implement the policy and to take corrective actions in their organisations. Their exemplary conduct is necessary to give them legitimacy. They have a crucial role in preventing and sanctioning sexual harassment and other inappropriate behaviour.
3. Progress on the implementation and effectiveness of the policy has to be reviewed and monitored.
4. Companies shall react to harassment promptly if it occurs and shall propose measures to solve/address it.
5. In order to protect victims when reporting an incident, they must be granted privacy to avoid any discriminatory measures.

Further measures are specified in Annex 1.

ARTICLE 6: PRINCIPLES ON THE DEVELOPMENT AND IMPLEMENTATION OF THE GENDER EQUALITY POLICY IN THE COMPANIES

The development of the company's gender equality and diversity policy and the implementation of the measures have to respect and to be aligned with the following principles:

- a) Avoid duplication: when a measure in Article 5 is already implemented within a company's gender equality and diversity policy it is considered in line with this agreement.
- b) If the measures, specifically in the area of work-life balance, have an impact on company's organisational and operational needs in terms of regularity, security and safety of the services, companies needs should be balanced with the needs of the employees, as far as operational professions are concerned.
- c) The development and implementation of the policies and measures of the present agreement are subject of social dialogue in the companies; trade unions have to be involved.
- d) The development and implementation take into account the legal provisions and the industrial relation systems of each country/company with different instruments of formal exchange between the social partners, collective bargaining included.

ARTICLE 7: REPORTING

The signatory parties agree to monitor the measures implemented by the companies and to share data on an annual basis for a European report ("WiR report")² which will be established every 2 years.

The WiR report will analyse the figures (broken down by gender provided by the companies) and will be the basis for the reassessment of the strategies and of the policies in the present agreement.

The WiR report takes into account both qualitative aspects (e.g. measures taken to develop gender diversity and gender equality and their effectiveness, difficulties with their implementation, good practice examples) and quantitative aspects (e.g. statistics

2

<https://ec.europa.eu/social/main.jsp?catId=521&langId=en&day=&month=&year=§orCode=SECT19&themeCode=&typeCode=ATYP11&recipientCode=&mode=searchSubmit&search=Search>

with figures distinguishing between women and men on different topics covered by the policy areas mentioned in Article 5 and in Annex 1) that companies have to put in place.

The social partners CER and ETF will jointly examine the European funding opportunities necessary to elaborate the WiR report (based on the implementation of the WiR agreement) with the support from the European Commission's DG Employment, both in terms of selecting the correct budget line as a key source to develop their joint action and in submitting the related application.

ARTICLE 8: REASSESSMENT OF THE POLICIES IN THE COMPANIES

Companies reassess their gender equality and diversity policy periodically at least every 2 years, based on a monitoring, evaluation and reporting process. The reporting mentioned in Article 7 is a minimum requirement.

ARTICLE 9: REASSESSMENT OF THE PRESENT AGREEMENT

Two years after the signature of the present agreement, the European social partners will assess the compulsory provisions of Article 5, in particular of policy areas 2, 4 and 6. They commit to renegotiate policy areas in order to strengthen the measures, which intend achieving the aims of the present agreement. They will also take into account the development of relevant EU legislation³.

ARTICLE 10: IMPLEMENTATION AND FOLLOW-UP

In the context of Article 155 of the Treaty, this autonomous European agreement commits the members of CER and ETF to promote gender equality and diversity in the rail sector and to implement the principles and measures in accordance with Article 6 (c) and the procedures and practices specific to management and labour and the Member States and in the countries of the European Economic Area.

³ For example the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (COM(2021)93 final)

Two years after the signature, members of the signatory parties will report to CER and ETF on the implementation of this Agreement, within the Sectoral Social Dialogue Committee for Rail Transport.

Notwithstanding Article 9, CER and ETF commit to conduct within 2 years after the signature of this agreement an overall assessment of its implementation and the impact of this agreement.

