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GENDER EQUALITY REGULATIONS IN GERMANY

In the last 20 years, multiple pieces of national and local legislation have been developed in Germany to warrant equal opportunities for men and women, compatibility between work and family, and a work environment free of discrimination.

Equal rights for men and women are guaranteed in the German constitution (article 3, paragraph 2) and are further substantiated in the Equal Rights Act and the Federal Equality Law. State higher education institutions are also subject to the State Higher Educations Acts and the State Equality Acts of the federal state they operate in. They are, among others, obliged to have a Women's or Equal Opportunity Commissioner. Central actions to attain equality of opportunity at higher education institutions are the *Professorinnenprogramm* (Programme for Women Professors) and the Contact Point Women into EU Research (FiF), initiated in 2001 by the German Federal Ministry of Education and Research (BMBF). The *Professorinnenprogramm* funds female professorships at German universities that include an explicit equality plan in their funding application. The FiF supports women scientists in Germany with information and service relating to the EU's research framework programmes, currently Horizon 2020 (2014-2020).

In Germany, the compatibility between work and family is supported by laws that increase the protection of workers during parental leave and ensure that they have time to adapt to their new family life. Among these are:

- The Mother Protection Act (*Mutterschutzgesetz*) (new version since 2017), which protects women during pregnancy, after childbirth and during lactation. Regulations include protection from termination and from potentially harmful work, retention periods before and after childbirth, and respective compensation during these periods.
- The Federal Parental Allowance and Parental Leave Act (*Bundeseltern- und Elternzeitgesetz*) from 2007, which regulates the possibilities of parents to take parental leave and the respective compensation.
- The Part-Time and Limitation Act (*Teilzeit- und Befristungsgesetz*), that secures the right to temporary and permanent part-time work and equal treatment of part-time

workers. It also forbids unfounded limited contracts and the prolongation of limited contracts over a certain number of years.

In addition, compatibility of work with family is an acclaimed goal of Germany's Federal Ministry of Education and Research. Consistent with this objective, the ministry has changed laws regulating limited contracts in academia and education advancement grants, and funds research projects that develop measures and instruments for improving gender equality.

Finally, laws in Germany have also been developed to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age, or sexual orientation. The General Act on Equal Treatment from 2006 aims to prevent employees and job candidates from unequal treatment, mobbing, and discrimination by gender (among other things). It defines the ban of discrimination and its exclusions and the rights and obligations of employers and individuals. One specific law in this direction is the Salary Transparency Act (*Entgelttransparenzgesetz*), a legal measure established in 2017 to help with closing the gender pay gap. This law prohibits gender-based salary discrimination and gives employees the right to inquire about how their salary compares to the mean salary of colleagues of the other sex with the same or equivalent work. It further mandates employers with more than 500 employees to report on their measures for salary equality and equality in general. Despite these measures, a gender pay gap remains. In 2018, the unadjusted gender pay gap for Germany was 21 percent, with clear differences between the former GDR states (7%) and the former FRG states and Berlin (22%) as well as between public services (9%) and the private economy (23%).

In the specific area of higher education, the German Framework Act for Higher Education (*Hochschulrahmengesetz*) of 2007 has made it compulsory for public and state-approved universities to promote the realisation of gender equality (with regards to access to decision making) and lists compliance with this provision as a criterion for public funding. The provisions are detailed and reinforced at the state level (*Länder*), although with local specificities. Additionally, for research organisations of state-funded universities, the Federal Equality Law (*Bundesgleichstellungsgesetz*) features the obligation to develop a Gender Equality Plan (GEP). The Federal Equality Law is also applicable for private universities but developing and/or having a GEP is not compulsory for private higher education institutions in Germany.

Based on a solid legislation, Germany has made significant achievements towards gender parity in matters of educational attainment, health, political empowerment, and economic participation and opportunity (World Economic Forum, 2020). However, in other areas, such as time, power, and knowledge, Germany's Gender Equality Index is still below the European

average. Germany's overall score was 66.9 in 2019 (compared to the European Union's 67.4). In particular, the share of women graduating from tertiary education (20%) is lower than the share of men (28%). Furthermore, there is a strong tendency for women to concentrate in fields of study traditionally seen as more feminine, such as education, health, humanities, and art (European Institute of Gender Equality, 2020).



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