















Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2021/0050(COD) Directive</p>	Awaiting Council's 1st reading position
<p>Equal pay for equal work between men and women (pay transparency and enforcement mechanisms)</p>	
<p>Subject 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all</p> <p>Legislative priorities Joint Declaration 2021 Joint Declaration 2022</p>	

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 Women's Rights and Gender Equality		
	 Employment and Social Affairs		07/06/2021
		 RAFAELA Samira	07/06/2021
		 PETER-HANSEN Kira Marie	
		Shadow rapporteur	
		 PIETIKÄINEN Sirpa	
		 WALSH Maria	
		 ANGEL Marc	
		 REGNER Evelyn	
		 BRUNET Sylvie	
		 REINTKE Terry	
		 ANDERSON Christine	
		 LIZZI Elena	
		 DE LA PISA CARRIÓN Margarita	
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[MODIG Silvia](#)



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Council of the European Union
European Commission

Commission DG

[Justice and Consumers](#)

Commissioner

DALLI Helena

European Economic and
Social Committee

Key events

04/03/2021	Legislative proposal published	COM(2021)0093	Summary
11/03/2021	Committee referral announced in Parliament, 1st reading		
10/06/2021	Referral to joint committee announced in Parliament		
17/03/2022	Vote in committee, 1st reading		
17/03/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
22/03/2022	Committee report tabled for plenary, 1st reading	A9-0056/2022	Summary
23/03/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
05/04/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
25/01/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE740.543 GEDA/A/(2023)000029	
30/03/2023	Debate in Parliament		
30/03/2023	Decision by Parliament, 1st reading	T9-0091/2023	

Technical information

Procedure reference	2021/0050(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 58; Treaty on the Functioning of the EU TFEU 157-p3
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	CJ21/9/06231

Documentation gateway

Legislative proposal		COM(2021)0093	04/03/2021	EC	Summary
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Document attached to the procedure		SEC(2021)0101	04/03/2021	EC	
Document attached to the procedure		SWD(2021)0041	04/03/2021	EC	
Document attached to the procedure		SWD(2021)0042	04/03/2021	EC	
Committee draft report		PE693.798	02/09/2021	EP	
Amendments tabled in committee		PE699.041	20/10/2021	EP	
Amendments tabled in committee		PE699.048	20/10/2021	EP	
Amendments tabled in committee		PE699.049	20/10/2021	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0056/2022	22/03/2022	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)000029	21/12/2022	CSL	
Text agreed during interinstitutional negotiations		PE740.543	21/12/2022	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0091/2023	30/03/2023	EP	

Additional information		
Research document	Briefing	21/02/2022

Equal pay for equal work between men and women (pay transparency and enforcement mechanisms)

PURPOSE: to establish minimum requirements to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanism.

PURPOSE: to set up a European Partnership on Metrology jointly undertaken by several Member States.

PROPOSED ACT: Decision of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Articles 2 and 3(3) of the Treaty on European Union enshrine the right to equality between women and men as one of the core values and tasks of the Union. The European pillar of social rights, jointly proclaimed by the European Parliament, the Council and the Commission, includes among its principles equal treatment of women and men and the right to equal pay for work of equal value.

Despite [Directive 2006/54/EC](#), supplemented in 2014 by a Commission [Recommendation](#) on pay transparency, the effective implementation of the principle of equal pay remains problematic in practice in the EU.

The gender pay gap in the EU remains at around 14%. The COVID-19 pandemic and its economic and social consequences on female workers make it even more urgent to address this issue.

The European Parliament has repeatedly called for more action at EU level to improve the implementation of equal pay provisions. The Council has called on both the Member States and the Commission to act. Following the evaluation of the existing framework on equal pay for equal work or work of equal value, [the gender equality strategy 2020-2025](#) announced binding measures on pay transparency.

CONTENT: the proposed directive aims to address the persistent inadequacy in the application of the fundamental right to equal pay and to ensure that this right is respected throughout the EU, by setting standards for pay transparency to enable workers to assert their right to equal pay. Member States could provide for a higher level of protection than that guaranteed by the Directive.

Same work and work of equal value

The proposal requires Member States to establish tools or methodologies to assess and compare the value of work in line with a set of objective criteria which include educational, professional and training requirements, skills, effort and responsibility, work undertaken and the nature of the tasks involved.

The availability of clear criteria at national level will help workers to establish a valid comparator and assess whether they are treated less favourably than the comparator performing the same work or work of equal value.

Pay transparency

The proposal:

- requires employers to provide, prior to the job interview, information on the initial pay level or a corresponding range (based on objective and

gender-neutral criteria) to be paid to the future worker in relation to a specific position or job. Employers would not have the right to ask applicants about their pay history in their former employment relationship;

- requires employers to make available to workers a description of the gender-neutral criteria used to define their pay and career progression;
- gives workers the right to ask their employer for information on their individual pay level and on average pay levels, broken down by sex, for categories of workers performing the same work or work of equal value;
- requires employers with at least 250 workers to make publicly accessible certain information, such as the pay gap between female and male workers in their organisation. On the basis of the information provided, employees and their representatives would have the right to ask the employer for clarification of this information;
- obliges the employers concerned to carry out a pay assessment in cooperation with employee representatives where the pay information indicates a gender pay gap of at least 5%, which the employer cannot justify on the basis of objective and gender-neutral factors.

