

Evaluation of the relevant provisions of EU law implementing the Treaty principle on 'equal pay for equal work or work of equal value'

Fields marked with * are mandatory.

Public consultation on the Evaluation of the relevant provisions of EU law implementing the Treaty principle on 'equal pay for equal work or work of equal value'

Introduction

The [Gender Equality Recast Directive](#) requires Member States to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished. Besides, Member States have to introduce measures to enable persons who consider themselves wronged by a failure to apply the principle of equal treatment to pursue their claims by judicial process, possibly after recourse to other competent authorities. Therefore, effective, proportionate and dissuasive penalties for breaches of the obligations under the Directive must be provided by the Member States. The Directive also lays down rules to alleviate the burden of proof on claimants pursuing discrimination claims, including pay discrimination, and contains provisions regarding victimization, protecting persons lodging complaints from adverse treatment.

An [evaluation of the implementation of Gender Equality Recast Directive](#) carried out in 2013 showed that the main challenge is to implement the provisions of the Directive relating in particular to the enforcement and legal interpretation of the principle of 'equal pay for work of equal value'. It also demonstrated that the problem of gender pay inequalities is greater in the private sector, where there is generally more discretion in wage setting. These problems are confirmed by cases brought before the Court of Justice of the European Union, cases reported by the equality bodies and complaints submitted to the European Commission.

In order to raise awareness about the persistence of (unconscious) gender bias in pay and to incentivize companies to take initiatives to analyse and revise their pay structures, the [2014 Pay Transparency Recommendation](#) provided four core measures to improve pay transparency. Member States were encouraged to implement the most appropriate measures in view of their specific circumstances and include at least one of these core measures. However, the [2017 Implementation Report of the Recommendation](#) revealed very limited follow-up to the Recommendation: in a third of Member States, transparency-enhancing measures are still entirely absent. It also revealed that the current national transparency measures in place are insufficient and not effective on their own.

As a result, the Commission decided to launch a more in-depth evaluation of the existing EU legal provisions of the Gender Equality Recast Directive and Pay transparency recommendation implementing the Treaty principle on "equal pay for equal work and work of equal value" for women and men. The present public consultation is intended to feed into that assessment.

IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

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- Business association
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- Non-governmental organisation (NGO)
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If other, please specify:

* First name

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* Organisation name

255 character(s) maximum

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

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Please add your country of origin, or that of your organisation.

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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
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- American Samoa
- Andorra
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- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- Former Yugoslav Republic of Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago

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| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Poland | <input type="radio"/> Uruguay |
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| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Rwanda | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Yemen |
| <input type="radio"/> Czech Republic | <input type="radio"/> Lebanon | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Lucia | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Martin | |

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Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

Background documents:

1. [The Treaty on the Functioning of the European Union](#) (see Article 157);
2. [Directive 2006/54/EC](#) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters

of employment and occupation (recast);

3. [Commission Recommendation of 7 March 2014](#) on strengthening the principle of equal pay between men and women through transparency;

4. [Report from the Commission](#) to the European Parliament and the Council on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), COM(2013) 861 final;

5. [Report from the Commission](#) to the European Parliament, the Council and the European Economic and Social Committee on the implementation of Commission Recommendation on strengthening the principle of equal pay between men and women through transparency, COM(2017) 671 final

Consultation questions

I. General part

The principle of equal pay between women and men is enshrined in Article 157 of the Treaty on the Functioning of the European Union. In line with the Treaty, Gender Equality Recast Directive 2006/54/EC prohibits any direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration for the same work or work to which equal value is attributed. It requires that where a job classification system is used for determining pay, it should be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

In accordance with settled case-law of the Court of Justice of the EU, the notion of “pay” includes not only basic pay, but also, for example, overtime supplements, special bonuses paid by the employer, travel allowances, compensation for attending training courses and training facilities, termination payments in the case of dismissal and occupational pensions. Furthermore, in order to assess whether workers are performing the same work or work of equal value, it should be determined whether, having regard to a range of factors including the nature of the work and training and working conditions, those workers may be considered to be in a comparable situation.