Done in Brussels on 5 November 2021:

For CER:

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ETF Railway Section Chair

Maria Cristina Marzola,
ETF Railway Section Vice-Chair

Sabine Trier
Deputy General Secretary of ETF

ANNEXES

ANNEX 1:

This annex contains further highly recommended and possible measures per Policy Area, relevant to achieve the aims of the present agreement:

POLICY AREA 1: OVERALL GENDER EQUALITY POLICY

1. Gender equality issues should be addressed as soon as the employee joins the organisation. This can be done by communication and/or training and should be repeated. The training does not have to be a specific training on gender equality issues, but it can be combined with other trainings or in the induction process.
2. Companies should appoint an Equal Opportunities contact person or establish an Equal Opportunities Department/Unit/Commission in the organisations and/or establish Joint Equal Opportunities Bodies. They have to propose, to adopt (depending on the company's organisation/industrial relations system) and to monitor gender equalities actions. If the gender equality topic is dealt with in an agreement, the body monitoring the agreement fulfils the role of an Equal Opportunities Body. Bodies meet at least once a year.
3. Companies should introduce internal statistics (at least every two years) to get a basis for the monitoring and evaluation of the company's equality vision and strategy. These statistics distinguish between women and men in the company on topics like numbers of employees (total, per occupational groups, per management level), recruiting, training and wages. These statistics should be shared at all management levels and with the workers' representatives of the company.

POLICY AREA 2: TARGETS FOR GENDER BALANCED REPRESENTATION

1. Every company should formulate its Human Resources (HR) goals in the short and medium term, taking into account the gender dimension (“gender mainstreaming”).
 - a. In order to monitor the effectiveness of gender diversity measures, company/HR reporting and statistics should illustrate the development in the women’s share over the total number of employees, and if applicable in specific professional categories. This information should be made available to all managers.
 - b. In order to reach a balanced gender representation among the total workforce and/or in specific occupational categories, companies should identify the main barriers and put in place adequate measures that would lead to greater employment of women.

Management levels

2. The proportion of women in the first and second highest management levels (as defined by the company) should at least correspond to the relative proportion of women in the workforce. As a positive action, a measure should be to prefer women if the qualifications of both male and female candidates are equal (provided national laws allow it).”

Supervisory and administrative boards – Company management representatives

3. Companies should aim to mirror gender diversity among management representatives of the respective supervisory and administrative boards, taking into consideration the relative proportion of women over the total workforce, unless the national legislation foresees another proportion of women in boards.
4. These targets apply to the parts of the boards where railway undertakings have the power to appoint the members.

Supervisory and administrative boards – Employees' representatives

5. Employee representation in the supervisory or administrative boards of the companies should also be gender balanced.
6. In order to increase diversity, employee representation in railway companies seeks to nominate female candidates for election, to reflect in the employee representation/trade union delegation of the companies' supervisory and administrative boards at least the relative proportion of women in the workforce.

Special case

7. In railway undertakings where the proportion of women in the workforce is very low and would not per se justify a representation on the board, there should be at least one woman.

POLICY AREA 3: RECRUITMENT

No further measures.

POLICY AREA 4: RECONCILIATION OF WORKING AND PRIVATE LIFE

Part-time work

1. Employers should make part-time work possible in all hierarchical levels and all types of occupations. However, before the decision on part-time work is taken, other flexible working arrangements should be considered and made available for the employee concerned to avoid the negative impact on salary and pension.

Information

2. Employers should give information on options for flexible working time and part-time arrangements to:
 - management (human resources management and technical management) concerning managing flexible working arrangements and part-time work and the practical implementation of company measures on work-life-balance, e.g. via training, leaflets, company intranet, guidelines for HR;

- all employees and trade unions, to raise acceptance among the employees and, in the case of part-time work, to inform about the expected financial consequences, e.g. impact on salaries and pensions.

