Title: Evaluation of the Luxembourg Action Plan for Employment
Country: Luxembourg
Author(s): Robert Plasman

Copyright Disclaimer: This report was produced as part of the work of the European Commission’s Expert Group on Gender and Employment (EGGE) and was funded by the European Commission. The European Commission has granted permission for this report to be published in this website. The opinions and views expressed in this report remain the responsibility of the authors and authors alone, and should not be taken to be representative of the views of the European Commission.
Evaluation of the Luxembourg Action Plan For Employment
Part 2
Expert Group Gender and Employment

Robert Plasman
1. Overview of the State of Development of Gender Impact Assessment in Luxembourg

In 1995, the Ministry of Women's Affairs has been created. Previously, the activities and the policies related to gender equality were organised within the Ministry of the Family. The creation of the new ministry is to be considered as a step forward in gender equality in Luxembourg. The objectives of the Ministry may be summarised as follows:

- To promote the condition of women in order to build an effective partnership between men and women
- To reach equality in law and in practice, and to develop equality models

Concerning employment, the Ministry plays an active role in the preparation of the NAP and in the promotion of positive actions.

From a gender impact assessment point of view, the Ministry has the responsibility and the right to ask for a gender impact assessment for each measure that are proposed by the different ministries.

The Inter ministerial committee of equality between men and women has been created in 1996. This committee must be consulted on any projects of law or any measure that may have a gender impact from an equality point of view. The goals of this Committee are as following:

- To put on the agenda the gender equality at any level of the political decision making process;
- to integrate the principle of equality in any policy or programme
- to promote the policy of gender equality

1.1. Description and assessment of any guidelines on gender impact assessment currently being developed by any agency involved in employment policy: federal and regional government and trade unions.

1.1.a. Political authorities

As quoted above, the Ministry of Women's Affairs (Ministère de la promotion féminine) has the policy of mainstreaming in charge, in conjunction with the Inter-ministerial committee. Nevertheless, there is no guidelines that have been developed by these authorities. In fact the ministry has the right to look at any policy, measure or project of law from a gender
impact assessment point of view. The inter-ministerial committee allows the Ministry of Women's Affairs to have a general overview of the different measures and projects of law of all the ministries and administration. It must be recalled that the small size of Luxembourg, and of its administration, makes easier a large overview of what happens in the different ministries and administrations.

The elaboration, the implementation and the evaluation of the NAP, from a gender perspective, is a crucial point for the Ministry. The Ministry has been involved in the preparation of the NAP and has proposed some of the measures that have been incorporated. The parental leave is one of these measures, even if there is no unanimity on its positive impact on gender equality, mainly on its employment effect. The OGB-L, one of the two trade-unions, estimates that this parental leave is not a measure that may contribute to increase female employment in Luxembourg.

An important Legal Act has been adopted in July 1998. It makes compulsory in each private company the nomination of an equality delegate (e-delegué) who is chosen among the elected members of the “Délégation du personnel”. This delegate has to guarantee an equal treatment between the employees of both sexes as far as access to employment, training and vocational training or wage setting and working conditions are concerned.

This delegate is allowed to give his advice or to suggest proposals on any problem related to these fields. She, or he, has also the opportunity not only to propose sensibilisation actions towards the employees of the company, but also to elaborate and submit to the employer a set of measures in order to promote gender equality. The equality delegate is also supposed to present to the management any individual or collective claim related to equal opportunity and to prevent or to solve any conflict arising between the employer and the employees in this matter.

Once a year, the employees of both sexes have to be met separately by the e-delegate. He must be consulted by the employer before any creation of a part time job.

This measure is not per se gender impact assessment but it may be a powerful instrument, in a country where industrial relations are of great importance.

1.1.b. Trade Unions

Trade-unions do not seem to follow a systematic gender impact assessment policy, even if the women of one of the two main trade-unions, the OGB-L (socialist), are very critical about some features of the gender politic of the government and of the social partners. The Third Conference of the Women of OGB-L (September 1998) has pointed out some negative aspects of the 1998 PAN, from a gender impact assessment point of view. These aspects are related to the active employment policy, the work organisation and the equal opportunity policy. It is interesting to note that the OGB-L text Plan d'Action National Emploi 1998 gives a
far more positive analysis of the NAP than the Conference of the Women of the OGB-L. They underline the fact that the Tripartite (employers-trade-unions-government) which is in charge of the NAP is composed almost only by men, not necessary concerned with gender impact assessment. Therefore, the objective of the promotion of women in the trade-union OGB-L is crucial. In order to reduce the gender wage gap, the women of the OGB-L propose a whole set of recommendations concerning the participation of women in the bargaining process, the job classification and analysis, the training, the diffusion of part-time.

