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Equality at Work

A practical guide for equality representatives

2026 Edition



**YOU'LL
NEVER
WORK
ALONE.**

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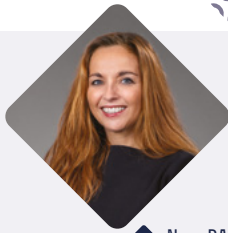
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Nora BACK

*President of the
Chamber of employees*

Forewords

Gender inequalities in economic and social life remain strikingly persistent, even though equal opportunities and equal treatment for women and men have long been central to public policy and stand among the core values meant to guide our society. Achieving this requires concrete measures and determined action – an effort to move beyond formal equality toward genuine, lived equality.

One important path toward real equality lies within companies themselves. Equality is a cornerstone of healthy professional dynamics and of balanced representation across occupations, both essential to social and economic progress.

Equality representatives are key actors in this process. Their mission is to safeguard equal treatment in access to employment, training, professional advancement, pay, and working conditions. Through their engagement, they can help shape workplaces that truly embody equality.

The Chamber of Employees, together with the Ministry for Gender Equality and Diversity, has chosen to publish a new edition of this practical guide to support equality representatives in carrying out their duties. After an introduction outlining their role and responsibilities, the guide explores the concepts of “equality” and “discrimination” and presents the main institutional actors involved. A more hands-on third section offers tools and examples to draw from. The final part gathers additional useful information, including a glossary, legal references, relevant institutions, and suggested reading.

We hope this practical, accessible, and freely available guide will contribute to a growing awareness – both individually and collectively.

Luxembourg, July 2026



Yuriko Backes

*Minister for Gender Equality
and Diversity*

Equality among all people, regardless of their gender or identity, constitutes one of the foundations of our democracy and an essential pillar of the quality of our professional environments. At a time when respect, dignity and justice are at the heart of society's expectations, the role of equality delegates has never been more crucial.

Created by the law of 7 July 1998, this function responds to a clear concern: ensuring that everyone can work in a safe, respectful environment free from all forms of discrimination or harassment. The progressive introduction of this mission in the Public Service and in the municipal sector in 2004 and then in 2006 has reinforced its importance and reminded us that it concerns all our professional structures.

Equality delegates are privileged interlocutors, available to listen, analyze and support. Their action aims to promote equitable working conditions for all, to identify persistent obstacles and to propose concrete solutions. Through their recommendations, whether concerning access to training, taking leave, professional development or the balance between personal and professional life, they actively contribute to advancing a more just and truly inclusive organizational culture.

As contact persons for those who feel discriminated against or harassed, delegates play a decisive role: advising, guiding, training, preventing. Their mission, centered on gender-related equality, provides support, listening and clarity in often sensitive situations.

I wish to express my profound gratitude to all those who assume this responsibility with professionalism, empathy and determination. Their daily commitment strengthens our collective efforts to make every workplace a space where each person can be respected, valued and progress freely.

Luxembourg, July 2026

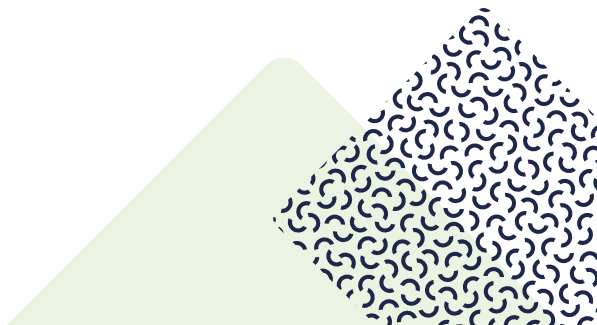
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1

Equality representatives

1.1. Who are equality representatives? ¹

Equality representatives are employee delegates who work to ensure that women and men share a genuinely equal workplace. Their role is to monitor working conditions and make sure no unjustified differences exist within the professional environment.

Their appointment becomes mandatory once a company reaches a staff size of fifteen employees. They are chosen by the newly elected staff delegation during its inaugural meeting, selected from among the full or substitute staff delegates. Within three days, the delegation must inform both the employer and the Inspectorate of Labour and Mines in writing.

Equality representatives are protected against any substantial change to their employment contract and against dismissal. If necessary, they may ask the President of the Labour Court to enforce this protection². Further information is available on the website of the Chamber of Employees at csl.lu.

All relevant legislative references currently in force can be found from page 46 of this guide onwards.

1.2. What are their responsibilities?

One of the core responsibilities of equality representatives is to promote equality within the company.

More broadly, their mission is to safeguard equal treatment for women and men at work, at every stage of the employment relationship³. This includes:

- access to employment, including selection criteria and recruitment conditions, regardless of the sector of activity and at all levels of the professional hierarchy.
- access to vocational training.
- access to professional promotion.

¹ Article L. 414-15 of the Labour Code

² Article L. 415-10 of the Labour Code

³ Article L. 414-15 of the Labour Code

- pay.
- working conditions.
- dismissal procedures.

To fulfil these aims, equality representatives, acting alone or together with the staff delegation, are empowered to:

- give their opinion and make proposals on any matter directly or indirectly related to the areas listed above.
- suggest awareness-raising initiatives for the company's employees.
- prepare and present to the employer a plan of measures designed to promote equal opportunities between women and men.
- submit individual or collective complaints to the employer concerning equal treatment.
- prevent and help resolve individual or collective disputes that may arise between employer and staff regarding equal treatment.
- refer any unresolved disputes to the Labour and Mines Inspectorate (ITM).
- convene, once a year, separate meetings for the company's male and female employees.
- ensure that apprentices receive training on equality within the company.
- contribute to the development and implementation of any scheme for initial vocational training, including apprenticeships.
- offer consultations for employees in an appropriate space, either outside working hours or during working hours. In the latter case, equality representatives must agree with the employer on the time and organisational arrangements. The time spent on these consultations is deducted from their hour credit.
- give their opinion prior to the creation of any part-time position in the company.

Equality representatives may also intervene in the following matters:

- Sexual harassment⁴: They are responsible for ensuring that employees are protected from any form of sexual harassment in the workplace. They may propose any preventive measures they consider necessary.

