

# The Gender Pay Transparency Directive

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ETF WOMEN'S CONFERENCE  
20 October 2021

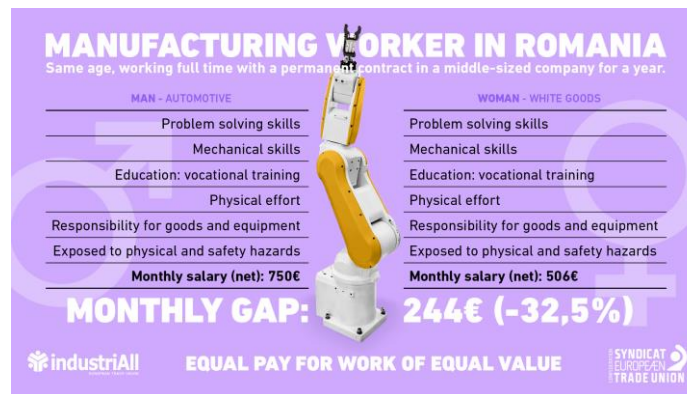
# How it started...



**EUROPEAN TRADE UNION** @etuc\_ces

Year gender pay gap will end based on the rate of change since 2010:

- 2027
- 2028
- 2031
- 2034
- 2046
- 2050
- 2051
- 2052
- 2058
- 2061
- 2074
- 2097
- 2104
- 2121
- +1000 years



# ETUC assessment of the Directive

- Good principles but inadequate tools to make it work in practice.
- Two steps forward, one step back.

## In particular the Directive

- Limits the pay audits and action plans to organisations with over 250 employees
- Allows employers to define which jobs can be compared when it comes to equal pay for work of equal value
- Refers throughout the Directive to ‘workers representatives’ instead of trade unions which would open the door to fake unions set up by bosses, and even ‘workers representatives’ chosen by bosses.

# Resolution adopted by the ETUC ExCO

## 22 March 2021

- ▶ Key priority 1: Guarantee that trade unions can be involved in job evaluation and guarantee the right of trade unions to bargain to close the pay gap.
- ▶ Key priority 2: All companies regardless of their size should make reports and joint assessments.
- ▶ Key priority 3: Remove the restrictions on pay transparency.
- ▶ Key priority 4: Strengthen enforcement provisions.
- ▶ **Establishment of a Working Group that meets every two weeks.**

## In addition...

- ▶ Strengthening the role of trade unions and ensuring the right of women workers to choose their representatives.
- ▶ Making sure that women workers are not left to themselves, alone up against the employer when it comes to receiving information and enforcing the provisions laid down in the Directive.
- ▶ Fine-tuning the “tools and methodologies” for gender-neutral job evaluation schemes & making sure that invisibilized characteristics of jobs predominantly done by women are taken into account.

How it's going...

ETUC action: Equal pay needs trade unions!







**ETUC action: Equal pay needs trade unions!  
18 June 2021, Brussels**



# Equal pay needs trade unions. Sign the pledge!

**EQUAL PAY NEEDS  
TRADE UNIONS.**

**SIGN THE PLEDGE!**

BY SIGNING THIS PLEDGE, I COMMIT TO USE MY MANDATE AS MEMBER OF THE EUROPEAN PARLIAMENT TO ENSURE THAT ALL WORKERS CAN JOIN A UNION AND BARGAIN FOR EQUAL PAY AND THAT EMPLOYERS WILL BE REQUIRED TO RESPECT THIS FUNDAMENTAL RIGHT.

I, ....., PLEDGE TO AMEND THE PROPOSAL FOR A GENDER PAY TRANSPARENCY DIRECTIVE AND GUARANTEE THAT ALL WORKERS CAN JOIN A UNION AND COLLECTIVELY BARGAIN FOR EQUAL PAY.

.....  
SIGNATURE



Kira M. Peter-Hansen  
@Kira\_MPH

Alle skal have ret til at være medlem af en fagforening og f.eks. forhandle om ligeløn – og rettighederne skal respekteres 🙌

Derfor skriver jeg i dag under på den europæiske fagforeningsorganisation, ETUCs erklæring om, at fagforeninger er nødvendige for ligeløn! #eudk #dkpol

[Translate Tweet](#)



EUROPEAN TRADE UNION @etuc\_ces · Jun 21

Thank you @Kira\_MPH for signing the

#EqualPayNeedsTradeUnions pledge and for delivering a strong message to women workers in 🇪🇺.

With your support as rapporteur, we put #EqualPay into the hands of women workers & their unions.

Who will be next? #SignThePledge 🗨️





# In parallel...

## ETUC interim amendments

### **Article 3 (i), new**

(i) 'workers' representatives' means:

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions in accordance with national legislation and practice;
- (b) elected representatives, namely, representatives who are freely elected by the workers of the organisation, not under the domination or control of the employer in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are the exclusive prerogative of trade unions,
- (c) where there exist (according to national law and practice) in the same organisation both trade union representatives and elected representatives, appropriate measures shall be taken to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to ensure that the exclusive prerogatives of trade unions shall be preserved, in particular their right to collective bargaining and to conclude a collective agreement and to have (digital) access to the workers.
- (d) workers right to choose to organise in a trade union and to collective bargaining will be respected.