1.2. Studies or evaluations which show significant gender-related impacts of employment policies

Several general studies on women have been carried out the past years and especially concerning women on the labour market (women's situation on the labour market, inequalities/differences between gender, wage gap...)

The annual report from the Ministry of Women's Affairs, and the studies "Women in the labour market" gives an overview of the employment policies undertaken in Luxembourg. Actually it cannot be said to be evaluations but more a description of number of beneficiaries and, sometimes, budget allocated. Moreover, the statistics are not systematically ventilated by sex.

The CEPS-INSTEAD, the STATEC and the IGSS have done an impressive amount of research, based on different data sources like the Luxembourg Panel, the Labour Force Survey, the General Census of the Population, the IGSS (social security records). These documents provide a very clear panorama of the situation of the Luxembourg woman on the labour market, but here also, there are very few elements of analysis of the impact of the public policies on gender equality. But the results of these studies have been used to propose some new measures or to correct older ones (notably the study on Women at home, quoted by the Ministry of Women's Affairs.

But there are no studies in Luxembourg which were conducted in order to assess gender impacts of the employment policies or to evaluate ex-post their gender effects. Generally speaking, the evaluation of employment policies has not been done on a large scale and the number of research or studies is very low.

Nevertheless, the Ministry of Women's Affairs has recently deeply analysed the measures undertaken in the NAP of 1998 and 1999 (Mesures en faveur de l'emploi des femmes, March 2000). But this study is rather a synthesis of the measures of the NAP's, with some quantitative effects on women and men separately, but it may not be considered as a deep gender impact assessment study.
Nevertheless the report underlines some potential negative gender impacts of some of the new measures of the NAP. It is the case for the parental leave which has been introduced in the NAP of 1998 and organised by the legal act of February 1999. This measure, which is characterised by a relatively high compensation, remains mainly used by women (more than 95% of the parental leaves). The report suggests that the results of this measure are not necessary positive from the point of view of the equality in the domestic and familial spheres. The positive impact on the employment of women remains to be demonstrated. The reports insists on the necessity of qualitative data and information on the post parental leave situation of the employees before being able to correctly assess the impact of the measure from a gender perspective. Concerning the other measures of the NAP, related to employability, adaptability or entreprenership, the report is only able to give some figures splitted by gender, insufficient and the Ministry of the Promotion of the Woman insists on the necessity of desegregated data. Following this report, it is impossible to evaluate the measures of the NAP from a gender perspective. The reports ends with the necessity of a deeper collection of data, quantitative and qualitative. It is also crucial to collect data on the obstacles met during the implementation of the measures of the NAP. Finally the necessary data are listed.

In addition to its annual report, the Ministry has also published a study " Women and the labour market" (1999), but this studies do not contain any gender impact considerations. Gender impact studies will probably be undertaken in the following years. The evaluation of the NAP's will include a gender impact assessment.

1.3. Statistical barriers

It's a well known fact that the crucial problem of the labour market in Luxembourg is not unemployment, but the relatively low employment and activity rate of women. The Luxembourg women do not sufficiently benefit from the continuous increase in domestic employment. Therefore, policies like parental leave have to be followed carefully: do they contribute to a greater participation of women in the labour market, or do they contribute to a softened withdrawal of the labour market. Training or targeted measures for long term unemployed must also be analysed from a career perspective. Longitudinal data are therefore necessary. These data can be provided to a large extend by the social security office. Another possible source is the Panel Socio Economique Luxembourgeois (PSELL). Luxembourg suffers of a systematic lack of data given by gender. Of course, the usual statistical sources like the Labour Force Survey do provide the kind of figures by gender. But the data sources do not contain any information on labour market policies. The first and more crucial barrier is the absence of data on the results of the different policies: training,
placement, follow-up of long term unemployed. The report of the Ministry on the last two NAP indicate the missing data :

♦ Share of women in the target population to be compared to the share of women benefiting from the measure
♦ Participation and success rate of men and women
♦ Participation and success rate of men and women following age, qualification, family status, number of children, nationality and location of residence.

Most of these data have to be collected by the administration of employment which is in charge of most of the employment policies. Administrative data, by gender, could be used, if the gender information is included at every level. But it is often difficult to have easy to use data mainly when the objective is to have longitudinal data. These kind of data are better collected and treated when they are collected via surveys.

