

Evaluation of the relevant provisions of EU law implementing the Treaty principle on 'equal pay for equal work or work of equal value'

Fields marked with * are mandatory.

Public consultation on the Evaluation of the relevant provisions of EU law implementing the Treaty principle on 'equal pay for equal work or work of equal value'

Introduction

The [Gender Equality Recast Directive](#) requires Member States to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished. Besides, Member States have to introduce measures to enable persons who consider themselves wronged by a failure to apply the principle of equal treatment to pursue their claims by judicial process, possibly after recourse to other competent authorities. Therefore, effective, proportionate and dissuasive penalties for breaches of the obligations under the Directive must be provided by the Member States. The Directive also lays down rules to alleviate the burden of proof on claimants pursuing discrimination claims, including pay discrimination, and contains provisions regarding victimization, protecting persons lodging complaints from adverse treatment.

An [evaluation of the implementation of Gender Equality Recast Directive](#) carried out in 2013 showed that the main challenge is to implement the provisions of the Directive relating in particular to the enforcement and legal interpretation of the principle of 'equal pay for work of equal value'. It also demonstrated that the problem of gender pay inequalities is greater in the private sector, where there is generally more discretion in wage setting. These problems are confirmed by cases brought before the Court of Justice of the European Union, cases reported by the equality bodies and complaints submitted to the European Commission.

In order to raise awareness about the persistence of (unconscious) gender bias in pay and to incentivize companies to take initiatives to analyse and revise their pay structures, the [2014 Pay Transparency Recommendation](#) provided four core measures to improve pay transparency. Member States were encouraged to implement the most appropriate measures in view of their specific circumstances and include at least one of these core measures. However, the [2017 Implementation Report of the Recommendation](#) revealed very limited follow-up to the Recommendation: in a third of Member States, transparency-enhancing measures are still entirely absent. It also revealed that the current national transparency measures in place are insufficient and not effective on their own.

As a result, the Commission decided to launch a more in-depth evaluation of the existing EU legal provisions of the Gender Equality Recast Directive and Pay transparency recommendation implementing the Treaty principle on "equal pay for equal work and work of equal value" for women and men. The present public consultation is intended to feed into that assessment.

IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

The questionnaire is available in all official EU languages. You can submit your responses in any official EU language. Contributions received from this survey will be published on the European Commission's website. Please choose the option concerning the publication of your contribution (for further information, please consult the privacy statement attached).

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
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- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority

- Trade union
- Other

If other, please specify:

* First name

* Surname

* Email (this won't be published)

* Scope

- International
- Local
- National
- Regional

* Organisation name

255 character(s) maximum

Ministerie van Sociale Zaken en Werkgelegenheid (Nederland)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- Former Yugoslav Republic of Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste

- | | | | |
|---|--|---|---|
| <input type="radio"/> Bulgaria | <input type="radio"/> Heard Island and
McDonald Islands | <input type="radio"/> Niue | <input type="radio"/> Togo |
| <input type="radio"/> Burkina Faso | <input type="radio"/> Honduras | <input type="radio"/> Norfolk Island | <input type="radio"/> Tokelau |
| <input type="radio"/> Burundi | <input type="radio"/> Hong Kong | <input type="radio"/> North Korea | <input type="radio"/> Tonga |
| <input type="radio"/> Cambodia | <input type="radio"/> Hungary | <input type="radio"/> Northern Mariana
Islands | <input type="radio"/> Trinidad and Tobago |
| <input type="radio"/> Cameroon | <input type="radio"/> Iceland | <input type="radio"/> Norway | <input type="radio"/> Tunisia |
| <input type="radio"/> Canada | <input type="radio"/> India | <input type="radio"/> Oman | <input type="radio"/> Turkey |
| <input type="radio"/> Cape Verde | <input type="radio"/> Indonesia | <input type="radio"/> Pakistan | <input type="radio"/> Turkmenistan |
| <input type="radio"/> Cayman Islands | <input type="radio"/> Iran | <input type="radio"/> Palau | <input type="radio"/> Turks and Caicos
Islands |
| <input type="radio"/> Central African
Republic | <input type="radio"/> Iraq | <input type="radio"/> Palestine | <input type="radio"/> Tuvalu |
| <input type="radio"/> Chad | <input type="radio"/> Ireland | <input type="radio"/> Panama | <input type="radio"/> Uganda |
| <input type="radio"/> Chile | <input type="radio"/> Isle of Man | <input type="radio"/> Papua New Guinea | <input type="radio"/> Ukraine |
| <input type="radio"/> China | <input type="radio"/> Israel | <input type="radio"/> Paraguay | <input type="radio"/> United Arab Emirates |
| <input type="radio"/> Christmas Island | <input type="radio"/> Italy | <input type="radio"/> Peru | <input type="radio"/> United Kingdom |
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Philippines | <input type="radio"/> United States |
| <input type="radio"/> Cocos (Keeling)
Islands | <input type="radio"/> Japan | <input type="radio"/> Pitcairn Islands | <input type="radio"/> United States Minor
Outlying Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Poland | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Portugal | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Puerto Rico | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Qatar | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Réunion | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Romania | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Russia | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Rwanda | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Yemen |
| <input type="radio"/> Czech Republic | <input type="radio"/> Lebanon | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic
of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Lucia | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Martin | |

*Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

Background documents:

1. [The Treaty on the Functioning of the European Union](#) (see Article 157);
2. [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 (recast);
3. [Commission Recommendation of 7 March 2014](#) on strengthening the principle of equal pay between men and women through transparency;
4. [Report from the Commission](#) to the European Parliament and the Council 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 (recast), COM(2013) 861 final;
5. [Report from the Commission](#) to the European Parliament, the Council and the European Economic and Social Committee on the implementation of Commission Recommendation on strengthening the principle of equal pay between men and women through transparency, COM(2017) 671 final

Consultation questions

I. General part

The principle of equal pay between women and men is enshrined in Article 157 of the Treaty on the Functioning of the European Union. In line with the Treaty, Gender Equality Recast Directive 2006/54/EC prohibits any direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration for the same work or work to which equal value is attributed. It requires that where a job classification system is used for determining pay, it should be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

In accordance with settled case-law of the Court of Justice of the EU, the notion of “pay” includes not only basic pay, but also, for example, overtime supplements, special bonuses paid by the employer, travel allowances, compensation for attending training courses and training facilities, termination payments in the case of dismissal and occupational pensions. Furthermore, in order to assess whether workers are performing the same work or work of equal value, it should be determined whether, having regard to a range of factors including the nature of the work and training and working conditions, those workers may be considered to be in a comparable situation.

Member States should ensure that all employment-related arrangements, including provisions in individual or collective agreements and contracts, internal company rules, rules governing independent professions and rules governing employees’ and employers’ organisations contradicting the principle of equal pay should be or may be declared null and void or may be amended.

1. Would you say that men and women are paid equally for the same work or work of equal value in your country?

- Yes
 Partially
 No
 Do not know

Comments, if any:

Uit het meest recente onderzoek dat het Centraal Bureau voor de Statistiek (CBS) in opdracht van het ministerie van Sociale Zaken en Werkgelegenheid heeft gedaan naar beloningsverschillen tussen mannen en vrouwen bij de overheid en in het bedrijfsleven blijkt dat er nog steeds een beloningsverschil bestaat tussen vrouwen en mannen. Bij de bepaling van het verschil wordt onder meer gebruik gemaakt van enquêtegegevens. Dit betekent dat er rekening gehouden moet worden met onzekerheidsmarges rondom de uitkomsten.

Het ongecorrigeerde beloningsverschil tussen mannen en vrouwen bedraagt in 2016 19 procent in het bedrijfsleven en 8 procent bij de overheid. Wanneer rekening wordt gehouden met bepaalde achtergrondkenmerken waarvan bekend is dat ze sterk samenhangen met beloning, zoals leeftijd, arbeidsduur en opleidingsniveau, bedraagt het beloningsverschil in 2016 in het bedrijfsleven 7 procent en bij de overheid 5 procent. Dit wordt het gecorrigeerde beloningsverschil genoemd. Het CBS geeft aan dat het resterende 'onverklaarde loonverschil tussen vrouwen en mannen' (het gecorrigeerde beloningsverschil) een voorzichtige indicatie van het bestaan van ongelijk loon voor gelijkwaardige arbeid geeft. Belangrijk daarbij is dat het CBS aangeeft dat op basis van het onderzoek niet is te zeggen in hoeverre feitelijk sprake is van beloningsdiscriminatie, waarbij meestal vrouwen minder betaald worden voor gelijkwaardig werk