Better access to justice for victims of pay discrimination

With regard to redress and enforcement, the proposal:

- requires Member States to ensure that judicial procedures are available to enforce the rights and obligations under the Directive;
- introduces the right for equality bodies and workers representatives or other legal entities to act on behalf or in support of a worker, and for them to bring collective claims to court;
- obliges Member States to ensure that any worker who is a victim of sex discrimination in pay can obtain full compensation for the harm caused;
- increases the burden of proof on the employer: the employer, not the worker, should prove the absence of discrimination in relation to pay;
- provides that the limitation period for bringing a claim under the proposed Directive should be at least three years;
- requires Member States to establish specific penalties for infringements of the equal pay rule, including minimum fines.

Equal pay for equal work between men and women (pay transparency and enforcement mechanisms)

The Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality jointly adopted a report by Kira Marie PETER-HANSEN (Greens/EFA, DK) and Samira RAFAELA (Renew Europe, NL) on the proposal for a directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

The principle of equal pay is laid down in Article 157 TFEU. However, across the European Union, the gender pay gap persists and stands at around 14%, with significant variations among member states; it has decreased only minimally over the last ten years.

Moreover, the economic and social consequences of the COVID-19 pandemic are having a disproportionate impact on women and gender equality, and job losses have been concentrated in low-paid, female-dominated sectors. The effects of the COVID-19 pandemic will therefore further widen gender inequalities and the gender pay gap unless the recovery response is gender sensitive. Those consequences have made it even more pressing to tackle the issue of equal pay for equal work or work of equal value.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows:

Equal work and work of equal value

The amended text proposed that Member States should, in cooperation with the social partners, take the necessary measures, after consulting the equality bodies, to ensure that employers have pay structures in place ensuring equal pay for equal work or work of equal value, without discrimination based on grounds of sex, gender, gender identity, gender expression or sex characteristics.

Pay transparency prior to employment

Employers should ensure that vacancy notices, job titles and recruitment processes are gender neutral and that the information is provided in a manner accessible to workers with disabilities, upon request, in accordance with harmonised legal acts of the Union on accessibility.

Right to information

The amended text called for workers and their workers representatives to have the right to receive clear and complete information on their individual pay level and the average pay levels, broken down by gender, for categories of workers performing the same work as them or work of equal value to theirs, as well as the gender pay gap and median gender pay gap between of workers employed by the same employer, but not more frequently than twice a year and provided that that information has not already been communicated to them through their workers' representatives.

Disclosure of pay information

Workers should not be prevented from disclosing their pay. To this end, Member States should put in place measures to prohibit contractual clauses preventing workers from disclosing information about their pay.

Labelling

The text proposes the Commission should create an official label for all employers who do not have a gender pay gap based on the information received by the monitoring bodies on the gender pay gap and median gender pay gap.

Reporting on pay gap between female and male workers

Members demand that EU companies with at least 50 employees (instead of 250 as originally proposed) be required to disclose information that makes it easier for those working for the same employer to compare salaries and expose any existing gender pay gap within the organisation.

If the pay reporting shows a gender pay gap of at least 2.5% (versus 5% in the initial proposal), Member States would need to ensure that employers, in cooperation with their workers representatives, conduct a joint pay assessment and develop a gender action plan.

Monitoring and awareness-raising

Member States should ensure that the tasks of the monitoring body include the following: (i) raise awareness among public and private undertakings and organisations, social partners and the general public to promote the principle of equal pay and the right to pay transparency; (ii) devise tools and guidance to help analyse and assess pay inequalities in order to tackle discrimination, including the causes of the gender pay gap; (iii) aggregate data received from employers and publish this data in an accessible and user-friendly manner.

Union Pay Equality Plans

A new article has been introduced concerning pay equality plans created by the Commission setting out the priorities and targets to fill in concrete measures and corrective actions based on data on labour market segregation and the biases in equal pay for equal work or work of equal value in the Union and the single market. The Union Pay Equality Plan should be presented for a five-year period.

Transparency				
RAFAELA Samira	Rapporteur	FEMM	13/12/2022	Vereniging VNO-NCW
WALSH Maria	Shadow rapporteur	EMPL	07/12/2022	European Women's Lobby
PETER-HANSEN Kira Marie	Rapporteur	EMPL	22/11/2022	Swedish perm rep
PETER-HANSEN Kira Marie	Rapporteur	EMPL	17/11/2022	Ligestillingskomiteen
PETER-HANSEN Kira Marie	Rapporteur	EMPL	25/10/2022	FH Følgegruppe
PETER-HANSEN Kira Marie	Rapporteur	EMPL	05/07/2022	Latvian government
PETER-HANSEN Kira Marie	Rapporteur	EMPL	05/07/2022	ETUC
RAFAELA Samira	Rapporteur	FEMM	17/06/2022	European Confederation of Independent Trade Unions
PETER-HANSEN Kira Marie	Rapporteur	EMPL	14/06/2022	Norges Arbejdsminister
RAFAELA Samira	Rapporteur	FEMM	30/05/2022	Vereniging VNO-NCW
FRANSSEN Cindy	Member	19/12/2022	Vrouw & Maatschappij	
JONGERIUS Agnes	Member	14/11/2022	TU Eindhoven	
JONGERIUS Agnes	Member	05/07/2022	ETUC	
JONGERIUS Agnes	Member	04/04/2022	ETUC	
BISCHOFF Gabriele	Member	16/02/2022	Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.	
REGNER Evelyn	Member	28/01/2022	Arbeiterkammer AK EUROPA	

REGNER Evelyn	Member	28/01/2022	ÖGB Austrian Trade Union
JONGERIUS Agnes	Member	08/09/2021	Ministry of Social Affairs of the Netherlands