To summarise, the statistical barriers consist of :

An insufficient collection of specific data on the effects of the measures : follow-up, surveys, administrative records; often the breakdown by sex is only given following one or two axes and a cross-tabulation analysis not possible. The solution consists of a systematic collection of data.

The use of existing surveys like the labour force survey, could be particularly uneasy for Luxembourg due to the small size of the population and the problem of cell significance when crossing several variables (for example occupation, nace 2 digits sectors, sex) It is also true for other surveys like the Panel Socio économique luxembourgeois (PSELL) and the ESES, (European Structure of Earning Survey). This later data source could nevertheless been used since it matches individual and firm data, of which wages and wage setting characteristics, occupation, The access and use of these data are nevertheless submitted to very restrictive conditions due to confidentiality problems. If these problems can be solved, gender impact could be probably better measured than with other surveys which are less reliable than this data source concerning variables like wages and income. Some interesting studies on the gender’ wage gap have been done by the CEPS-Instead and the STATEC, using this data source. The advantage of the PSELL lies in its structure of panel, but like the other surveys of ECHP, the quality of certain variable like income or wages may be problematic. Moreover the employment policies are not covered by the survey. The PSELL has been used by the CEPS- INSTEAD a few years ago in order to evaluate the effect of guaranteed income policy in Luxembourg.

1 ECO-CEPS n°2/98
Administrative data like the IGSS data base and other related sources could be more intensively used for evaluation of gender impact. The STATEC has realised some years ago a extensive research on transborders employees and their wages. Such studies could easily be undertaken with a focus on gender. The publication “Les femmes et le marché de l'emploi” Etude statistique II, shows from one hand that there are a lot of administrative data sources which can be used, but on the other hand that systematic use of this data for evaluation purpose is not realised.
<table>
<thead>
<tr>
<th>Kind of statistics</th>
<th>General census</th>
<th>Labor force survey</th>
<th>PSELL</th>
<th>IGSS¹</th>
<th>ESES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administ</td>
<td>Matic data on the different branches of the social security system (income and expenses)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extent of the data</td>
<td>Population</td>
<td>Population aged above 15 years</td>
<td>Population</td>
<td>Following the branches</td>
<td>Employees</td>
</tr>
<tr>
<td>Variables distributed by sex</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Age</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Following the branches</td>
<td>Yes</td>
</tr>
<tr>
<td>- Activity sector</td>
<td>NACE 1, 2 or 3 digits</td>
<td>NACE 1 or 2 digits</td>
<td>NACE 1 digit</td>
<td>NACE 1 or 2 digits for income</td>
<td>NACE 1 or 2 digits</td>
</tr>
<tr>
<td>- Kind of occupation</td>
<td>ISCO 1, 2 or 3 digits</td>
<td>ISCO 1 or 2 digits</td>
<td>ISCO 2 digit</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>- Family situation</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>Following the branches, no for income</td>
<td>No</td>
</tr>
<tr>
<td>- Marital status</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Following the branches, no for income</td>
<td>Yes</td>
</tr>
<tr>
<td>- Educational level (training)</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>No</td>
<td>yes</td>
</tr>
<tr>
<td>- Level of earning</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>Following the branches,</td>
<td>yes</td>
</tr>
<tr>
<td>- Employment status</td>
<td>Self-employed, employer, employee, manual worker, &quot;aidant&quot;, etc</td>
<td>Manual worker, self-employed, employer, employee, public servant, &quot;aidant&quot;, student, etc</td>
<td>Worker of private and public sector, self-employed, &quot;aidants&quot;</td>
<td>Civil servant, Blue collar or white collar worker, employee; type of contract</td>
<td>yes for income</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
2. Selection of two employment policy measures for a gender impact assessment

GUIDELINE 2 Unemployed adults are also offered a fresh start before reaching 12 months of unemployment by one of the aforementioned means or more generally by accompanying individual vocational guidance.

**Workshops**

*Motivational, information and job-hunting workshops*

These workshops are mainly geared to motivating people to actively seek employment. The programme therefore covers specific expectations of employers and detailed information on various occupations in which there are openings. 20 workshops were held in 1998.

*Recruitment workshops*

Recruitment drives are organised either at the request of enterprises or on the initiative of the ADEM placement service as soon as there is a certain number of jobs on offer with the same profile. The aim of these workshops is to provide the unemployed with all the information they need on the jobs that are on offer, which is mostly done in the presence of a representative of the employers. 95 workshops were held in 1998 with an attendance rate of 65%.