Dit onderzoek is vier keer eerder uitgevoerd door het CBS. Om vast te stellen wat de trend is, is door het CBS een lijn geschat op basis van de vijf gecorrigeerde beloningsverschillen over de jaren 2008, 2010, 2012, 2014 en 2016. Het CBS concludeert op basis hiervan dat er, gegeven de op dit moment bekende data, een gestage afname van het gecorrigeerde beloningsverschil bestaat bij zowel de overheid als het bedrijfsleven in de onderzochte periode.

2. How effective do you consider that the implementation of the equal pay principle in your country is?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
In the public sector	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In associations and non-governmental organisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
In academic / research funding and performing organisations, including universities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
In the private sector, in particular:	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large enterprises (from 250 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Medium-sized enterprises (50 to 249 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Small enterprises (10 to 49 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Microenterprises (less than 10 employees)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
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Comments or explanations, if any:

3. In your opinion, which of the following measures enshrined in the Gender Equality Recast Directive have been effective in your country in facilitating respect of equal pay rights for women and men?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know	No such measures in my country
Access to information on pay levels in the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Access to information on pay levels in the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Enforceable rules on equal pay for equal work	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforceable rules on equal pay for work of equal value	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of gender-neutral job classification systems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of gender-neutral job evaluation systems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recurrent analysis and review of pay structures at employer level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Promotion of social dialogue between the social partners	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

4. In your opinion, which of the following measures enshrined by the Gender Equality Recast Directive have been effective in your country in ensuring the protection of a worker claiming enforcement of his/her rights to equal pay?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know	No such measures in my country
In case of a legal claim by an employee, putting a duty on the employer to prove that there has been no breach of the principle of equal pay (burden of proof)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right to adequate compensation / reparation for victims of discrimination	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of employees lodging complaints against dismissal or other adverse treatment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effective, proportionate and dissuasive penalties for discrimination faced by employees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Comments or explanations, if any:

5. Would you agree/disagree with the following statements about the broader impact of the Gender Equality Recast Directive and EU Pay Transparency Recommendation?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
There has been increased public debate about the need to ensure pay transparency	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

There has been increased public debate about the need to introduce effective measures to ensure the implementation of equal pay for work of equal value	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There has been increasing attention by employers and trade unions to develop gender neutral job classification and job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The need for pay transparency has been increasingly taken into account in wider policy measures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The need to ensure equal pay for work of equal value has impacted policy actions more widely	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equality bodies have been empowered to play a more significant role in implementing the principle of equal pay for work of equal value by supporting enforcement (e.g. in providing guidance, receiving complaints, victim representation)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

6. Would you agree/disagree with the following statements about the national measures in your country facilitating respect of equal pay rights for women and men and protection of a worker claiming his/her rights?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
National measures made employers aware of (unconscious) gender bias in pay	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures made employees aware of gender pay gaps	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures allowed for comparisons of job content to find a comparator performing work of equal value even where one is not present in the same employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
National measures triggered employers to analyse their pay structures and assess the extent of pay discrimination based on gender	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

National measures ensured that follow-up actions are taken by employers where unjustified gender gaps in pay have been revealed	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
National measures helped to ensure access to justice for victims of gender-based pay discrimination	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or explanations, if any:

7. Do you think that over the last 10 years progress has been made in your country in facilitating the enforcement of equal pay rights for women and men?

- Agree
- Somewhat agree
- Somewhat disagree
- Disagree
- Don't know

Comments or explanations, if any:

Sinds 2008, het eerste verslagjaar van de Monitor loonverschillen mannen en vrouwen, is de loonkloof zowel bij de overheid als het bedrijfsleven kleiner geworden, maar deze afname gaat sneller bij de overheid dan bij het bedrijfsleven (zie onderstaande figuur). In 2008 is de loonkloof bij de overheid 16 procent, bij het bedrijfsleven 22 procent. In 2016 is de loonkloof tussen mannen en vrouwen bij de overheid gedaald naar 8 procent, bij het bedrijfsleven naar 19 procent.