They may also support and advise any employee who experiences sexual harassment. They are required to maintain confidentiality about any information they receive in this context, unless the affected employee releases them from this obligation.

An employee who experiences sexual harassment may be accompanied and assisted by a staff delegate or an equality representative during meetings with the employer or their representative.

- Parental leave⁵: The staff delegation, where one exists, must be informed by the employer of any postponement of parental leave. The employee concerned, the staff delegation, the equality representative, or the nationally representative trade unions connected to the company through a collective agreement may refer the matter to the Inspectorate of Labour and Mines if they believe the postponement is not justified. The director of the Inspectorate or their delegate may act to prevent or resolve disputes.
- Pregnant workers⁶: Employers must inform every pregnant or breastfeeding employee, as well as the staff delegation and equality representatives where applicable, of the list of tasks from which these employees must be protected, and of the measures taken to eliminate any risks to their health or safety and any possible effects on pregnancy or breastfeeding.
- Employment trends⁷: Employers must inform and consult the staff delegation and equality representatives about the situation, structure, and expected evolution of employment

⁴ Article L. 245-6 of the Labour Code

⁵ Article L. 234-46(4) of the Labour Code

⁶ Article L. 334-1 of the Labour Code

⁷ Article L. 414-3 of the Labour Code

within the company, as well as any planned anticipatory measures, especially in situations where jobs may be at risk. Twice a year, they must provide statistics broken down by sex on recruitment, promotion, transfer, dismissal, pay, and training.

- CAE et CIE contracts⁷: Employers must also inform and consult the staff delegation and equality representatives when concluding employment support contracts (CAE) and employment initiation contracts (CIE).
- Selection criteria⁸: In companies with at least 150 employees, decisions concerning the establishment or modification of general criteria for selection in recruitment, promotion, transfer, dismissal, and – where applicable – criteria for determining priority access to early retirement must be taken jointly by the employer and the staff delegation. The same applies to any program or collective measure relating to continuing vocational training, and to general criteria for evaluating employees.

Staff representatives must regularly report to the delegations at the level of the economic and social entity, as well as to the equality representatives, on the outcome of discussions concerning these matters. They must also provide equality representatives with an up-to-date list of the general criteria, even if the employer classifies them as confidential. In such cases, equality representatives are bound to confidentiality, except when referring criteria that violate the principle of equal treatment to the Inspectorate of Labour and Mines.

- Access to an employee's personnel file⁹: Every employee has the right to access their personal file twice a year during working hours. They may be assisted by a member of the staff delegation or an equality representative, who must maintain confidentiality unless released from this obligation by the employee.

Any explanations the employee wishes to add regarding the contents of their personnel file must be included upon request.

⁸ Article L. 414-13 of the Labour Code

⁹ Article L. 414-17 of the Labour Code

Practical examples:

- After being appointed, inform employees about your role and areas of intervention, either in a meeting or via email or a leaflet.
- Monitor whether the employer guarantees gender equality in recruitment, and request the criteria used to select candidates.
- Ensure that the employer upholds equal treatment in terms of pay and recognition of qualifications.
- Make sure the employer provides equal opportunities in career development for all employees.
- Suggest implementing a procedure for preventing moral and sexual harassment and ensure that information is made available to all employees.
- Take part in developing an ongoing awareness-raising policy on equality between women and men for the entire workforce.
- Provide the staff delegation and employees with information related to equality.
- Encourage both mothers and fathers to make use of parental leave.

The mission of equality representatives¹⁰ focuses specifically on issues related to gender equality, while the broader mandate of staff delegations covers the following additional grounds of discrimination:

- actual or perceived nationality, race, or ethnic origin.
- disability.
- age.
- sexual orientation.
- religion.
- personal beliefs.

¹⁰ Articles L. 251-1 s. of the Labour Code

Note

The Labour Code provides specific protection for women during pregnancy and maternity¹¹: *“The provisions relating to the protection of pregnancy and maternity do not constitute discrimination but are a necessary condition for achieving equal treatment between women and men.”*

1.3. What are their prerogatives?

Meeting with the staff delegation

If the appointed equality representative is a substitute member of the staff delegation, they may take part in all decisions related to their special mandate and may attend all meetings of the relevant delegation in an advisory capacity¹².

Staff delegations may meet¹³ once a month during working hours, provided that the management is given at least five working days' notice, unless a shorter period is mutually agreed. They must, however, meet at least six times a year during working hours, including at least three meetings held jointly with the company's management.

Time spent in these meetings is paid as working time.

Getting in touch with employees¹⁴

Members of the staff delegation have the right to contact all employees of the company. They are therefore authorised to move freely within the company, on worksites, or at other temporary workplaces, and to meet with employees after informing the employer. They are also entitled to contact them using any communication tools available within the company.

Communicating¹⁵

Equality representatives may freely post communications, reports, and statements on notice boards or other spaces

¹¹ Article L. 241-4 of the Labour Code

¹² Article L. 414-15 last paragraph of the Labour Code

¹³ Article L. 415-6 of the Labour Code

¹⁴ Article L. 414-46 of the Labour Code

¹⁵ Article L. 414-16 of the Labour Code

accessible to employees that are reserved for this purpose, including electronic media, as long as the content relates directly to their duties.

Access to information¹⁶

Equality representatives are bound by professional secrecy regarding all matters related to manufacturing processes. They must also keep confidential any information that is of a confidential nature and expressly designated as such by the employer in the legitimate interest of the company. This duty applies both toward employees and toward third parties, unless those employees or third parties are themselves bound by confidentiality. The employer may refuse to provide information or to carry out consultations when, according to objective criteria, the nature of the information would seriously impede the functioning, management, or future of the company, cause harm to the company, or jeopardise a planned operation.