*Awareness-raising workshops*

These are addressed at all unemployed persons who are difficult to place because they lack training.

**Individual psycho-social support for the unemployed**

1. **Target groups**

   The unemployed are persons without jobs, registered with the ADEM, available for the labour market, either receiving benefit or not, who have complied with ADEM's monitoring requirements.

2. **Aims:**

   For each unemployed person, the aim is to:
   – map technical and social profiles and skills
   – determine employability
   – define learning potential
   – verify possible means of occupational integration or reintegration
   – examine aptitude for participating in training activities.

   An integration or guidance plan is drawn up on the basis of the above, the aim being to provide the unemployed with individual support designed to encourage them to take a more active part in seeking employment and to remove any obstacles to returning to work by:
   – encouraging them to develop their skills and attitudes so that they are capable of making their own decisions and assuming responsibility for them
– taking stock of their occupational potential and encouraging them to take the initiative
– promoting a better understanding of themselves
– increasing their potential.

3. Implementation procedures

3 stages:

Stage 1:
– invitation of unemployed persons to individual interviews carried out by the assessment and guidance unit, which is a team of psycho-social and education specialists (occupational psychologists, social workers, highly qualified educationalists and placement officers).
– devising of an individual integration or guidance plan.

Stage 2:
– submission for a decision of the individual integration or guidance plan to the Coordination and Decision Committee (CDC), made up of representatives of the assessment and guidance units and representatives of the Ministry of Labour and Employment and the Ministry of National Education vocational training department.
– coordination by the CDC of activities proposed by the assessment and guidance units at national level.

Stage 3:
– implementation of individual support, integration and guidance plans for unemployed persons benefiting from active measures (cf. Guideline 3)

Following adoption of the Law of 12 February 1999 on implementation of the NAP, occupational reintegration courses have been introduced comprising alternating periods of practical and theoretical training which can be offered to unemployed persons over the age of 30.

Indicators measuring compliance and policy effectiveness

**Guideline 2**

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) number of adults who become unemployed in month X</td>
<td>975</td>
<td>567</td>
<td>408</td>
</tr>
<tr>
<td>(B) number of adults who are still unemployed in month X+12</td>
<td>133</td>
<td>77</td>
<td>56</td>
</tr>
<tr>
<td>Ratio (B) / (A) (output indicator)</td>
<td>0.136</td>
<td>0.135</td>
<td>0.137</td>
</tr>
<tr>
<td>(C) number of adults who became unemployed in month X are still</td>
<td>110</td>
<td>62</td>
<td>48</td>
</tr>
</tbody>
</table>
unemployed at the end of month X+12 and have not started an individual action plan.

<table>
<thead>
<tr>
<th>Ratio (C) / (A) (input indicator)</th>
<th>0.112</th>
<th>0.109</th>
<th>0.117</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratio (C) / (B) (input indicator)</td>
<td>0.827</td>
<td>0.805</td>
<td>0.857</td>
</tr>
</tbody>
</table>

Source: NAP 1999 Luxembourg

Data to measure the scale of the effort undertaken

Guideline 2

<table>
<thead>
<tr>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of adults registered unemployed (average over the time period considered)</td>
<td>4,362</td>
<td>2,379</td>
</tr>
<tr>
<td>Size of the target population (average.)</td>
<td>3,403</td>
<td>1,825</td>
</tr>
<tr>
<td>Total number of adults unemployed for less than 12 months who entered into measures, broken down by category of action:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Induction traineeship contract</td>
<td>58</td>
<td>49</td>
</tr>
<tr>
<td>• preparatory traineeship in enterprise</td>
<td>36</td>
<td>34</td>
</tr>
<tr>
<td>• Division of temporary auxiliaries</td>
<td>119</td>
<td>68</td>
</tr>
<tr>
<td>• Adem training</td>
<td>326</td>
<td>133</td>
</tr>
<tr>
<td>• Pool of assistants</td>
<td>70</td>
<td>47</td>
</tr>
<tr>
<td>• Special measures</td>
<td>77</td>
<td>58</td>
</tr>
<tr>
<td>• Work programmes for the unemployed</td>
<td>329</td>
<td>267</td>
</tr>
<tr>
<td>Total</td>
<td>1,015</td>
<td>656</td>
</tr>
</tbody>
</table>

Gender impact assessment

1. Unemployment rate of women is significantly higher for women in 1998: 4.1 versus 1.9 for men.
2. Even if unemployment rate in Luxembourg remains quite low compared to most of the European countries, the last years have shown an asymmetric evolution of the male and female rates. In 1994, men were unemployed at a rate of 3.0 and women 4.3. In 1998, the male rate had significantly decreased to reach 1.9%, whereas female unemployment remained at the same level, 4.2%. The economic recovery did not benefit to women and men at the same pace.

