

Supplementary Shadow Report by the German Women Lawyers Association

Executive Summary

1. The German Women Lawyers Association is very concerned about the General Equal Treatment Act (AGG) being very ineffective (*see further p. 3-5 of the shadow report*)
 - **The burden of proof in the General Equal Treatment Act (AGG) must be reversed to benefit persons discriminated against.**
 - **This Act must contain provisions for the right of associations to sue.**
 - **There must be a pronounced improvement in both the funding and staffing of the Anti-Discrimination Office (ADS).**
 - **The Anti-Discrimination Office must be granted comprehensive authority, especially the right to initiate legal proceedings. It must have unlimited right to obtain information from other agencies, and in individual cases from the companies involved.**

2. The horizontal division of labor markets in Germany into women's and men's domains has continued virtually unchanged since the last German state report and has partially even entrenched (*see further p. 5-7 of the shadow report*).

Although women have never been as qualified as they are today only 12 % of women reach the highest level in the hierarchy compared to 22 % of men. The percentage of women in management positions declines with their number of children, their increasing age and company size (*see further p. 12-13 of the shadow report*).

 - **An Equality Act is needed for the private sector in order to counter unchanged segregation of labor markets.**
 - **Procedural legislation for implementing equal pay is needed that uses non-discriminatory labor evaluation systems to more justly assess and thus upgrade "women's jobs".**
 - **Legal measures must be created that require affirmative action measures for women as a necessary condition for receiving government contracts.**
 - **A quota for supervisory boards must be prescribed by law. Supervisory board terms must be limited to 5 years in order to increase the potential number of new appointments.**

3. Wage inequality between men and women persist unchanged. In this regard Germany occupies the third-to-last place among the EU states (*see further p. 7-8 of the shadow report*).
 - **Procedural legislation to achieve compliance with the equal pay directive must be drafted and passed – based on already existing proposals – in order to ensure non-discriminatory job evaluation and job assignment systems as well as non-discriminatory compensation systems.**

4. The 2007 Pension Reform Act is openly discriminating Women (*see further p. 8-9 of the shadow report*).
 - **Pension law must be reformed in such a way that equal percentages of women and men meet the requirements for entering retirement without a loss in benefits.**
5. The parental leave allowance introduced in Germany on 1 January 2007 although being a step in the right direction greater incentives must be offered to encourage more fathers to make use of parental leave (*see further p. 9-10 of the shadow report*).
 - **The Parental Leave Act must for example be changed in such a way that if both parents work part-time, each has a right to half the allowance amount for a period of 12 months.**
6. The Federal Government's reform policies concerning the Labor market have a particular negative impact on women. It especially impairs women's material independence (*see further p. 10-12 of the shadow report*).
 - **Gender mainstreaming for the Fourth Law of Modern Services on the Labor Market (Hartz legislation) must be implemented retroactively.**
 - **The lack of gender-differentiated data must be corrected.**
 - **The artificial "shared household" (Bedarfsgemeinschaft) construct must be dropped from SGB II.**

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