Options

3. The following non exhaustive list of possible measures can be used:

For flexible working arrangements, for example:

- Smart working or teleworking;
- Instead of remuneration, working time accounts (registration of overtime work and compensation by free time);
- Annual work time accounts (possibility to collect working time over several years for longer sabbatical period);
- Flexible work time (core work time when the presence is required and entrance at/exit from the office happens in a flexible way).

For part-time work, for example:

- After maternity or paternity leave to facilitate reconciliation in caring after children (in this case, should have a priority);
- In case of caring after family members or related people like parents, disabled persons etc. (in this case should have a priority), including decoupling of the common residence (e.g. in the case of care leave).

For additional measures in case of maternity/paternity/parental leave, for example:

- Provision of information through intranet website or other tools about the law for working parents and work-related problems which can occur in pregnancy, maternity, paternity leave, parental leave and when returning from parental leave;
- Provision of specific training for female staff and their managers before and after pregnancy and maternity leave;
- Provision of information on structural changes, on the activities of staff/the unit, on implementation of new technologies etc.; the employees in maternity, paternity, parental, care leave must be kept informed;

- Compliance with the regulation that after maternity, paternity, parental, care leave employees have the right to return to their jobs or an equal job;
- Employees taking part-time or paternity, maternity, parental and care leave should be given the opportunity to keep in touch with the company in order to be fully informed about the developments in the company, if they so wish.

For additional welfare measures at company level to reconcile private life and work, for example:

- educational services like kindergartens
- school books, school transport, scholarships
- recreation centres
- study holidays
- language courses
- assistance services to elderly family members over 75 or to nonself-sufficient family members of the employee.

POLICY AREA 5: CAREER DEVELOPMENT

1. Providing personal care or supporting relatives should not have a negative impact on the careers of caregivers (work life balance measures should not be per-se reason to discriminate).
2. The companies should identify young women as high potential emerging leaders and promote their development in a targeted manner in order to empower them to take over the leader role (e.g. through tandem work with experienced executives).
3. Companies should promote training courses to develop women's managerial and other skills to advance in their position. Also, courses for the development of soft skills and the empowerment of women for career development and leadership positions should be offered. These courses could be for women only.
4. Companies should promote training allowing women to shift from more traditional female jobs to more innovative/more technical areas.
5. Companies should encourage women's participation in non-compulsory training and monitor developments.

POLICY AREA 6: EQUAL PAY AND GENDER PAY GAP

Closing the gender pay gap

1. Employers should analyse the origin of the gender pay gap; present specific indicators and a list of measures to close the gender pay gap.
2. Employers should reduce the impact of maternity and paternity leaves on the variable part of the salary.
3. Employers could reduce the impact of the attendance/presence criterion in the calculation of the annual or performance-based “bonuses”/variable parts of salary.

Transparency: Information, communication and reporting

4. Employers should make available to employees the rules and criteria (e.g. national laws; collective agreements; sectoral or company rules) used to determine the variable components of remunerations, such as payments in kind and bonuses. In case of discrimination, all these measures improve the prospects for successful employees' claims. This transparency would help companies to avoid discriminating in pay.
5. Employers should enable employees to obtain information on the pay levels applicable to their category of workers (e.g. professions), considering the same work/work of equal value, broken down by gender.

Enforcement

6. Employers should make available means of redress/complaint for employees that fear pay discrimination.
7. Employers could inform employees how to challenge the situation if they fear that there has been discrimination (e.g. responsible person/department).

Awareness-raising and training of managers

8. Employers should include notions of equal pay as part of non-discrimination modules in HR professionals', recruiters' and managers' training. This should include awareness-raising about the risks of implicit bias in the selection, evaluation and promotion processes.

9. Employers can raise awareness via ad-hoc campaigns or awareness-raising activities and/or by training courses or seminars for managers. The scope of these activities can extend beyond the gender aspect and address “diversity” more in general.