Note



If members of the staff delegation consider that information has been wrongly classified as confidential, or that the employer's refusal to provide information or to hold consultations is unjustified, they may file an appeal within fifteen days with the Director of the Inspectorate of Labour and Mines. The decision of the Director, or of their delegate, must be sent to the parties no later than eight days after the request is submitted. It must be provided in writing, duly reasoned, and take into account both the interests and needs of employees and their representatives, and the economic requirements and constraints the employer must consider when exercising managerial authority in accordance with sound management principles. Within fifteen days of notification, the decision of the Director of the Inspectorate of Labour and Mines, or of their delegate, may be challenged before the Administrative Court through an action for annulment.

¹⁶ Article L. 415-1 of the Labour Code

Specific hour credits¹⁷

To carry out their duties, equality representatives receive a dedicated allotment of paid hours:

- 4 paid hours per month if, during the twelve months preceding the first day of the month in which the election notice is posted, the company employed between 15 and 25 people.
- 6 paid hours per month if, during the twelve months preceding the first day of the month in which the election notice is posted, the company employed between 26 and 50 people.
- 8 paid hours per month if, during the twelve months preceding the first day of the month in which the election notice is posted, the company employed between 51 and 75 people.
- 10 paid hours per month if, during the twelve months preceding the first day of the month in which the election notice is posted, the company employed between 76 and 150 people.
- 4 paid hours per week if, during the twelve months preceding the first day of the month in which the election notice is posted, the company employed more than 150 people.

Company size	Hour credits
15 to 25 employees	4 hours per month
26 to 50 employees	6 hours per month
51 to 75 employees	8 hours per month
76 to 150 employees	10 hours per month
150 employees or more	4 hours per week

¹⁷ Article L. 414-15 of the Labour Code

This additional hour credit is reserved exclusively for equality representatives.

They are entitled to leave their workstation without any reduction in pay whenever necessary to carry out their duties, provided they inform the employer and their absence does not impede the proper functioning of the service.

Specific training leave¹⁸

Employers must grant equality representatives paid time off – known as training leave – to attend training activities organised by trade unions or specialised institutions. These activities must take place during normal working hours and aim to strengthen the economic, legal, social, and psychological knowledge necessary for fulfilling their mandate.

Equality representatives are entitled to two half-days of training leave per year, which are not deducted from their annual recreational leave.

The duration of this training leave counts as actual working time. For companies with no more than 150 employees, the related salary costs are covered by the State.

¹⁸ Article L. 414-15 of the Labour Code







2

What kind of
knowledge is essential
for carrying out
their mandate?

Rethinking the workplace to address the various gender-related challenges requires engaging with the issues and dynamics of inequality and discrimination between women and men at work.

2.1. What do we mean by "Equality"?

The principle of equality is first established in the Constitution under Article 15, paragraph 1: *"Luxembourgers are equal before the law"*.

There is also a constitutional principle of equality between women and men, set out in Article 15, paragraph 3, which states: *"Women and men are equal in rights and duties. The State shall actively promote the elimination of any obstacles to equality between women and men"*.

Article 16 provides that: *"Any non-Luxembourger present on the territory of the Grand Duchy shall enjoy the protection afforded to persons and property, except for the exceptions established by law"*.

The Labour Code reinforces this principle in Article L. 241-1: *"Any discrimination based on sex, whether direct¹⁹ or indirect²⁰, including in reference to marital or family status, is prohibited."*

Discrimination based on gender reassignment is considered discrimination based on sex. [...]

¹⁹ Direct discrimination occurs when a person is treated less favourably than another person is, has been, or would be in a comparable situation, on the basis of one of the protected grounds.

²⁰ Indirect discrimination occurs when an apparently neutral provision, criterion, or practice is likely to put people of a certain nationality, actual or perceived race or ethnic origin, sex, sexual orientation, religion or belief, disability, or age at a particular disadvantage compared with others, unless that provision, criterion, or practice is objectively justified and the means of achieving the aim are appropriate and necessary.

Harassment²¹ as referred to in this chapter, as well as sexual harassment as defined in Article L. 245-2, is considered discrimination based on sex and is therefore prohibited."

Article L. 251-1 of the Labour Code states that *"any direct¹⁹ or indirect²⁰ discrimination based on religion or beliefs, disability, age, sexual orientation, or actual or perceived nationality, race, or ethnic origin is prohibited"*.

Articles L. 225-1 and following of the Labour Code establish the principle of equal pay: *"Every employer must ensure equal pay between women and men for the same work or for work of equal value"*.

The Criminal Code also provides for penalties relating to discrimination in Articles 454 and following: *"Discrimination means any distinction made between natural persons on the basis of their origin, skin colour, sex, sexual orientation, family situation, age, state of health, disability, conduct, political or philosophical opinions, trade union activities, or their actual or perceived membership or non-membership of a given ethnic group, nation, race, or religion"*.

²¹ Without prejudice to the specific provisions on sexual harassment and moral harassment in the workplace, harassment is considered a form of discrimination based on the grounds listed above when an unwanted behaviour linked to one of those grounds occurs, with the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment.

2.2. Why is it important to take action against discrimination?

Reason n° 1

The law prohibits discrimination

The Labour Code forbids discrimination in the workplace and provides avenues of redress for victims, as well as for associations and trade unions.

The Criminal Code classifies discrimination as an offence and punishes it with fines and imprisonment.

Reason n° 2

Preventing people from being treated unfairly for illegitimate reasons

Under the law, to discriminate means *“to treat a person less favourably than another person in the same or comparable situation, on the basis of a prohibited ground”*.

Eliminating discrimination therefore means eliminating unjust treatment.

Reason n° 3

Any unjustified difference in treatment violates human rights, equality before the law, and equality of opportunity

Employment and work are essential pillars for ensuring equal opportunities for all. They are also the primary means through which citizens participate in economic, social, and cultural life. For this reason, labour law establishes a strict legal framework to combat discrimination in the workplace.



Reason n° 4

A healthy company does not tolerate discrimination

The employer is required to ensure not only the physical but also the mental health and safety of employees. This includes the obligation to put an end to any situation involving discrimination or discriminatory harassment.

A company that fulfils this legal duty and refuses to tolerate discrimination creates a positive working environment for all employees and avoids unnecessary loss of time and productivity.

