



31.10.2018

NOTICE TO MEMBERS

Subject: Petition No 0189/2018 by S. B. P (Spanish), on behalf of the European Platform for Consumers and the Environment, on the gender pay gap

1. Summary of petition

The petition concerns the gender pay gap and the petitioner calls for equal pay for equal work. The petitioner says that the European Platform for Consumers and the Environment has received complaints and petitions from consumers about the pay gap and she alleges that it exists in Member States throughout the European Union. She points out that the gender pay gap violates the principle of non-discrimination, enshrined in article 14 of the Spanish Constitution. She calls upon the Parliament to pass a regulation to end the pay gap in the EU and suggests how to achieve this. The suggestion is that companies, as a measure of transparency, should input data on employees' details, such as their salaries and their role in the work place, on the "commercial register." This already lists registered companies and has information on their current accounts. In the event that there are differences in salary for the same role, the commercial register could issue a record of this and send it to a labour inspection service. The labour inspection could establish annual plans to verify the data and decide what disciplinary action to take against businesses who violate the equal pay for equal work principle.

2. Admissibility

Declared admissible on 11 July 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 October 2018

The Commission's observations

Pay discrimination is forbidden under EU Law. According to Article 157 of the Treaty on the Functioning of the European Union, each Member State shall ensure that the principle of

equal pay for male and female workers for equal work, or work of equal value, is applied. For the purpose of that provision, "pay" means the ordinary basic or minimum wage or salary, and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer. This general principle is further developed by Directive 2006/54/EC. More specifically, Article 4 of the Directive establishes that for the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated. In particular, where a job classification system is used for determining pay, it must be based on the same criteria for both men and women, and so drawn up as to exclude any discrimination on grounds of sex.

Despite this legislative framework, the gender pay gap in the EU still averages around 16%. Closing the gender pay gap remains a major objective to achieve gender equality and it is a political priority for the Commission. This is why the Commission adopted the Communication "EU Action Plan 2017-2019. Tackling the gender pay gap"¹, which presents several policy measures to reduce this gap. As explained in this Plan, the causes of the gender pay gap are complex. These include pervasive segregation on the labour market, persistent stereotypes fuelled by inadequate work-life balance policies and pay discrimination, supported by a lack of transparency. With regard to the lack of transparency, the Commission is evaluating the EU's legislative framework on equal pay, considering in particular the need for and possibility of making some or all of the measures on pay transparency foreseen in the 2014 Pay Transparency Recommendation² binding, such as entitlement of employees to request information on pay levels, regular reporting by employers of wages by category of employee or position, and clarification of the notion of work of equal value. However, it should be noted that pay transparency on its own is unlikely to abolish the gender pay gap, as it is only one element among others at the basis of the pay gap.

Conclusion

Closing the gender pay gap is a major objective to achieve gender equality and it is a political priority for the Commission. To close this gap the EU is using a combination of legislative and non-legislative measures. Pay discrimination, as one of the causes of the gender pay gap, is forbidden under EU Law. The Commission Recommendation of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency invites Member States to tackle pay transparency. In addition, the Communication of the Commission "EU Action Plan 2017-2019. Tackling the gender pay gap" presents several policy measures to reduce the gender pay gap, addressing the different factors which explain this gap, including pay discrimination, but also segregation on the labour market, gender stereotypes and inadequate work-life balance policies.

¹ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee: EU Action Plan 2017-2019. Tackling the gender pay gap, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0678>.

² Commission Recommendation of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014H0124>