

# 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

2014/2160(INI) - 25/06/2015 - Committee report tabled for plenary, single reading

The Committee on Women's 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 women's 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 women's 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.