2.3. What are the grounds of discrimination?

Religion

Treating someone less favourably than another person because of their religion is prohibited under both the Labour Code and the Criminal Code. The reverse is equally true: it is also discriminatory to treat someone less favourably because they do not belong to a particular religion.

Beliefs

The Labour Code prohibits discrimination based on personal beliefs. The Criminal Code echoes this by prohibiting and penalising discrimination based on political or philosophical opinions. The wording used in the Labour Code is therefore broader. According to the Larousse dictionary, a *"conviction"* is *"a principle or idea that is fundamental to a person"*. It refers to a deeply held belief, whether religious, philosophical, political, or ethical in nature.

Sexual orientation

This ground concerns a person's sexual preferences – for example, whether someone is attracted to men, to women, or to both.

Age

The ground of “age” covers all ages. Discrimination may occur when younger employees are treated less favourably than older ones, or vice versa. The criterion of “seniority”, often used by legislators and employers when taking employment-related decisions, is closely linked to age. Employees with greater seniority are often older, meaning that using this criterion may lead to indirect discrimination. However, if an objective justification exists and the means used are appropriate and necessary, a difference in treatment based on seniority is not considered unlawful discrimination.

Disability

The Labour Code does not define “disability”.

The Court of Justice of the European Union (CJEU) relies on the definition contained in the United Nations Convention on the Rights of Persons with Disabilities, ratified by the EU.

A disability is therefore understood as *“a limitation resulting in particular from long-term physical, mental, or psychological impairments which, in interaction with various barriers, may hinder a person’s full and effective participation in professional life on an equal basis with other workers”*. In this context, obesity may constitute a disability within the meaning of the directive on equal treatment in employment.

The Court emphasises that disability does not only refer to the impossibility of carrying out a professional activity, but also to difficulty in performing such an activity. Any other interpretation would contradict the directive’s purpose of enabling persons with disabilities to access and remain in employment.

The origin of the disability – including whether the person may have contributed to it – is irrelevant when applying the principle of equal treatment.

The CJEU has also ruled that discrimination may occur when a person is treated unfavourably because of the disability of someone close to them.

Actual or perceived nationality, race, or ethnic origin

While the Labour Code prohibits discrimination based on actual or perceived nationality, race, or ethnic origin, the Criminal Code additionally refers to *“skin colour”*. Skin colour often overlaps with concepts of race and ethnicity, as it is frequently used – rightly or wrongly – to categorise or distinguish groups.

The Labour Code does not define *“race”* or *“ethnicity”*.

Sex: Being a man or a woman, and gender identity²²

The principle of non-discrimination on the grounds of sex requires equal treatment for women and men.

Any direct or indirect²³ discrimination related to marital or family status is also prohibited.

Gender reassignment

This ground prohibits discrimination against transgender people.

The legislator has broadened the scope of the principle of non-discrimination by establishing that *“any discrimination based on gender reassignment is considered discrimination based on sex”*.

The Criminal Code likewise classifies discrimination as an offence, punishable by fines and imprisonment.

It also expands the list of protected grounds by adding:

- origin.
- skin colour.
- state of health.
- personal conduct.
- trade union activities.
- actual or perceived membership or non-membership of a particular nation.

²² Gender identity refers to a person's deeply felt and personal sense of being male, female, neither, or both.

²³ See definitions on page 20 and following.

2.4. Which actors can support equality representatives in their work?

The Ministry for Gender Equality and Diversity (MEGA)

Promoting equality between women and men in every field and at every level of society is a key commitment of the government. Luxembourg therefore has a ministry dedicated exclusively to this mission: the Ministry for Gender Equality and Diversity, known as MEGA²⁴.

MEGA coordinates equality-related initiatives. Its approach is comprehensive and cross-sectoral: every governmental department must integrate gender equality into the development of its policies, legislation, programs, and action plans, in line with the principle of systematically incorporating a gender perspective ("*gender mainstreaming*"). In carrying out its work, the Ministry for Gender Equality and Diversity collaborates closely with social partners and civil society.

To bring equality to life on a daily basis, MEGA has developed the "*National Action Plan for Equality between Women and Men*"²⁵. This roadmap gathers the thematic priorities, measures, and commitments for the coming years. It reflects the ministry's main fields of action: equality in society (the impact of gender stereotypes; the fight against all forms of gender-based and sexualised violence), equality in local life, in employment and in education.

In the field of employment, the Positive Actions program is one of the ministry's key tools for advancing equality between women and men at work. The ministry supports companies in developing and certifying their good practices. In practical terms, after an initial assessment, each company drafts its own action plan. The equality representative is directly involved in the working group that is set up for this purpose (see the Positive Actions program on page 48 and following).

²⁴ mega.public.lu/fr.html

²⁵ mega.public.lu/fr/publications/rapports-activites-ministere/panegalite2025.html

To ensure that everyone can understand and contribute to a more inclusive society, the ministry also makes data available to the public. The ministry's Observatory²⁶ reflects the situation of women and men in Luxembourg across seven fields. The online platform highlights equality between women and men in employment, in education, in public life, and in private life. Collecting and analysing gender-related data is crucial for developing targeted measures.

The Centre for Equal Treatment (CET)²⁷

Luxembourg has established an independent body tasked with combating discrimination: the Centre for Equal Treatment (CET). Anyone who believes they have been the victim of direct or indirect discrimination may contact the CET for advice and information. However, the CET's powers and means of action toward employers remain limited.

The CET's mission is to promote, analyse, and monitor equal treatment for all individuals without discrimination based on nationality, race, ethnic origin, sex, sexual orientation, religion or belief, disability, or age.

In carrying out its mission, the CET may in particular:

- publish reports, issue opinions and recommendations, and carry out studies on all matters related to discrimination.
- produce and provide any information or documentation relevant to its mandate.
- assist individuals who believe they have been discriminated against by offering a counselling and guidance service informing them about their rights, legislation, case law, and the available means to assert their rights.
- conduct or commission independent investigations and analyses into unjustified restrictions and obstacles to the right to free movement, or into discrimination based on nationality against EU workers and their family members, within the meaning of (EU) Regulation No 492/2011 of the European Parliament and Council of 5 April 2011 on freedom of movement for workers within the Union.