POLICY AREA 7: OCCUPATIONAL HEALTH AND SAFETY AND WORK ENVIRONMENT

1. Employers should conduct the health and safety risk assessment from a gender perspective, analyse the results and adopt necessary measures.
2. To improve security and occupational safety for on board and driving staff, employers could implement following measures:
 - organize mixed teams in night shifts or in geographical areas particularly risky;
 - install reserved parking lots for night shifts conducted by women workers and pregnant women (in pilot projects);
 - map workplaces and verify the risks (regarding third party violence);
 - make a survey among women on the risks occurred;
 - adopt measures to grant well-lit parking areas, near to the workplace;
 - provide security training for the employees, particularly women;
 - take actions to raise awareness among employees and also the general public to the topic of safety of railway employees on trains and stations.
3. Concerning regular medical checks of safety relevant staff and companies' medical services, employers should implement an entire medical approach taking into account gender differences and similarities on health behaviour and prevention to symptoms, disease progression and diagnosis to remedies.

POLICY AREA 8: PREVENTING SEXUAL HARASSMENT AND SEXISM

1. The policy against sexual harassment and sexism could be integrated in a broader dignity at work policy/mutual respect policy which should give rules how to have respectful relations in a working collective.

2. Communication and awareness:

- The policy against sexual harassment and other inappropriate behaviours should be known by all professionals of the rail sector at all levels, including managers;
- Employees should be aware of the consequences of inappropriate behaviour;
- In order to promote a SHHS-free environment (safe and sexual harassment, harassment and sexism) for staff as well as for third parties, it is recommended to communicate (e.g. via social media) also to the customers that the company takes the issues of SHHS seriously, and has such a policy.

3. Persons with managerial responsibilities should:

- Raise awareness of their responsibilities about the topic of SHHS by training, communication, e-learning, etc;
- Make sure via preventive actions and the threat of sanctions that harassment does not occur;
- Be responsible for ensuring that all employees understand their roles and responsibilities and know the complaint procedures;
- Ensure fair treatment of all parties when handling a complaint.

ANNEX 2: DEFINITIONS

The following definitions and concepts offer a guidance to companies and the social partners for the implementation of the present agreement.

Affirmative action

Measures targeted at a particular group and intended to eliminate and prevent discrimination or to offset disadvantages arising from existing attitudes, behaviours and structures.

By affirmative or positive action, we mean action aimed at favouring access by members of certain categories of people, in this particular case, women, to rights which they are guaranteed, to the same extent as members of other categories, in this particular case, men”.

“In some cases, the reason that discrimination is found to occur is due to the fact that the same rule is applied to everyone without consideration for relevant differences. In order to remedy and prevent this kind of situation, governments, employers and service providers must ensure that they take steps to adjust their rules and practices to take such differences into consideration – that is, they must do something to adjust current policies and measures. In the UN context, these are labelled ‘special measures’, while the EU law context refers to ‘specific measures’ or ‘positive action’. By taking special measures, governments are able to ensure ‘substantive equality’, that is, equal enjoyment of opportunities to access benefits available in society, rather than mere ‘formal equality’. [EIGE (European Institute for Gender Equality)]

Direct discrimination means the situation where one person is treated less favourably on grounds of sex than another person is, has been or would be treated in a comparable situation. (Art. 3 page 32 of the “Proposal of Dir. on Pay Transparency”)

Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively. (EIGE)

Direct discrimination

Discrimination where one person is treated less favourably on grounds such as sex and gender, age, nationality, race, ethnicity, religion or belief, health, disability, sexual orientation or gender identity, than another person is, has been or would be treated in a comparable situation.

Less favourable treatment of a woman on grounds of pregnancy or maternity leave is direct discrimination against women.

Indirect discrimination

Discrimination occurring where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means for achieving that aim are appropriate and necessary.

