

# Procedure file

Basic information	
INI - Own-initiative procedure	2014/2160(INI)
Procedure completed	
Application of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation	
See also Directive 2006/54/EC <a href="#">2004/0084(COD)</a>	
Subject	
4.10.04 Gender equality	
4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Women's Rights and Gender Equality	 <a href="#">ZÁBORSKÁ Anna</a>	29/09/2014
		Shadow rapporteur	
		 <a href="#">AYALA SENDER Inés</a>	
		 <a href="#">WIŚNIEWSKA Jadwiga</a>	
		 <a href="#">BEARDER Catherine</a>	
		 <a href="#">DELLI Karima</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Employment and Social Affairs	 <a href="#">BLINKEVIČIŪTĒ Vilija</a>	14/10/2014
	 Legal Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	<a href="#">Justice and Consumers</a>	JOUROVÁ Věra	

Key events			
06/12/2013	Non-legislative basic document published	COM(2013)0861	Summary
24/11/2014	Committee referral announced in Parliament		

16/06/2015	Vote in committee		
25/06/2015	Committee report tabled for plenary	<a href="#">A8-0213/2015</a>	Summary
08/10/2015	Results of vote in Parliament		
08/10/2015	Debate in Parliament		
08/10/2015	Decision by Parliament	<a href="#">T8-0351/2015</a>	Summary
08/10/2015	End of procedure in Parliament		

### Technical information

Procedure reference	2014/2160(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
	See also Directive 2006/54/EC <a href="#">2004/0084(COD)</a>
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	FEMM/8/01766

### Documentation gateway

Non-legislative basic document		COM(2013)0861	06/12/2013	EC	Summary
Committee draft report		<a href="#">PE549.388</a>	06/03/2015	EP	
Amendments tabled in committee		<a href="#">PE554.709</a>	15/04/2015	EP	
Committee opinion	<b>EMPL</b>	<a href="#">PE551.786</a>	01/06/2015	EP	
Committee report tabled for plenary, single reading		<a href="#">A8-0213/2015</a>	25/06/2015	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0351/2015</a>	08/10/2015	EP	Summary

## Application of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

**PURPOSE:** presentation of a report on the application of Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

**Objectives of the report:** this Directive consolidates and modernises the EU acquis in this area by merging previous Directives (Council Directive 75/117/EEC; Council Directive 76/207/EEC; Directive 2002/73/EC of the European Parliament and of the Council; Council Directive 86/378/EEC; Council Directive 96/97/EC; Council Directive 97/80/EC, Council Directive 98/52/EC) and introducing some novel features.

This report assesses Member States transposition of the Directives novel features and the effectiveness of its application and enforcement. The report noted that the European Parliament has consistently called for more action to enhance the application of the equal pay provisions at European level and adopted resolutions to that effect in [2008](#) and [2012](#).

The [Commission's Strategy for equality between women and men](#) (2010-2015) set out ways to implement the principle of equal pay more effectively in practice and actions to reduce the persistent gender pay gap. The Commission launched a study assessing options to strengthen the application of this principle, such as improving the implementation and enforcement of existing obligations and measures aimed at enhancing the transparency of pay.

This report includes a section that assesses how equal pay provisions are applied in practice. This report is accompanied by a Commission Staff Working Document that consists of four annexes:

- a section on gender-neutral job evaluation and classification systems;

- a summary of equal pay case law of the Court of Justice of the European Union ("CJEU");
- examples of the national case-law on equal pay;
- a description of the factors that cause the gender pay gap, the Commission's actions to tackle it and examples of national best practices.

Transposition of the Directive and infringement procedures: as a result of the Commissions conformity checks, questions were raised with 26 Member States on the conformity of their national legislation with the Directives novelties. In two Member States the transposition is sufficiently clear and compliant that no further information is required.

Some of the Directives elements come from previous Directives, which have been repealed as a result of the recasting exercise. Transposition of these older elements of the Directive was already monitored as part of conformity checks on the previous Directives, most recently [Directive 2002/73/EC](#). Initially, infringement proceedings on the basis of non-conformity with Directive 2002/73/EC were launched in 2006 against 23 Member States. All these proceedings apart from one have been closed, since the Member States have brought their national laws in conformity with EU law. The remaining case concerns the obligation to adequately protect the rights of employees on maternity, adoption or parental leave when they return to work. It was referred to the CJEU on 24 January 2013.

Overall assessment: Member States were only obliged to transpose the Directives novelties. In general, they do not seem to have used this opportunity to more comprehensively review their national systems to simplify and modernise equal treatment legislation. The Commissions services are currently asking detailed questions of 26 Member States concerning their transposition and implementation.

The future challenge for all Member States will be to move from correctly transposing the Directive into national law to ensuring full application and enforcement of the rights established by the Directive in practice.

The Directive introduced several important novelties that aim to make EU legislation in this area more coherent, to bring it into line with CJEU case law and, ultimately, to make the law more effective and accessible to practitioners and the general public.

With regard to the correct transposition of these novelties into national law, the Commissions services still have questions for most Member States. These remaining issues will be clarified as a matter of priority, if necessary through infringement proceedings.