²⁶ observatoire-egalite.lu

²⁷ cet.lu/en

The Inspectorate of Labour and Mines (ITM)²⁸

The Inspectorate of Labour and Mines has introduced a dedicated service addressing the issue of equal pay between women and men.

This service is available to both employees and employers and operates at the ITM offices in Esch-sur-Alzette, Diekirch, Strassen, and Wiltz.

If you believe you are facing pay inequality, you can contact the ITM:

- by phone at +352 247-76102 (ITM's dedicated equal pay hotline)
- by email at egalite.salariale@itm.etat.lu
- by post at:
Inspection du travail et des mines
3, rue des Primeurs
L-2361 Strassen
- or by visiting one of the four ITM counters located in:
 - > Strassen
 - > Esch-sur-Alzette
 - > Diekirch
 - > Wiltz

²⁸ itm.public.lu







3

**How to promote
equality in the workplace?**

Equality representatives aim to ensure an inclusive workplace and to highlight actions that promote equality at work.

As awareness of inequalities in the professional world grows, everyone must become involved – first and foremost company leaders and management.

This raises an essential question: how can an equality policy be embedded as a genuine objective of personnel policy?

3.1. Implementing measures concerning the underrepresented sex²⁹

A sex is considered underrepresented when, in a given profession or occupation, its representation is equal to or below 40% of all employees performing that profession or occupation at national level.

An employer who hires a person belonging to the underrepresented sex may, under certain conditions, receive financial support.

Before applying for reimbursement of part of the costs from the Employment Fund, the employer must first request the opinion of the Equality representative.

The employer must then submit a written request to the Minister responsible for Labour. This application must include:

- a description of the company's workforce as recorded on the last day of the month preceding the request, specifying sex, profession, occupation, hierarchical level, and functions of all employees.
- a description of the vacant position, including hierarchical level, duties, and required profile.
- the opinion of the equality representative.

Such an employer may also be authorised, by way of derogation from Article L. 241-2 of the Labour Code, to circulate or publish job offers or employment announcements giving preference to candidates of the underrepresented sex.

²⁹ Articles L. 242-1 s. of the Labour Code

In addition, to ensure full equality between female and male employees, the employer may introduce specific measures designed to facilitate the professional activity of employees of the underrepresented sex, or to prevent or compensate for disadvantages they may encounter in their career.

To make use of either of these derogations, the employer must first obtain a written certificate from the Minister for Gender Equality and Diversity confirming the underrepresentation of the sex to be given priority.

3.2. Positive Actions

The Positive Actions program is a tool of the Ministry for Gender Equality and Diversity (MEGA) aimed at advancing equality between women and men in the workplace.

It offers companies support in developing and certifying good practices in gender equality.

Participation in the Positive Actions program is voluntary; MEGA provides guidance as well as financial assistance.

Any private-sector company in Luxembourg may apply to participate, provided it employs at least 50 people³⁰.

The Positive Actions program is built around three thematic pillars:

1. Equal treatment

- in recruitment.
- in wages.
- in qualification appreciation.

2. Equality in decision-making

- through professional promotion.
- in access to continuing training.
- in equal participation in decision-making.

³⁰ Companies with fewer than 50 employees can use the guide developed for them by MEGA.

3. Work-life balance equality

- after parental leave.
- in work organisation.
- for life balance and increased satisfaction at work .

The program takes place in 2 complementary phases.

The first phase involves preparing an analytical report on the perception and experience of equality within the organisation. This analysis is based on both qualitative and quantitative research methods (questionnaires, HR data, interviews, and scientific analysis of the findings).

The second phase is dedicated to drafting, presenting, and implementing an action plan tailored to the issues identified.

The overall program duration is 10 to 12 months.

Analysis and assessment

(approximately months 1 to 6)

- Step 1: Submission of the application to participate
- Step 2: Signing of the agreement
- Step 3: Establishment of an internal working group (project team)
- Step 4: Data collection and analysis (questionnaires, HR data, interviews)
- Step 5: Preparation of the analytical report
- Step 6: Presentation and discussion of the findings

A red diamond shape with rounded corners, containing the text "Phase 1" in white.

Phase 1



Phase 2

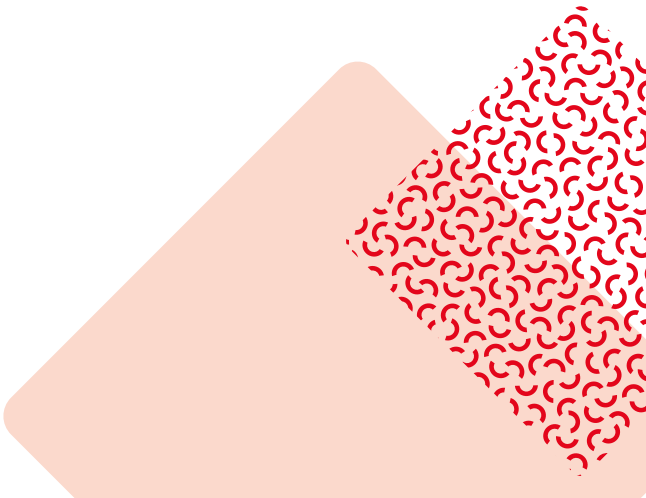
Action plan and implementation (approximately months 6 to 12)

- Step 1: Development of the action plan based on the contracts
- Step 2: Validation of the action plan and issuance of ministerial approval
- Step 3: Implementation of the first measures
- Step 4: Evaluation of progress and certification of best practices
- Step 5: Awarding the trophy "Positive Actions"

You can find full details of this program, along with further information and testimonials, on the dedicated MEGA website:



actionspositives.lu



3.3.Examples of initiatives companies can implement

Examples provided by MEGA

1. Craft sector – classifying jobs to advance equality

Context

A company whose workforce is predominantly female decided, as part of its participation in the Ministry for Gender Equality and Diversity's Positive Actions program, to carry out an in-depth analysis of fairness within its internal organisation.

