

The UNI Europa Women's Committee strongly committed to ensure that the Pay Transparency Directive delivers for European workers and their unions!

Millions of female workers are affected by the pay gap that stands at 14% in Europe.

One of the aims of the EU is to achieve full gender equality, full equality in pay for equal work and work of equal value, and an equal sharing between men and women of professional and family responsibilities.

Together with our affiliates, we are fully committed to tackle the gender pay gap, and we have urged the European Commission to deliver the promised binding pay transparency measures that will help in closing the gender pay gap in Europe.

For many months, UNI Europa has supported the ETUC's call for a Pay Transparency Directive and for work of equal value. It has provided examples from its sectors on how deep-rooted bias concerning the value of jobs predominantly done by women are being used as an argument for low pay faced by millions of female workers.

After a delay of a year, we are however welcoming the proposal on binding pay transparency measures published on March 3 that aims at ensuring that women and men in the EU get equal pay for equal work or work of equal value.

The proposed measures would empower workers to claim their right to equal pay and help businesses to attract and retain female talent. This in turn would have a positive impact on business profitability and the functioning of the internal market while protecting fundamental right of workers and enhancing worker morale.

Key areas of the proposal are as follows:

- Employers to give the expected pay level to applicants before a job interview and a prohibition to request pay history
- Workers have the right to information about average pay levels during employment
- Ban on confidentiality clauses regarding pay
- Workers have the right to full compensation or reparation in case of gender pay discrimination
- Legal standing of equality bodies and workers' representatives

- Collective claims on equal pay
- Companies with at least 250 workers publicly must report on gender pay gaps
- If the pay report shows a gap above 5 % in any category of workers doing the same work or work of equal value – employers with at least 250 workers must conduct a joint pay assessment in close cooperation with workers' representatives, including trade unions
- Remedies that address structural discrimination or bias in organisations
- Clarification of the requirement of compliance with equal pay obligations applicable to economic operators in the performance of a public contract or concession.

The first assessment is that the text contains many good principles as stipulated above but inadequate tools to make it work in practice.

While the directive aims to reduce secrecy on pay and makes pay inequality more transparent, it does not provide proper mechanisms for woman workers and their unions to negotiate equal pay.

The UNI Europa Women's Committee seeks that following to be addressed:

- The limit to pay audits and action plans to organisations with over 250 employees. This limit will in effect mean that nearly 30% of EU employees will be excluded from a pay audit which is unacceptable. The stipulation that pay audits will only apply to employments with over 250 staff must be removed to bring small and medium employers into scope.
- Joint pay assessments will only be conducted if the gap is at least 5%. By contrast, a positive provision permits member states to exclude companies from public procurement procedures that do not comply with pay transparency obligations or have an unjustifiable pay gap of more than 5 per cent.
- We believe that this provision does not go far enough to tackle the gap as 0% is the only acceptable level.
- It allows employers to define which jobs can be compared when it comes to equal pay for work of equal value. Trade unions must also be involved to determine the value placed on those jobs carried out by women and the associated different pay levels.
- The proposal focuses primarily on individual rights rather than collective. This might be seen as an underlying, yet unintended, support to the secrecy Reference throughout the Directive to 'workers representatives' instead of trade union representatives would open the door to bogus employee representative groups being set up at the behest of employers. Trade unions must be at the core of negotiations on closing the gender pay gap as well as being part of the job assessment process which must be achieved through the

power of collective bargaining. Without trade union intervention at this level, the gap will continue to predominate. It is important that the proposal for a directive does not prevent the possibility of deviating from legislation through collective agreements in the case of active measures.

- Employees can only discuss their pay within the confines of taking a pay discrimination case which can be an arduous process. Employees need to be feely able to discuss their pay concerns with their employer outside of making a discrimination claim.
- Adequate protections must be in place to protect workers from dismissal or other employer-imposed sanctions in the course of demands for equal pay.
- The proposals for reporting and joint salary assessment for detailed and procedural provisions (location of the burden of proof, limitation, allocation of legal costs) are in some respects problematic and unbalanced based on the interest that cases should be solved by negotiation
- There needs to be clarity around data protection measures which can be incorrectly relied upon by employers to not comply with pay transparency. Employees must be free to discuss their pay concerns with their union representatives and their employer as appropriate without data protections rules being used to hinder these discussions.
- Trade Unions need a mechanism to compare wages over different sectors as one of the most notable type of pay inequality is segregation and undervaluing women's work.

The UNI Europa Women's Committee will continue collaborating closely with the ETUC and will be part of the dedicated working group on pay transparency. This working group is a decision of the ETUC Executive Committee, adopted in a Resolution, for an ETUC response to the EU Commission Proposal for a Directive 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 enforcements mechanisms.

The UNI Europa Women's Committee is strongly committed to ensure that the Directive delivers for workers and their unions.

The UNI Europa Women's Committee will continue campaigning and pressing member states and the European Parliament to improve the proposed legislation and lift some of its restrictions.