Practical application of the Directive: the practical application of equal pay provisions in Member States seems to be one of the Directives most problematic areas. This is illustrated by the persistent gender pay gap, which could be caused in considerable part by pay discrimination and by the lack of challenges by individuals in national courts.

Member States should increase the effectiveness of the application of the equal pay principle and to tackle the persisting gender pay gap. The Commission will continue to comprehensively monitor the application of the equal pay principle. It will continue to put forward country-specific recommendations that address the causes of the gender pay gap during the annual European Semester exercise.

Towards a Commission initiative: the Commission is planning for 2014 to adopt a non-legislative initiative aiming to promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap. This initiative is likely to focus on wage transparency.

## Application of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

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The Committee on Womens Rights and Gender Equality adopted an own-initiative report by Anna ZÁBORSKÁ (EPP, SK) 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.

To recall, the principle of equal pay had been enshrined in the Treaties since the very beginning in 1957, and incorporated in the recast [Directive 2006/54/EC](#). However, despite the significant body of legislation in force for almost 40 years, progress in this area was extremely slow and the gender pay gap still existed, standing at an average of 16.4 % across the EU, but with significant differences between Member States. Limited progress had been made with regard to womens employment rates and the level of occupational and sectorial segregation of women and men into different types of jobs remained relatively high.

Against this background, the report called on the Commission to identify the weak points of Directive 2006/15/EC and to prepare, as a matter of urgency, the legislative proposal that would replace it, including in that proposal more effective means of supervising the implementation and enforcement of the Directive in Member States. This had already been called for by Parliament, in particular in its [resolution of 24 May 2012](#), which contained specific and clear recommendations; on application of the principle of equal pay for male and female workers for equal work or work of equal value.

Equal pay: recalling that in line with the case law of the Court of Justice of the European Union, the value of work should be assessed and compared based on objective criteria, Members stressed the need for:

- clear harmonised definitions, for comparison at EU level, of terms such as gender pay gap, gender pension gap, remuneration, direct and indirect pay discrimination, and, especially, work treated as equal and work of the same value;
- mapping the application of the existing job evaluation and classification systems, which varied considerably: the Commission should introduce guidelines for specific measures such as the proportional representation of women and men on evaluation committees, the development of gender-neutral job descriptions and of weighting grids, and the definition of clear criteria for assessing the value of work; these systems should preferably be based on collective bargaining.

The Commission should include in its new legislative proposal the measures mentioned in the [2014 Commission recommendations on pay transparency](#), the gender pay gap, and equality bodies powers. For their part, Member States should exert pressure on unequal pay practices and to promote wage transparency.

Equal treatment: the report emphasised the importance of combating indirect discrimination in pension schemes, not only in occupational schemes but also in the practices of statutory pension schemes.

Member States and the Commission were called upon to:

- safeguard their maternity entitlements and to take measures to prevent the unfair dismissal of employees during pregnancy and when returning to work after maternity leave; the Council was called on to finally adopt a common position on the [Maternity Leave Directive](#);
- take measures to fight against all forms of multiple discrimination, and ensure the application of the principle of non-discrimination and equality on the labour market and in access to work ;
- adopt social protection measures to ensure that womens pay and welfare entitlements, including pensions, are equal to those of men with the same or similar experience doing the same job or a job of equal value;
- propose clear measures to combat sexual harassment at the workplace more efficiently and to address discrimination in the area of employment on the grounds of sex characteristics and closely monitor the effectiveness of national complaint bodies and procedures;
- improve access to justice in this field by : (i) give independent equality bodies the power to provide assistance to victims of discrimination, including free legal aid, as well as the right to represent individuals in cases of pay discrimination; (ii) introducing confidential reporting system;
- take measures to ensure access to lifelong learning for women.

Social dialogue: the Commission and Member were asked to:

- encourage social partners (trade unions and employers), civil society and gender equality bodies to promote the monitoring of equality practices in the workplace, including flexible working arrangements, with the aim of facilitating the reconciliation of work and private life; other instruments such as codes of conduct, research, and exchanges of experience and good practice should be encouraged;
- step up significant awareness- raising measures as regards the rights of the victims of discrimination on the grounds of sex;
- raise public awareness relating to equal pay and the pension gap, and establish a European Year for combating the gender pay gap.

Amongst other recommendations, Members reiterated their call on Member States to enforce Directive 2006/54/EC consistently, and to encourage the social partners and NGOs to play a more active role in fostering equal treatment, including by means of action plans to address any gender pay inequalities, with concrete actions and outcome monitoring at company, sectoral, national and EU level.

Member States were called upon to:

- make it obligatory through their national legal systems for companies to implement annual corporate plans on gender equality and the right of both men and women to care for family members, as well as to guarantee a balanced gender representation on their management boards;
- take the necessary measures to ensure that victims of unequal treatment and discrimination were entitled to proportionate compensation in accordance with the legal provisions in force.

The Commission was asked to introduce in the new directive mandatory pay audits for companies listed on stock exchanges in the EU Member States.