Measures developed

The company worked on classifying its various positions with clear task descriptions and introduced a system of equal bonuses alongside equal base salaries.

The aim was to ensure that remuneration develops equally for everyone, based on responsibilities and duties. A seminar and coaching sessions were organised with the (co-) managers to strengthen their awareness of equal opportunities and team spirit. Work schedules were redesigned to become more flexible and to support a better balance between professional and private life.

Professional development interviews were introduced for all team members to discuss training plans and career paths.

Outcome

Employees welcomed the transparent and motivating system, as well as the greater flexibility in organising work. Individual fulfilment increased, strengthening the teams' motivation to work together.

2. Industrial sector – to foster gender

Context

An industrial company operating in a predominantly male professional environment committed, through the Positive Actions program, to improving gender balance within its teams.

Approach taken

The company worked along several lines of action. It trained recruiters, raised awareness among human resources staff and department heads, included a gender-balance clause in mandates given to recruitment agencies, and worked to eliminate stereotypes in job postings and job descriptions.

To increase the attractiveness of technical roles for the underrepresented sex, the company developed partnerships with schools, training centres, and universities, and supported female employees in technical roles in sharing their experiences as role models for young people.

Outcome

Mixed teams perform better. Their diversity and complementary skills make them more effective. Increasing the number of women in a previously male-dominated environment strengthened communication, led to adjustments in work processes, and helped improve working conditions for both women and men.

Other examples:

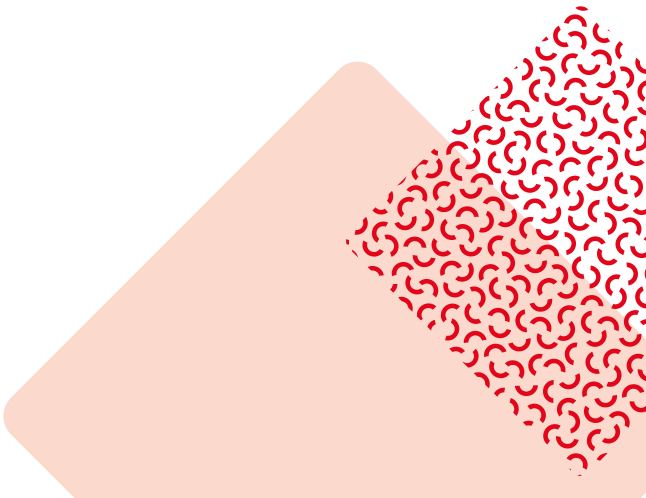
- Organise thematic meetings with staff to examine how inequalities arise, retrace their roots, and explore together how these dynamics hinder the smooth functioning of a company.

- Raise employees' awareness of how inequalities, stereotypes, and sexism manifest themselves, with the aim of improving working conditions.
- Guarantee the principle of equal pay for women and men.
- Guarantee the recognition of professional experience, qualifications, and diplomas.
- Offer thematic lectures with sociologists, psychologists, or other specialists in equal treatment (a multidisciplinary approach) to strengthen prevention and remediation of discrimination in the company and to implement effective equality policies.
- Foster an egalitarian company environment and highlight equality initiatives by organising thematic activities linked to international awareness days:

8 March	International women's day
4th Thursday of April	International girls in ICT day
30 July	World day against trafficking in persons
19 November	International men's day
25 November	International day for the elimination of violence against women

Internationally recognised days – many of them established by the United Nations – offer valuable opportunities to present progress made in promoting equality between women and men within the organisation. They also provide a moment to reflect together and identify the key challenges that lie ahead.

- Share information and publications related to equal treatment.
- Develop improvement or innovation initiatives to help employees and management recognise forms of verbal and non-verbal violence, imaginary representations, power dynamics, social roles, and unconscious biases.
- Organise meetings that combine collective reflection with practical action.
- Promote equality in adult continuing education.
- Invest in prevention policies.
- Improve the collection and processing of statistical data on workplace violence and gender-based violence.
- Closely monitor support for victims and strengthen coordination in their care.
- Review and evaluate the company's support strategies in order to foster the development of an egalitarian workplace culture.







4

Useful **information**

4.1. Glossary of terms related to equality between women and men

Gender-equality policy relies on a set of concepts and terminology connected to different aspects of gender.

Sex refers to the biological differences between women and men. Gender, by contrast, refers to the social differences between women and men – differences that take shape over time and vary across eras and societies.

In this context, the various terms related to equality are presented below.

Positive Actions

Measures aimed at a specific group to eliminate, prevent, or compensate for disadvantages resulting from existing attitudes, behaviours, and structures.

Gender analysis

An examination of differences between women and men with regard to their conditions, needs, participation rates, access to resources and development, management of assets, decision-making power, and public image, in relation to the roles assigned to them because of their sex.

Diversity

Differences in values, attitudes, cultural backgrounds, beliefs, ethnic environments, sexual orientations, skills, knowledge, and experiences that characterise members of a group.

Equality between women and men / Gender equality

The principle of equal rights and equal treatment for women and men. This notion means, on the one hand, that every individual is free to develop their own abilities and make their own choices without being constrained by roles traditionally assigned to women or men, and on the other hand, that the different behaviours, aspirations, and needs of women and men are recognised, valued, and promoted on an equal footing.

Equal treatment between women and men

Ensuring the absence of discrimination based on sex, whether direct or indirect.

Equal Opportunities for Women and Men

The absence of barriers to economic, political, and social participation on the basis of sex.

Gender impact assessment

An assessment of the discriminatory consequences of proposed actions, aimed at introducing adjustments to ensure that discriminatory effects are neutralised and gender equality is promoted.

Gender

A concept referring to the social differences between women and men – differences that are learned, subject to change over time, and highly variable both within and across cultures.