Empowerment of women

The empowerment of women and girls concerns their gaining power and control over their own lives. It involves awareness-raising, building self-confidence, expansion of choices, increased access to and control over resources and actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality. This implies that to be empowered they must not only have equal capabilities (such as education and health) and equal access to resources and opportunities (such as land and employment), but they must also have the agency to use these rights, capabilities, resources and opportunities to make strategic choices and decisions (such as is provided through leadership opportunities and participation in political institutions). (EIGE)

Equal Opportunities of women and men

This concept indicates the absence of barriers to economic, political and social participation on ground of sex and gender and other characteristics. Such barriers are often indirect, difficult to discern and caused and maintained by structural phenomena and social representations that have proved particularly resistant to change. Equal opportunities as one of the gender equality objectives is founded on the rationale that a whole range of strategies, actions and measures are necessary to redress deep-rooted and persistent inequalities. (EIGE)

Equal treatment of women and men

Ensuring the absence of discrimination on the grounds of sex, either directly or indirectly

Gender

Social attributes and opportunities associated with being female and male and to the relationships between women and men and girls and boys, as well as to the relations between women and those between men.

Gender equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born female or male. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, thereby recognising the diversity of

different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.

Gender equality

This refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development. (EIGE)

Gender pay gap

Percentage of men's earnings and represents the difference between the average gross hourly earnings of female and male employees.

Gross earnings are wages or salaries paid directly to an employee before income tax and social security contributions are deducted.

In the EU, the gender pay gap is referred to officially as the 'unadjusted gender pay gap', as it does not take into account all of the factors that impact on the gender pay gap, such as differences in education, labour market experience, hours worked, type of job, etc.

Rates of remuneration should ensure equal remuneration for men and women workers for work of equal value. ILO (see also pay gap)

Equal remuneration and equal pay

The right to equal remuneration for men and women for work of equal value is commonly referred to as "equal pay". In this Guide, the terms "equal pay" and "equal remuneration" are used interchangeably, though they sometimes have different meanings in law, which are discussed in Part 4.

Equal remuneration and pay equity

Equal remuneration for men and women for work of equal value is the principle that is designed to achieve pay equity between men and women. Pay equity is about fairness in pay (See Part 4).

Remuneration is defined in Convention No. 100 to include "the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment." (ILO)

Gender awareness-raising

The process that aims at showing how existing values and norms influence our picture of reality, perpetuate stereotypes and support mechanisms (re)producing inequality. It challenges values and gender norms by explaining how they influence and limit the opinions taken into consideration and decision-making. Besides, awareness-raising aims at stimulating a general sensitivity to gender issues. (EIGE)

Gender stereotypes

Preconceived ideas whereby females and males are arbitrarily assigned characteristics and roles determined and limited by their gender.

Additional notes and information:

Gender stereotyping can limit the development of the natural talents and abilities of girls and boys, women and men, as well as their educational and professional experiences and life opportunities in general. Stereotypes about women both result from, and are the cause of, deeply engrained attitudes, values, norms and prejudices against women. They are used to justify and maintain the historical relations of power of men over women as well as sexist attitudes that hold back the advancement of women. (EIGE)

Gender bias

Prejudiced actions or thoughts based on gender-based perceptions that women are not equal to men. (EIGE)

Implicit bias

Implicit bias describes when we have attitudes towards people or associate stereotypes with them without our conscious knowledge. (Google)

Indirect discrimination

Indirect discrimination occurs where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary. The concept focuses on the effect of a rule or a practice and takes into account everyday social realities.

Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the

enjoyment of a particular opportunity or benefit due to pre-existing inequalities. Applying a gender-neutral law may leave the existing inequality in place, or exacerbate it. (EIGE)

Gender bias

Gender bias refers to the ways some jobs are made to be advantageous or disadvantageous based on sex. This type of bias can show up at any step along the way in a pay equity programme. (EIGE)

Gender gap

The gap in any area between women and men in terms of their levels of participation, access, rights, remuneration or benefits. (EIGE)

Gender impact assessment

Examining policy proposals to see whether they will affect women and men differently, with a view to adapting these proposals to make sure that discriminatory effects are neutralised and that gender equality is promoted.