Zowel internationaal als nationaal is al veelvuldig onderzoek gedaan naar de loonkloof tussen mannen en vrouwen, een overzicht hiervan is te vinden in het rapport 'Gelijk loon voor gelijk werk?', 2014' op www.cbs.nl. Voor de verklaring van deze loonkloof wordt dan gekeken naar factoren waarvan bekend is dat ze sterk samenhangen met beloning. In dit onderzoek is gekeken naar de effecten van een groot aantal werknemers- werkgevers- en baankenmerken, namelijk:

— Kenmerken van de werknemer: geslacht, leeftijd, herkomst, onderwijs (-niveau en -richting), werkervaring, arbeidshandicap, huishoudenssituatie, inkomen partner;

— Kenmerken van de werkgever: sector, aantal werknemers, percentage vrouwen, winstgevendheid, vestigingsregio;

— Kenmerken van een baan; beroepsniveau, beroepsrichting, contractvorm, voltijd/ deeltijd, soort arbeidsrelatie, leiding geven, managementfunctie.

Na correctie voor verschillen in bovenstaande kenmerken blijft bij de overheid een loonverschil tussen vrouwen en mannen van 5 procent bestaan. In het bedrijfsleven is dat 7 procent (zie figuur 2.1).

Bron: <https://www.cbs.nl/nl-nl/maatwerk/2018/47/monitor-loonverschillen-mannen-en-vrouwen-2016>

8. Do you think that over the last 10 years progress has been made in your country in ensuring the protection of workers claiming these rights (e.g. against dismissal or adverse treatment by employer)?

- Agree
- Somewhat agree
- Somewhat disagree
- Disagree
- Don't know

Comments or explanations, if any:

Gelijke behandeling en ontslagbescherming zijn in Nederland goed geregeld. Ingeval een werkgever een werknemer met een vast dienstverband wil ontslaan wordt in de ontslagprocedure getoetst of er geen gelijke behandelingsregels zijn geschonden. Ook kan tijdens het vaste dienstverband op andere punten gelijke behandeling worden afgedwongen. In geval een werknemer een contract voor bepaalde tijd heeft en dit contract wordt niet verlengd en vermoed wordt dat sprake is van ongelijke behandeling kan de werknemer naar het College voor de Rechten van de Mens gaan. Deze uitspraken zijn weliswaar niet bindend, maar hebben wel gezag.

9. What are the obstacles to an effective implementation of the principle of equal pay for women and men?

	Agree	Somehow agree	Somehow disagree	Disagree	Do not know
Lack of legal certainty of national equal pay rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lack of effective application of existing job evaluation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lack of capacity of enforcement bodies	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limitations imposed by data protection rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Entrenched features of collective bargaining systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to small/medium-sized companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Limited applicability of the equal pay rules to the research organisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of effective compensation systems for victims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Lack of dissuasive penalties for employers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of awareness among employees of existing rights equal pay rules	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of awareness among employers of existing rights equal pay rules	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of capacity of the public administration to ensure a follow up action is taken by employers, even if unjustified gender gaps in pay have been revealed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Other, please specify:

II. Pay transparency

In 2014, the Commission, by adopting Recommendation 2014/124/EU on strengthening the principle of equal pay between men and women through transparency, suggested that every Member State adopt (or adapt) at least one out of four measures ensuring greater transparency of pay:

- employee's right to request information from his /her employer on pay levels, broken down by gender, for categories of employees doing the same work or work of equal value;
- employer's duty to report on wage structures by category of employee or position, broken down by gender;
- analytical gender pay audits in large companies; and
- inclusion of equal pay aspects in collective bargaining and collective agreements

10. How important do you find the below mentioned benefits of the pay transparency measures in your country?

	Very important	Rather Important	Rather unimportant	Not at all important	Do not know	No such measures in my country
The right for employees to request pay information enables employees to enforce their right to equal pay for work of equal value	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The employers' duty to provide and publish pay information helps to create an atmosphere of trust	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Having access to pay information increases employees' motivation and productivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Increased employee motivation linking to greater pay transparency helps to reduce labour turnover	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Increased employee motivation linked to greater pay transparency increases companies' economy performance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Greater pay transparency contributes to a better image of the employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Greater pay transparency contributes towards the reduction of the gender pay gap	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Comments or explanations, if any:

The aim of the questions below is to gather opinions on any possible impact on administrative burden, wages, and working environment resulting from the implementation of pay transparency measures.