Gender mainstreaming

The systematic integration of the conditions, priorities, and needs of women and men into all policies, with the aim of promoting activities based on equality between women and men. It involves making all policies and general measures contribute to equality, by actively and visibly considering, at the planning stage, their impact on the specific situation of women and men during implementation, monitoring, and evaluation

Intersex (Intersex person)

A person born with sex characteristics (genital, hormonal, gonadal, or chromosomal) that do not correspond to the typical binary definitions of female or male bodies as established by medicine. These are natural and healthy variations of human sex.

Sex

The biological characteristics that distinguish women and men.

Gender stereotypes

Preconceived ideas that arbitrarily assign specific and limited roles to women and men on the basis of their sex.

4.2. Legal framework for equality representatives (online)

Constitution of the Grand Duchy of Luxembourg



legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1



Labour Code



legilux.public.lu/eli/etat/leg/code/travail



Articles L. 241-1 and following: Equal treatment between women and men

Articles L. 242-1 à 242-3: Measures concerning the underrepresented sex

Articles L. 243-1 à 243-5: Positive Actions

Articles L. 245-1 à 245-8: Sexual harassment

Articles L. 251-1 à 254-1: Equal treatment in employment and work

Articles L. 411-1 and following: Staff delegations

Article L. 414-15: Equality representative

Criminal Code



legilux.public.lu/eli/etat/leg/code/penal

Articles 454 and 455

Convention télétravail



legilux.public.lu/eli/etat/leg/rgd/2021/01/22/a76

4.3. Directory of public institutions (online)

Centre for Equal Treatment



cet.lu/en

Chamber of Employees



csl.lu/en

Inspectorate of Labour and Mines



itm.public.lu/en

Official Journal of the Grand Duchy of Luxembourg



legilux.public.lu

Ministry for Gender Equality and Diversity



mega.public.lu

observatoire-egalite.lu

actionspositives.lu/en

4.4. Useful links³¹

Understanding Europe - Gender pay inequalities in Europe *



touteurope.eu/societe/les-inegalites-salariales-entre-les-femmes-et-les-hommes-en-europe/

Parental leave - Men are still missing from the picture *



touteurope.eu/economie-et-social/conge-parental-les-hommes-manquent-encore-a-l-appel/

Women's Rights - What progress has Europe made? *



touteurope.eu/societe/dossier-droits-des-femmes-quel-bilan-en-europe/

Eurobarometer - Gender inequalities in the European Union



europa.eu/eurobarometer/surveys/detail/2974

³¹ The links and publications marked with * are not available in English.

4.5. Useful publications³²



Practical Guide for the staff delegation – Stress at work, psychological harassment, aggression, burnout... act to prevent psychosocial risks

csf.lu

> section: **publications**



Guide pratique du délégué à la sécurité et à la santé – Sécurité et santé au travail *

csf.lu

> section: **publications**



Plan d'action national - Violences fondées sur le genre *

mega.public.lu

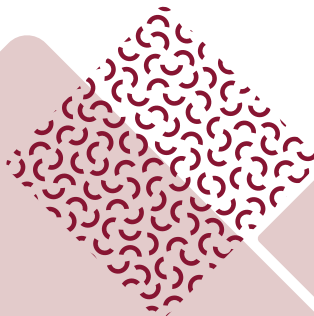
> section: **publications**



Plan d'action national pour une égalité entre les femmes et les hommes *

mega.public.lu

> section: **publications**



4.6. Positive Actions program

Legal basis

- **Art. L. 243-1 to L. 243-5 of the Labour Code**

- **Definition**

“Positive Actions refers to concrete measures providing specific advantages designed to facilitate the professional activity of the underrepresented sex or to prevent or compensate for disadvantages in their professional career.

The measures covered in this chapter include:

- 1. The implementation of a new work organisation.*
- 2. Concrete recruitment measures, either before and/or after hiring.*
- 3. Specialised training initiatives.*
- 4. Measures relating to career changes.*
- 5. Promotion measures.*
- 6. Actions supporting the access of the underrepresented sex to positions of responsibility and decision-making.*
- 7. Measures that promote better reconciliation of family and professional life.”*

Introduction

The Positive Actions program is a tool of the Ministry for Gender Equality and Diversity (MEGA) aimed at advancing gender equality in the workplace.

It offers companies support in developing and certifying good practices that promote equality between women and men.

Participation in the Positive Actions program is voluntary. MEGA provides guidance and financial support.

Any private-sector company in Luxembourg may apply to take part in the Positive Actions program, provided it employs at least 50 people³².

The 3 pillars of the program

The Positive Actions program is built on three thematic pillars aimed at promoting equality between women and men.

1. Equal treatment



- in recruitment;
- in wages;
- in qualification appreciation.

2. Equality in decision-making



- through professional promotion;
- in access to continuing training;
- in equal participation in decision-making.

3. Work-life balance equality



- after parental leave;
- in work organisation;
- for life balance and increased satisfaction at work .

³² Companies with fewer than 50 employees can use the guide developed for them by MEGA - actionspositives.lu/en/toolbox/

Procedure and timeline

The program takes place in 2 complementary phases..



Phase 1

Analysis and assessment

- Step 1: Submission of the application to participate
 - Step 2: Signing of the agreement
 - Step 3: Establishment of an internal working group (project team)
 - Step 4: Data collection and analysis (questionnaires, HR data, interviews)
 - Step 5: Preparation of the analytical report
 - Step 6: Presentation and discussion of the findings
-



Phase 2

Action plan and implementation

- Step 1: Development of the action plan based on the contracts
- Step 2: Validation of the action plan and issuance of ministerial approval
- Step 3: Implementation of the first measures
- Step 4: Evaluation of progress and certification of best practices
- Step 5: Awarding the trophy "Positive Actions"

STEP 1**Submission of the application to participate**

To begin, the company submits its application to MEGA, including:

- a motivation letter
- required documents: tax certificate, VAT certificate, social security certificate
- the self-assessment form (15 questions across 3 sections)



actionspositives.lu/wp-content/uploads/2022/08/Actions-Positives-OnBoarding-Auto-Evaluation-2022.pdf

The application file is then submitted for review to the Positive Actions Committee.