It is an ex-ante procedure that should be performed before the final decision on the policy proposal is taken. It involves comparing and assessing, according to gender relevant criteria, the current situation and trends in relation to the expected outcome resulting from the introduction of the proposed policy. Gender impact assessment is used to assess the impact of a given policy proposal on women and men and on gender relations in general. (EIGE)

Gender indicators

Gender indicators are established to measure and compare the situation of women and men over time. Gender indicators can refer to quantitative indicators (based on statistics broken down by sex) or to qualitative indicators (based on women's and men's experiences, attitudes, opinions and feelings). Gender-sensitive indicators allow changes to be measured in the relations between women and men in relation to a certain policy area, a specific programme or activity, or changes in the status or situation of women and men. (EIGE)

Gender mainstreaming

The systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions.

Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actors normally involved in policy-making.

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all

areas and at all levels. It is a way to make women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. (EIGE)

Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and all stages, by the actors normally involved in policy-making. Gender-Equality-Glossary EU Council

Gender perspective

An analysis from a gender perspective helps to see whether the needs of women and men are equally taken into account and served by [a] proposal. It enables policy-makers to develop policies with an understanding of the socio-economic reality of women and men and allows for policies to take (gender) differences into account

A gender perspective is an instrument for approaching reality by questioning the power relationships established between men and women, and social relationships in general. It is a conceptual framework, an interpretation methodology and critical analysis instrument that guides decisions, broadens and alters views, and that enables us to reconstruct concepts, scrutinise attitudes and identify gender biases and conditionings, for subsequently considering and modification through dialogue their revision. (EIGE)

Gender segregation

Gender segregation manifests itself in differences in patterns of representation of women and men in labour market, public and political life, unpaid domestic work and caring, and in young women's and men's choice of education. (EIGE)

Gender statistics

Statistics that adequately reflect differences and inequalities in the situation of women and men in all areas of life. Gender statistics are defined by the sum of the following characteristics: (a) data are collected and presented disaggregated by sex as a primary and overall classification, (b) data are reflecting gender issues, (c) data are based on concepts and definitions that adequately reflect the diversity of women and men and capture all aspects of their lives, and (d) data collection methods take into account stereotypes and social and cultural factors that may induce gender biases. (EIGE)

Gender stereotypes

Gender stereotypes are preconceived ideas whereby males and females are arbitrarily assigned characteristics and roles determined and limited by their sex. Sex stereotyping can limit the development of the natural talents and abilities of boys and girls, women and men, their educational and professional experiences as well as life opportunities in

general Stereotypes about women both result from and are the cause of deeply engrained attitudes, values, norms and prejudices against women. They are used to justify and maintain the historical relations of power of men over women as well as sexist attitudes which are holding back the advancement of women". (EIGE)

Gender-sensitive monitoring

A periodic follow-up conducted during the implementation of a policy or programme. This includes collection of data and information based on the defined indicators, in order to verify whether goals and measures are being achieved. Gender-sensitive monitoring allows gaps and difficulties to be identified and redressed as soon as possible, so that necessary changes to accomplish what has been planned can be made. Gender-specific monitoring can also be considered, i.e. monitoring that has the approach towards realising gender equality as its main focus. (EIGE)

Job evaluation method

A method used to measure, based on four different factors, the characteristics of the jobs within an enterprise, with the aim of establishing their relative value.

Multiple discrimination

Certain groups of women, due to the combination of their sex with other factors, such as their race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, are in an especially vulnerable position. In addition to discrimination on the grounds of sex, these women are often subjected simultaneously to one or several other types of discrimination. (EIGE)

Pay gap means the difference of average pay levels between female and male workers of the employer, expressed as percentage of the average pay level of male workers. (Art. 3 page 32 of the "Proposal of Dir. on Pay Transparency").

Parental Leave

Leave granted to either parent in order to care for a child.