3. An equality policy concerning reducing unemployment rate should thus imply that more emphasis should be put on reducing unemployment for women.

4. The measure itself should not have a negative gender impact. Its results will heavily depend on the manner following which the individual psycho-social support for the unemployed is organised. In fact the results are showing that women were underrepresented in this policy. The target group (unemployed adults with less than 12 months of unemployment) consisted in average in 1998 of 1825 men and 1578 women (due to the lower activity rate of women, it means in fact a quite higher unemployment rate for women). The number of women who entered into the different measures during 1998 was only 359, to be compared with 656 men. Among the different existing measures of the programmes, the only measures where the underrepresentation of women is less the case concerns the training provided by the employment agency (ADEM). But it is also the measure that offers perhaps the lower possibility of getting a job, comparing with the two first measures, the traineeship contract and the traineeship in enterprise which both happened within a company and probably more often are leading to a job. Unfortunately no information are available on the other characteristics of the results of the programmes and on the characteristics of it's implementation.

5. Irrelevant

6. Irrelevant

7. Concerning this policy, the best thing to do is certainly to guarantee that the persons and services that are in charge of the psycho-social support receive a specific training in gender equality issues. For example, a representative of the Ministry of Women's Affairs should participate to the Coordination and Decision Committee (CDC).

All the measures concerning employability do use the same instruments. Therefore the next policy analysed concerns the fourth pillar, since the two other pillars do not contain any policy which could be analysed from a gender perspective.
The Law of 12 February 1999 on the implementation of the 1998 NAP introduced in Article XXIV the law of the same date creating parental leave and leave for family reasons.

The aim of the law is to grant, under certain legal conditions, six months full-time or 12 months part-time parental leave, with compensatory payment of approximately Flux 60 000 or 30 000 respectively from the national family benefit fund, to any parents bringing up one or more children under 5 in their household. The entitlement to parental leave is an individual entitlement for any parent who is either a paid employee, self-employed or a civil servant. Parents in paid employment have their contract of employment suspended during the period of parental leave, following which they are reinstated automatically. During the leave period, social security entitlements are upheld (sickness insurance, pension insurance via baby years), as are other entitlements related to seniority and other advantages which workers have acquired at the start of their parental leave. During parental leave, employees are protected in the same way as pregnant women or women who have recently given birth, i.e. there is a legal ban on their being dismissed. Parental leave must be taken in full and in one go. One of the parents must take his or her parental leave immediately following maternity or adoption leave, failing which it is forfeited. This leave is an entitlement and employers cannot refuse to grant it if the legal conditions are met. The other parent may take his or her parental leave up to the time the child has reached the age of five. Since the two parents may not take full-time parental leave at the same time (though they may take part-time leave), priority is given to the mother if both parents apply for parental leave at once. Single parents may take their parental leave up to the time their child has reached the age of five. For the second period of parental leave, employers may, under certain conditions which are strictly laid down in the law, defer parental leave for a maximum of two months and, in enterprises with fewer than 15 workers, up to six months. A second deferral is not possible and the leave must be granted without fail at the end of the deferral period. These measures enable enterprises to take on replacements during absence for maternal and parental leave. The State provides financial support for recruiting job seekers to replace people on parental leave, whether it follows maternity leave immediately or not. The Administration for Employment, in cooperation with the National Family Benefit Fund, assesses this measure using a questionnaire which is sent out to the employer every time an application for compensation for parental leave is made to establish whether the post which has been freed up is occupied during the period of parental leave.

GIA of this measure

1. no parental leave exists before
2. there is no trend consequently, but it may be assume that part of part-time or retrieval from the labour force may result from the lack of parental leave
3 a policy on parental leave have to ensure that it will increase labor force participation of women and not the reverse effect. The income level provided is a relevant characteristic, and also the guarantees in terms of status when returning to work, guarantees of promotion…

4. potential effects may be positive in terms of less retrieval from the labour market. But negative effects may also occur, as pointed out by the women of the trade-union OGB-L: it may constitute an incentive to retrieve from the labour market.

5. Categorical effects are mainly related to the kind of occupations and the level of income, since the compensation is limited to the minimum wage (about 1500 EURO)

6.

7.