

AMENDMENT 98

by Hiltrud Breyer and Jillian Evans, on behalf of the Verts/ALE Group

Report**A6-0176/2005****Angelika Niebler**

Equal opportunities in employment and work

Proposal for a directive (COM(2004)0279 – C6-0037/2004 – 2004/0084(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 98

Article 22, paragraph 4, subparagraph 2

Such information may include statistics on proportions of men and women at different levels of the organisation and possible measures to improve the situation in cooperation with employees' representatives.

Such information may include statistics on proportions of men and women at different levels of the organisation, ***their relative pay***, and possible measures to improve the situation in cooperation with employees' representatives.

Or. en

Justification

A key issue for the EU and Member States is the continuing pay gap between men and women. Recent Commission reports show that, despite legislation promoting equal treatment, discrimination is still prevalent in the work place. The first step in seeking to close the pay gap is to identify where pay inequality exists. One of the fundamental problems in addressing the pay gap is that a significant proportion of employers have not carried out pay reviews and so do not have information about the relative pay of men and women within their organisation. Without that information they cannot begin to address the pay inequality within their organisation in a systematic way. The amendment seeks to address this and offers a first step towards tackling pay inequality in a systematic way with the workforce and their representatives - a more effective means than individuals taking equal pay cases.

AMENDMENT 99

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Article 8, paragraph 1, points (j) and (k)

(j) setting different levels for employers' contributions, *except:*

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*(i) in the case of defined-contribution schemes if the aim is to equalise the amount of the final benefits or to make them more nearly equal for both sexes,**(ii) in the case of funded defined-benefit schemes where the employer's contributions are intended to ensure the adequacy of the funds necessary to cover the cost of the benefits defined;*(k) laying down different *standards* or *standards* applicable only to workers of a specified sex, *except as provided for in points (h), (i) and (j), as regards the guarantee or retention of entitlement to deferred benefits* when a worker leaves a scheme.(k) laying down different *provisions* or *provisions* applicable only to workers of a specified sex when a worker leaves a scheme.

Or. en

*Justification**It seems questionable whether it is compatible with Article 141 section 1 EC Treaty to allow for higher contributions or lower benefits on the basis of sex in occupational social security schemes as Article 6 lit. h of Directive 86/378/EEC as amended by Directive 96/97/EEC*

provides for and is taken up by Article 8 section 1 lit. h of the revision, since this allowance has only been used to the detriment of female employees.

The problem of justification of unequal treatment on the basis of sex by actuarial calculations does not only exist with respect to matters of employment and occupation. Accordingly, the Commission comments on the discussed proposal for a directive on Article 13 EC Treaty that this custom is incompatible with stipulations of community law. It would not be justified to leave the impression in a proposal for a directive for employers and financial services that higher contributions or lower benefits on the basis of sex would be permitted in occupational social security schemes on the basis of Article 141 section 1 EC Treaty. The exemption from Article 141 section 1 EC Treaty as it is currently provided for in Article 6 lit. h of directive 96/97/EEC is incompatible with the principle of equal pay for men and women as derived directly from the EC Treaty. Such exemption should not be repeated in the new directive.

The proposed amendments to Article 8 section 1 lit. j and k are the consequence of this.