It generally follows a period of maternity leave, to which in principle only the mother is entitled. Parental leave aims at facilitating the reconciliation of work, private and family life, thus creating an important link with gender equality. (See also work life balance)

Part-time

Employment where the worker works fewer hours than the usual number of full-time working hours.

The full-time working hours might be calculated, for example, on a daily, weekly, monthly or even yearly basis, or on the basis of an average period of employment.

The forms that part-time work takes vary to a great extent, not only with respect to the number of hours worked, but also to their distribution across the working day, week, month and year. (ILO)

Traditions vary across countries in terms of how part-time work is viewed in general and in particular by the social partners. Part-time work may be seen as an end product mirroring traditional gender roles, with emphasis on the disadvantages of part-time work in terms of pay, promotion, pension rights, etc. On the other hand, it might be seen as an instrument to increase the labour market participation – and thus, to a certain extent at least, the economic independence – of women.

Personal Protective Equipment

Personal protective equipment, commonly referred to as “PPE”, is equipment worn to minimize exposure to a variety of hazards. Examples of PPE include such items as gloves, foot and eye protection, protective hearing devices (earplugs, muffs) hard hats, respirators and full body suits. (OSHA)

Employers must provide personal protective equipment (PPE) to their employees and ensure its use.

For women workers the PPE must be tailored for a female body.

Sex

Sex refers to the biological characteristics which define humans as female or male. These sets of biological characteristics are not mutually exclusive as there are individuals who possess both, but these characteristics tend to differentiate humans as males and females. (EIGE)

Sex-disaggregated statistics

Sex-disaggregated statistics are data collected and tabulated separately for women and men. They allow for the measurement of differences between women and men on various social and economic dimensions and are one of the requirements in obtaining gender statistics. Having data by sex does not guarantee, for example, that concepts, definitions and methods used in data production are conceived to reflect gender roles, relations and inequalities in society, therefore collecting data disaggregated by sex represents only one of the characteristics of gender statistics. (EIGE)

Sexism

The supposition, belief or assertion that one sex is superior to the other, often expressed in the context of traditional stereotyping of social roles on the basis of sex, with resultant discrimination practised against members of the supposedly inferior sex. (Gender-Equality-Glossary Council of EU)

Sexual harassment

Article 40 of the Istanbul Convention: “Any form of unwanted verbal, nonverbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” (Gender-Equality-Glossary Council of EU)

Specific actions or measures

Measures targeted at a particular group and intended to eliminate and prevent discrimination or to offset disadvantages arising from existing attitudes, behaviours and structures.

Action aimed at favouring access by members of certain categories of people, in this particular case, women, to rights which they are guaranteed, to the same extent as members of other categories, in this particular case, men. (EIGE)

Work–life balance

The term “work–life balance” refers not only to caring for dependent relatives, but also to “extracurricular” responsibilities or important life priorities. Work arrangements should be sufficiently flexible to enable workers of both sexes to undertake lifelong learning activities and further professional and personal development, not necessarily directly related to the worker’s job.

However, for the purposes of the Convention and States’ obligations in this rather vague area, the balance between work and family life is central to the principle and objectives of promoting equal opportunity. Issues related to the improvement of career opportunities, lifelong learning and other personal and professional development activities are considered to be secondary to the objective of promoting the more equal sharing between men and women of responsibilities in the family and household as well as in the workplace. (EIGE)

DIRECTIVE (EU) 2019/1158 on work-life balance for parents and carers, Article 3:

- (a) **‘paternity leave’** means leave from work for fathers or, where and insofar as recognised by national law, for equivalent second parents, on the occasion of the birth of a child for the purposes of providing care;
- (b) **‘parental leave’** means leave from work for parents on the grounds of the birth or adoption of a child to take care of that child;
- (c) **‘carers’ leave’** means leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;

- (d) **'carer'** means a worker providing personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;
- (e) **'relative'** means a worker's son, daughter, mother, father, spouse or, where such partnerships are recognised by national law, partner in civil partnership;
- (f) **'flexible working arrangements'** means the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.