Member States should ensure that all employment-related arrangements, including provisions in individual or collective agreements and contracts, internal company rules, rules governing independent professions and rules governing employees’ and employers’ organisations contradicting the principle of equal pay should be or may be declared null and void or may be amended.

1. Would you say that men and women are paid equally for the same work or work of equal value in your country?

- Yes
- Partially
- No
- Do not know

Comments, if any:

Women and men are not paid equally for the same work or work of equal value. There is a substantial and persistent gender pay gap across all EU Member States. Women in the EU earned on average over 16% less per hour than men 2017. There are considerable differences among Member States: the gender pay gap ranges from 5.2% in Romania to 25.3% in Estonia. The gender pay gap was 17.3% in ten years ago, which shows a slow pace of improvement. In some countries, such as Croatia and Malta, the gender pay gap has even risen.

Moreover, two thirds of the gender pay gap in the EU cannot be attributed to differences in average characteristics of working men and women, i.e., age, education, occupation, industry affiliation, part-time or temporary employment, job tenure, firm size, or employment in private versus public sector. This unexplained factor highlights:

- Women taking career breaks following childbirth.
- Discrimination in hiring, career progression and opportunities in the labour market.

The Directive on equal pay and subsequent Recast Directive, particularly article 4, has failed to close the gender pay gap, which has life-long consequences for women. The life-long consequences for women are evidenced by the gender pension gap. The pension gap in 2017 was 35.7% and more than 20% of older women are at risk of poverty or social exclusion in the EU (Eurostat, EU-SILC).

This is why concrete and binding measures needs to be introduced: EWL is calling for improved legislation; a 5-10% annual target to reduce the gender pay gap; address the current and prevent the future gender pension gap.

2. How effective do you consider that the implementation of the equal pay principle in your country is?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
In the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In associations and non-governmental organisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In academic / research funding and performing organisations, including universities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In the private sector, in particular:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large enterprises (from 250 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Medium-sized enterprises (50 to 249 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Small enterprises (10 to 49 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Microenterprises (less than 10 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

3. In your opinion, which of the following measures enshrined in the Gender Equality Recast Directive have been effective in your country in facilitating respect of equal pay rights for women and men?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know	No such measures in my country
Access to information on pay levels in the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to information on pay levels in the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforceable rules on equal pay for equal work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforceable rules on equal pay for work of equal value	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of gender-neutral job classification systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of gender-neutral job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recurrent analysis and review of pay structures at employer level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promotion of social dialogue between the social partners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

4. In your opinion, which of the following measures enshrined by the Gender Equality Recast Directive have been effective in your country in ensuring the protection of a worker claiming enforcement of his/her rights to equal pay?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know	No such measures in my country
In case of a legal claim by an employee, putting a duty on the employer to prove that there has been no breach of the principle of equal pay (burden of proof)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right to adequate compensation / reparation for victims of discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of employees lodging complaints against dismissal or other adverse treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effective, proportionate and dissuasive penalties for discrimination faced by employees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

Future amendments of the Recast Directive or new Directives on equal pay should contain an explicit and binding definition of “work of equal value”. The wording of such definition could be based on the case law of the Court of Justice, but should contain certain changes which appear necessary from the point of view of gender equality. Namely, such changes are necessary with regard to:

- the treatment of part-time work;
- the importance of formal professional qualifications as opposed to an emphasis on the work actually performed and;
- the importance of professional experience

Further consideration must be given to each of these elements in order to ensure that the outcome of “equal pay for work of equal value” results in equality between women and men.