STEP 2**Signing of the agreement**

Once the application has been approved, an agreement is concluded between MEGA and the company. This agreement sets out the conditions of their collaboration.

The company commits to:

- carrying out a survey among all employees.
- assessing the pay structure using the software provided.
- supplying the quantitative data required for evaluation.
- developing an action plan based on the survey results.

An external consulting firm is appointed by MEGA to support the company throughout the project.

STEP 3

Establishment of an internal working group (project team)

The working group is composed of:

- management members
- the human resources department
- the company's equality representative
- external consultants

A MEGA representative joins the process at different stages. In parallel, MEGA provides a toolbox containing promotional material and self-assessment documents for the Positive Actions program, including a link to the LOGIB software used to analyse pay practices.



actionspositives.lu/en/toolbox

STEP 4

Data collection and analysis (questionnaires, HR data, interviews)

Taking part in the Positive Actions program always begins with an analysis of the company's situation, carried out together with the external consultant. This analytical work is funded by MEGA.

The aim is to establish a baseline assessment based on the program's three thematic pillars.

> Carrying out a company-wide employee survey:

- Anonymous
- Available online, on paper, or both
- Approximately 20 minutes to complete.

> Assessment of the Pay Structure:

- Access to the LOGIB software to analyse pay practices and the company's remuneration structure.

LOGIB enables companies to gain insight into their current pay structure and identify the causes of any pay inequalities.



actionspositives.lu/logib

This tool is intended primarily for private-sector companies with more than 50 employees.

Companies with fewer employees can use the dedicated guide developed by MEGA.

The guide "SMEs: Take action in favor of equality" provides practical advice on how to measure and ensure pay equality.



actionspositives.lu/en/toolbox

STEP 5**Preparation of the analytical report**

The consulting firm prepares a report based on:

- the quantitative and qualitative data gathered through the employee survey.
- the results of the data entered into the LOGIB software.
- interviews conducted within the working group.

This provides a clear picture of the company's current situation and helps identify strengths as well as areas for improvement, which will form the basis of the action plan.

The contents of the report are then presented to the working group, where the results are examined in detail.

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STEP 6

Presentation and discussion of the findings

The findings of the analysis will be presented to the working group, as well as to the MEGA, in a closed meeting.

→ Phase 2

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STEP 1

Development of the action plan based on the contracts

Based on the baseline assessment, the working group develops the company's individual action plan, using MEGA's standard template.

The action plan consists of seven measures organised around the three thematic pillars:

- Equal treatment
- Equality in decision-making
- Work-life balance

This generally means two actions per pillar, plus one additional action for the area that requires the most attention.

STEP 2

Validation of the action plan and issuance of ministerial approval

The action plan formalises the company's commitment to equality.

It is submitted to the Positive Actions Committee for review.

The Positive Actions Committee verifies:

- whether all certificates confirming compliance with legal requirements are in order (tax, social security, VAT).
- whether the company complies with labour law (Ministry of Labour) and establishment law (Ministry of the Economy).

Once the action plan has been approved, the company:

- receives ministerial approval.
- signs a subsidy agreement for the actions to be implemented.

The amount of the subsidy is determined on the basis of MEGA's overall budget for the Positive Actions program and the budget proposed by the company for the 7 actions.

The ministerial approval is valid for one year, during which the company commits to implementing all measures set out in the action plan.

STEP 3

Implementation of the first measures

During the implementation of the action plan, and throughout the 12-month period of validity of the approval, progress and achievements are documented and evaluated with a view to obtaining the label.

STEP 4

Evaluation of progress and certification of best practices

A progress report and a report on the budget used (based on MEGA's standard template) must be prepared every six months, supported by the relevant documentation.

STEP 5

PHASE 2

Awarding the trophy “Positive Actions”

Once the action plan has been fully implemented, a Positive Actions label is awarded to companies that have carried out their plan in its entirety as part of the program.

This label recognises the measures taken and the resources invested.

The trophies are presented by the Ministry of Gender Equality and Diversity during an official ceremony, highlighting the company's commitment. A ceremony is held every year.

Companies that have already obtained the label may now have the continuation of their commitments certified, starting from the third year after phase 2.

Benefits for companies and employees

Participating in the Positive Actions program:

- strengthens existing equality measures and action plans.
- helps identify unexplained gaps and ensures fairness.
- promotes greater gender balance at all levels.
- supports sustainable development commitments.
- contributes to talent retention and helps attract new talent.
- strengthens trust within teams and with external partners.
- has a positive impact on employee well-being.

The Positive Actions program encourages:

- exemplary measures and good practices.
- flexible working models that benefit everyone.
- openness to new ways of organising work.
- the development of continuing training.
- overcoming gender stereotypes in the workplace.

The Positive Actions program offers:

- communication tools that support better integration of women and men within the company.
- an in-depth analysis of the company's situation.
- measurement tools to identify areas for improvement and track progress.
- a regular process of self-evaluation.
- an internal company network.

Labelled companies

More than 120 companies have had their best practices recognized.



actionspositives.lu/en/winners



There is also a Positive Actions network that brings together Luxembourg private-sector companies that have taken part in MEGA's program.

Additional resources and links

Gender Equality and Diversity - A strategic issue for your business

- > Ministry brochure emphasizing gender equality.

Measure your pay structure

- > The Logib software is used by companies with over 50 employees to check gender equality in their pay structure.

Positive actions in a nutshell

- > The bilingual FR/EN brochure summarizes the program's highlights

The first 4 questions

- > Bilingual flyer FR/EN.

Start taking action!

- > 12 good practices for promoting equality between women and men at work, designed to help:
 - develop an action plan for workplace gender equality.
 - develop, formalise, and gain recognition for good practices across the three thematic pillars.



actionspositives.lu/en/toolbox/



National Action Plan for Equality between Women and Men

- > Presentation of the National Action Plan



mega.public.lu/fr/publications



Discover the role of equality representatives

- > The equality representative is a staff member who actively works to promote a fair and inclusive working environment for both women and men.



megadelegates.lu



Notes

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