Lastly, the report emphasised the importance of taking positive measures that fostered the involvement of women in political and economic decision-making, and the need to increase efforts at national and EU level to combat the persistence of stereotypes, through awareness-raising campaigns aimed at all levels of society.

## Application of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

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The European Parliament adopted by 344 votes to 156, with 48 abstentions, a resolution 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.

Persistent inequalities: the principle of equal pay had been enshrined in the Treaties since the very beginning in 1957. It is incorporated in the recast [Directive 2006/54/EC](#). However, despite the significant body of legislation in force for almost 40 years, progress in this area was extremely slow and the gender pay gap still exists, standing at an average of 16.4% across the EU, but with significant differences between Member States.

Limited progress had been made with regard to womens employment rates and the level of occupational and sectorial segregation of women and men into different types of jobs remained relatively high. In 2014, the proportion of women in senior management posts in companies operating in the EU was still below 18%.

Parliament notes that if, in general, Member States have brought their national laws into line with EU law, simply transposing correctly the provisions of the 'recast Directive' into national law has proved insufficient for achieving the full application and effective enforcement of these provisions.

Against this background, Parliament called on the Commission to identify the weak points of Directive 2006/15/EC and to prepare, as a matter of urgency, the legislative proposal that would replace it, including in that proposal more effective means of supervising the implementation and enforcement of the Directive in Member States. This had already been called for by Parliament, in particular in its [resolution of 24 May 2012](#), which contained specific and clear recommendations; on application of the principle of equal pay for male and female workers for equal work or work of equal value.

Equal pay: recalling that in line with the case law of the Court of Justice of the European Union, the value of work should be assessed and compared based on objective criteria, Members stressed the need for:

- clear harmonised definitions, for comparison at EU level, of terms such as gender pay gap, gender pension gap, remuneration, direct and indirect pay discrimination, and, especially, work treated as equal and work of the same value;
- mapping the application of the existing job evaluation and classification systems, which varied considerably: the Commission should introduce guidelines for specific measures such as the proportional representation of women and men on evaluation committees, the development of gender-neutral job descriptions and of weighting grids, and the definition of clear criteria for assessing the value of work; these systems should preferably be based on collective bargaining.

The Commission should include in its new legislative proposal the measures mentioned in the [2014 Commission recommendations on pay transparency](#), the gender pay gap, and equality bodies powers. For their part, Member States should exert pressure on unequal pay practices and to promote wage transparency.

Equal treatment: the report emphasised the importance of combating indirect discrimination in pension schemes, not only in occupational schemes but also in the practices of statutory pension schemes.

Member States and the Commission were called upon to:

- examine the impact of the shift from statutory state pensions towards occupational and private schemes on the gender pension gap;
- safeguard their maternity entitlements and to take measures to prevent the unfair dismissal of employees during pregnancy and when returning to work after maternity leave; the Council was called on to finally adopt a common position on the [Maternity Leave Directive](#);
- take measures to fight against all forms of multiple discrimination, and ensure the application of the principle of non-discrimination and equality on the labour market and in access to work ;
- adopt social protection measures to ensure that womens pay and welfare entitlements, including pensions, are equal to those of men with the same or similar experience doing the same job or a job of equal value;
- propose clear measures to combat sexual harassment at the workplace more efficiently and to address discrimination in the area of employment on the grounds of sex characteristics and closely monitor the effectiveness of national complaint bodies and procedures;
- improve access to justice in this field by: (i) give independent equality bodies the power to provide assistance to victims of discrimination, including free legal aid, as well as the right to represent individuals in cases of pay discrimination; (ii) introducing confidential reporting system;
- take measures to ensure access to lifelong learning for women.

Social dialogue: equality bodies should have the competences and adequate resources and personnel to monitor and report effectively and independently on the legislation which promotes equality between women and men. The Commission and Member States were asked to:

- encourage social partners (trade unions and employers), civil society and gender equality bodies to promote the monitoring of equality practices in the workplace, including flexible working arrangements, with the aim of facilitating the reconciliation of work and private life; other instruments such as codes of conduct, research, and exchanges of experience and good practice should be encouraged;
- step up significant awareness- raising measures as regards the rights of the victims of discrimination on the grounds of sex;
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Amongst other recommendations, Members reiterated their call on Member States to enforce Directive 2006/54/EC consistently, and to encourage the social partners and NGOs to play a more active role in fostering equal treatment, including by means of action plans to address any gender pay inequalities, with concrete actions and outcome monitoring at company, sectoral, national and EU level.

Member States were called upon to:

- make it obligatory through their national legal systems for companies to implement annual corporate plans on gender equality and the right of both men and women to care for family members;
- guarantee a balanced gender representation on their management boards;
- take the necessary measures to ensure that victims of unequal treatment and discrimination were entitled to proportionate compensation in accordance with the legal provisions in force.

The Commission was asked to introduce in the new directive mandatory pay audits for companies listed on stock exchanges in the EU Member States.

Lastly, the resolution emphasised the importance of taking positive measures that fostered the involvement of women in political and economic decision-making, and the need to increase efforts at national and EU level to combat the persistence of stereotypes, through awareness-raising campaigns aimed at all levels of society.