With regards to part-time work, based on the assumption that most part-time workers whose working hours are only one-half or less of the 'normal' working hours are women, current case law is insufficient if "objective reasons" such as "encouragement of full-time work" [See for example, ECJ Judgment of 31 March 1981, Case 96/80 (Jenkins v. Kingsgate)], are allowed to be used to justify lower salaries and less promotional opportunities for part-time workers, as such criteria could maintain, perpetuate and even justify unequal treatment between women and men.

With regards to formal professional qualifications, their importance appears to be over-emphasised in relation to the importance of the tasks actually performed [See for example, ECJ Judgment of 11 May 1999, Case C 309/97 (Angestelltenbetriebsrat der Wiener Gebietskrankenkassen)].

With regards to professional experience, this could have negative implications for women because they are more likely than men to spend time out of the formal labour-market for the care of children, elderly and dependent family members, with the result that their professional experience is considered to be lower than that of men. In order to prevent wage discrimination based on professional experience particularly when such experience is not relevant, the burden of proof to show that professional experience has an impact on the value of the work should be shifted to the employer or to the party claiming that longer professional experience leads to added value for the work actually performed.

Based on the case law of the Court of Justice and taking the above points into consideration, work of 'equal value' could be defined as follows:

"Work shall be deemed of equal value if, based on a comparison of two groups of workers which have not been formed in an arbitrary manner, the work performed is comparable, taking into account factors such as the nature of the work actually performed, the working conditions, the responsibility conferred on the workers and the physical or mental requirements of the work. For the avoidance of doubt, the working hours shall not be a relevant factor. If professional experience is to be taken into account as one factor to determine if work is of equal value, the party claiming that such factor must be regarded shall bear the burden of proof to show that increased professional experience generally – and not only in specific cases – leads to added value for the work actually performed by the workers."

The issue of equal pay for 'work of equal value' across different sectors (cross industry) still needs to be addressed so that a broader interpretation can be applied to cover differences in pay for work which may not appear comparable from the outset but is performed in sectors that are highly gendered in practice. This often results in lower wages being attributed in sectors where women are highly concentrated, for example, the nursing or child care sector, compared to, for example, the manufacturing sector or technical professions in which men are highly concentrated. In this context, work of 'equal value' could be defined as follows:

"Work shall be deemed of equal value if, based on a comparison of two groups of workers which have not been formed in an arbitrary manner, the work performed is comparable, taking into account factors such the working conditions, the responsibility conferred on the workers and the physical or mental requirements of the work."

5. Would you agree/disagree with the following statements about the broader impact of the Gender Equality Recast Directive and EU Pay Transparency Recommendation?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
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There has been increased public debate about the need to ensure pay transparency	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There has been increased public debate about the need to introduce effective measures to ensure the implementation of equal pay for work of equal value	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There has been increasing attention by employers and trade unions to develop gender neutral job classification and job evaluation systems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The need for pay transparency has been increasingly taken into account in wider policy measures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The need to ensure equal pay for work of equal value has impacted policy actions more widely	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equality bodies have been empowered to play a more significant role in implementing the principle of equal pay for work of equal value by supporting enforcement (e.g. in providing guidance, receiving complaints, victim representation)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

There are significant disparities among Member States. As the evaluation report on the Transparency Recommendation revealed (2017), national transparency measures in place are insufficient and not effective on their own. Therefore, EWL is calling for more stringent measures in terms of transparency in wage composition.

Based on the case law of the Court of Justice, there is no legal impediment which would make it impossible for the Commission to lay down complex and detailed provisions in a Directive, thereby leaving merely a small or no margin of discretion for the Member States as to the transposition of such provisions into their national legislation. Consequently, the EWL strongly recommends that legally binding provisions are introduced, including mandatory pay audits.