# In parallel...

## ETUC interim amendments

### **New article on social dialogue and collective bargaining**

1. Without prejudice to the autonomy of the social partners, Member States shall take measures to guarantee that trade unions can collectively bargain, on measures to address pay discrimination and the undervaluation of work predominantly carried out by women, as well as other measures aimed at closing the gender pay gap. Such measures shall include the development and use of job evaluation and classification systems free from gender bias with the involvement of trade unions.
2. Without prejudice to the autonomy of social partners and in accordance with national law and practice, Member States shall ensure that the rights and obligations under this Directive are transposed in full consultation with social partners.

# In parallel...

## ETUC interim amendments

### **Article 7 (5)**

Workers shall not under any circumstances be prevented from disclosing their pay to their colleagues and communicating it to their trade union.

### **Strike Article 7 (6)**

~~Employers may require that any worker having obtained information pursuant to this Article shall not use that information for any other purpose than to defend their right to equal pay for the same work or work of equal value and not disseminate the information otherwise.~~

## EP calendar

Draft report to be send to translation	1 September 2021
Consideration of draft report	30 September 2021
Deadline for AMs	8 October 2021
Consideration of Ams	15 November 2021 (tbc)
Shadow Rapporteurs meetings	End of October – November 2021 (tbc)
Vote	9 December 2021 (tbc)
Vote in Plenary	tbc



## EP - Joint Draft Report

- Positive: Gender neutral job evaluation & threshold
- Still no definition of workers' representatives
- Gender inclusive language & intersectionality

# NEW ETUC BRIEFING NOTE

## BRIEFING NOTE

### Gender Pay Transparency Directive: Equal pay still needs trade unions.

As the Gender Pay Transparency Directive progresses in the European Parliament, the ETUC wants to ensure that this Directive becomes a game-changer for women workers.

The ETUC considers that the proposal for a Directive is a real chance to significantly advance the fight for equal pay and to put a stop to undervaluation of work predominantly carried out by women. To deliver pay justice for women workers who have brought us through the pandemic, the Directive must be amended.

The ETUC supports the amendments that lower the threshold for pay reporting obligations and the amended criteria for gender-neutral job evaluation schemes.

#### In this briefing note:

- **Articles to be amended**

- 1) Clarify the rights of trade unions and strengthen collective bargaining
- 2) Include a definition of "workers' representatives"
- 3) Ensure that workers can discuss their pay and that pay secrecy clauses are banned
- 4) Men, women and a gender inclusive approach

- **Additional elements**

Gender-neutral language & intersectionality

- **Amendments of the Joint Draft Report to be supported**

- The lowered threshold of pay reporting obligations from 250 workers to 10 workers
- Improved job evaluation and classification schemes

# NEW ETUC BRIEFING NOTE

## BRIEFING NOTE

Articles to be amended

### 4) Men, women and a gender inclusive approach

The European Parliament's Joint Draft Report replaces references to women and men with gender neutral language, aiming at including persons who identify beyond binary terms of gender. Equal pay can only be achieved if all women workers will continue to be able to compare their pay to male workers. And no matter a workers' gender identity, it is important to ensure that their pay is still compared to the appropriate comparator, who is not subject to any pay discrimination and receives the highest pay for the same work or work of equal value. Provisions on intersectionality, as well gender-neutral language must not open the door for comparisons that leave the male comparator out of consideration.

For these reasons, the ETUC is calling for a new Article that would apply to the whole Directive, as follows:

#### New article

For the purposes of the principle of equal pay for equal work or work of equal value,

- a) the comparison is between a man and a woman,
- b) in circumstances when a person identifies as neither a man or a woman, the comparison is with the person of another gender, carrying out equal work or work of equal value, with the highest pay.

**Next steps**



# Last but not least...

## **New Frontiers for Collective Bargaining**

# **Equal Pay**

The project "New Frontiers for Collective Bargaining - Equal Pay" addresses gender inequalities in the labour market through collective bargaining.

The project aims to promote and strengthen collective bargaining by supporting ETUC affiliates to develop bargaining strategies and demands that incorporate measures to address gender inequalities in negotiations - thus placing collective bargaining as the key way to achieve equality between men and women at the core of the post-Covid recovery.

# Last but not least...

## ETUC project

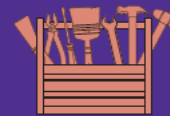
### New Frontiers for Collective Bargaining - Equal Pay

#### Objectives



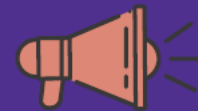
##### **Understanding the state of play.**

How has equal pay for work of equal value been addressed by unions? What are the levers that support change and what are the challenges?



##### **Identifying and sharing good practice.**

Giving negotiators concrete and accessible tools they need to address equal pay for work of equal value in collective bargaining.



##### **Raising awareness.**

Increasing knowledge on equal pay for work of equal value among ETUC affiliates and beyond.

**Thank you.**