11. How likely do you think the following risks might occur in case pay transparency measures are applied in your country?

	Very large extent	Rather large extent	Rather small extent	Not at all	Do not know	No such measures in my country
Increasing administrative burdens/costs for employers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing administrative burdens/costs for public authorities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing wage demands and /or labour costs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disclosure of pay information leads to a hostile work environment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limiting employers' freedom to negotiate wages	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

Overigens is dit lastig te beantwoorden, om dat dit afhankelijk is van het systeem dat wordt gekozen.

12. In your country, do you think that the implementation of pay transparency measures has led to higher implementation costs compared to the benefits resulting from it?

Please consider both monetary and non-monetary costs for you or your organisation. Please provide explanations, facts and figures below.

- Yes
- No
- Do not know

Comments or explanations, if any:

III. Enforcement measures and protection of victims of gender-based pay discrimination

13. In your country, which enforcement measures are in place against employers in cases of proven pay discrimination based on gender? Which of them do you find dissuasive?

	Very dissuasive	Rather dissuasive	Rather not dissuasive	Not dissuasive	No such measures in my country
Monetary fines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Disqualification from public procurement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Disqualification from public benefits, subsidies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Publication of pay discrimination judgments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
“Naming and shaming” an employer guilty of gender-based pay discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other, please specify:

14. In your country, how important are the possible factors mentioned below which would influence a person’s decision to avoid seeking redress in case of alleged pay discrimination based on gender?

	Very important	Rather important	Rather unimportant	Not at all important	Do not know
Lack of knowledge on how/where to complain	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inadequate levels of compensation for victims	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lengthy and costly litigation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of support from professional bodies (e.g. equality bodies etc.)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perception that no action will be taken to remedy a wrongdoing	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Fear of professional consequences (e.g. lack of promotion, discontinuation of an employment contract)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Other, please specify:

15. Which of the following measures would encourage victims of gender-related pay discrimination to seek a redress in your country, and to what extent?

	Very large extent	Rather large extent	Rather small extent	Not at all	Do not know
Clear information and awareness-raising by the State (e.g. information campaigns) concerning the right to redress for victims of pay discrimination (including on advice, assistance, applicable procedures and costs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information for individuals about the possibility to be represented in the judicial and/or administrative procedure by the equality body.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Awareness of individuals that their claim is facilitated by the fact that it is up to the employer in a judicial procedure to prove that there was no breach of the principle of equal pay (burden of proof)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information on pay systems at company level (e.g. regarding the existence of a comparator performing work of equal value in the company /organisation)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information by employers to their employees on the right to compensation for victims of pay discrimination and on the internal procedures in place	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information and awareness-raising by trade unions concerning the right to redress for victims of pay discrimination	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify:

16. Do you think that the measures (legal or administrative) which exist in your country are sufficient to combat gender-related pay discrimination, or that there is a need for some further EU-level action on measures to address such discrimination?

- Existing measures at national level are sufficient
- Existing measures at EU level are sufficient

- Member States should enhance existing legislative measures
- EU should enhance existing legislative measures
- There is a need for further non-binding national measures
- There is a need for further non-binding EU measures
- There is a need for new legislative measures at national level
- There is a need for new legislative measures at EU level
- Do not know

Comments or explanations, if any:

Zie ook de Kamerbrief Implementatieplan Arbeidsmarktdiscriminatie die eind 2018 naar de Tweede Kamer is gestuurd; <https://www.rijksoverheid.nl/documenten/kamerstukken/2018/11/22/kamerbrief-implementatieplan-arbeidsmarktdiscriminatie-2018-2021>

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