6. Would you agree/disagree with the following statements about the national measures in your country facilitating respect of equal pay rights for women and men and protection of a worker claiming his/her rights?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
National measures made employers aware of (unconscious) gender bias in pay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

National measures made employees aware of gender pay gaps	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures allowed for comparisons of job content to find a comparator performing work of equal value even where one is not present in the same employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures triggered employers to analyse their pay structures and assess the extent of pay discrimination based on gender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures ensured that follow-up actions are taken by employers where unjustified gender gaps in pay have been revealed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures helped to ensure access to justice for victims of gender-based pay discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

7. Do you think that over the last 10 years progress has been made in your country in facilitating the enforcement of equal pay rights for women and men?

- Agree
- Somewhat agree
- Somewhat disagree
- Disagree
- Don't know

Comments or explanations, if any:

8. Do you think that over the last 10 years progress has been made in your country in ensuring the protection of workers claiming these rights (e.g. against dismissal or adverse treatment by employer)?

- Agree
- Somewhat agree
- Somewhat disagree
- Disagree
- Don't know

Comments or explanations, if any:

EWL member University Women of Europe (UWE) has filed a collective complaint under the European Social Charter, Council of Europe, for violation of equal pay for equal work, against the following states: Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Finland, France, Greece, Ireland, Italy, Netherlands, Portugal, Norway, Slovenia and Sweden.

The complain has been deemed admissible. For more information, please consult: <https://uweboard.wordpress.com/collective-complaint-equal-pay-for-equal-work/>

9. What are the obstacles to an effective implementation of the principle of equal pay for women and men?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
Lack of legal certainty of national equal pay rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of effective application of existing job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of capacity of enforcement bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limitations imposed by data protection rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Entrenched features of collective bargaining systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to small/medium-sized companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to the research organisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of effective compensation systems for victims	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of dissuasive penalties for employers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of awareness among employees of existing rights equal pay rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of awareness among employers of existing rights equal pay rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of capacity of the public administration to ensure a follow up action is taken by employers, even if unjustified gender gaps in pay have been revealed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

A gender neutral pay classification system is also necessary in order to achieve equal pay for women and men. Current pay classification systems tend to benefit the traditional work pattern, i.e. the male breadwinner model, and needs to be addressed.

II. Pay transparency

In 2014, the Commission, by adopting Recommendation 2014/124/EU on strengthening the principle of equal pay between men and women through transparency, suggested that every Member State adopt (or adapt) at least one out of four measures ensuring greater transparency of pay:

- employee's right to request information from his /her employer on pay levels, broken down by gender, for categories of employees doing the same work or work of equal value;
- employer's duty to report on wage structures by category of employee or position, broken down by gender;
- analytical gender pay audits in large companies; and
- inclusion of equal pay aspects in collective bargaining and collective agreements

10. How important do you find the below mentioned benefits of the pay transparency measures in your country?

	Very important	Rather Important	Rather unimportant	Not at all important	Do not know	No such measures in my country
The right for employees to request pay information enables employees to enforce their right to equal pay for work of equal value	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The employers' duty to provide and publish pay information helps to create an atmosphere of trust	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having access to pay information increases employees' motivation and productivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased employee motivation linking to greater pay transparency helps to reduce labour turnover	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased employee motivation linked to greater pay transparency increases companies' economy performance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greater pay transparency contributes to a better image of the employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greater pay transparency contributes towards the reduction of the gender pay gap	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

EWL proposes that the four aforementioned measures are mandatory. The current proposal falls short of enabling comparisons within sectors, across sectors and between countries making it difficult to measure the full impact of the Transparency Recommendation in its current form.

The aim of the questions below is to gather opinions on any possible impact on administrative burden, wages, and working environment resulting from the implementation of pay transparency measures.

11. How likely do you think the following risks might occur in case pay transparency measures are applied in your country?

	Very large extent	Rather large extent	Rather small extent	Not at all	Do not know	No such measures in my country
Increasing administrative burdens/costs for employers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing administrative burdens/costs for public authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing wage demands and /or labour costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disclosure of pay information leads to a hostile work environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limiting employers' freedom to negotiate wages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

12. In your country, do you think that the implementation of pay transparency measures has led to higher implementation costs compared to the benefits resulting from it?

Please consider both monetary and non-monetary costs for you or your organisation. Please provide explanations, facts and figures below.

- Yes
- No
- Do not know

Comments or explanations, if any:

III. Enforcement measures and protection of victims of gender-based pay discrimination

13. In your country, which enforcement measures are in place against employers in cases of proven pay discrimination based on gender? Which of them do you find dissuasive?

	Very dissuasive	Rather dissuasive	Rather not dissuasive	Not dissuasive	No such measures in my country
Monetary fines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disqualification from public procurement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disqualification from public benefits, subsidies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication of pay discrimination judgments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
“Naming and shaming” an employer guilty of gender-based pay discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

14. In your country, how important are the possible factors mentioned below which would influence a person’s decision to avoid seeking redress in case of alleged pay discrimination based on gender?

	Very important	Rather important	Rather unimportant	Not at all important	Do not know
Lack of knowledge on how/where to complain	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inadequate levels of compensation for victims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lengthy and costly litigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of support from professional bodies (e.g. equality bodies etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perception that no action will be taken to remedy a wrongdoing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Fear of professional consequences (e.g. lack of promotion, discontinuation of an employment contract)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Other, please specify:

15. Which of the following measures would encourage victims of gender-related pay discrimination to seek a redress in your country, and to what extent?

	Very large extent	Rather large extent	Rather small extent	Not at all	Do not know
Clear information and awareness-raising by the State (e.g. information campaigns) concerning the right to redress for victims of pay discrimination (including on advice, assistance, applicable procedures and costs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information for individuals about the possibility to be represented in the judicial and/or administrative procedure by the equality body.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Awareness of individuals that their claim is facilitated by the fact that it is up to the employer in a judicial procedure to prove that there was no breach of the principle of equal pay (burden of proof)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information on pay systems at company level (e.g. regarding the existence of a comparator performing work of equal value in the company /organisation)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information by employers to their employees on the right to compensation for victims of pay discrimination and on the internal procedures in place	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information and awareness-raising by trade unions concerning the right to redress for victims of pay discrimination	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

16. Do you think that the measures (legal or administrative) which exist in your country are sufficient to combat gender-related pay discrimination, or that there is a need for some further EU-level action on measures to address such discrimination?

- Existing measures at national level are sufficient

- Existing measures at EU level are sufficient
- Member States should enhance existing legislative measures
- EU should enhance existing legislative measures
- There is a need for further non-binding national measures
- There is a need for further non-binding EU measures
- There is a need for new legislative measures at national level
- There is a need for new legislative measures at EU level
- Do not know

Comments or explanations, if any:

EWL is proposing a set of six key measures for future EU action and legislation:

1) Amend to improve the current Directive on equal pay (article 4 of the Recast Directive):

- Convert the Recommendation on Transparency in Wage Composition to a legally binding measure.

- Introduce mandatory pay audits are incorporated and include rules on sanctions an in case of non-compliance.

- Introduce an explicit and binding definition of “work of equal value” around the following, see response with proposed definitions under question 4.

2) Support the collective complaint action of the University Women of Europe (UWE) to the Council of Europe on equal pay in breach of the Social Charter, which has been deemed applicable.

3) In the context of the European Semester:

- Issue country-specific-recommendation to each Member State for a 5-10% annual target to reduce the gender pay gap.

- Address the gender pension gap in the context of pension reforms, introduce “care credits” to take into account women's contribution to the economy and ensure that for present and future generations, care credits are also provided to men.

4) Strengthen collective bargaining.

5) Strengthen mechanisms for third party redress particularly through gender equality bodies.

6) Ensure policy coherence: European Pact on Gender Equality (2011-2020), the European Pillar of Social Rights (2017), the (future) EU Strategy on Gender Equality – post 2019.

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