



Public Defender of Rights
OMBUDSMAN

How to build a case on Equal Pay

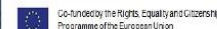
Equinet training



Equinet Training Session
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HOW TO BUILD A CASE ON
EQUAL PAY



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Workshop 5

Pay transparency and job evaluation systems

Pay transparency

“...the Equal Pay Directive must be interpreted as meaning that where an undertaking applies a system of pay which is totally lacking in transparency, it is for the employer to prove that his practice in the matter of wages is not discriminatory, if a female worker establishes, in relation to a relatively large number of employees, that the average pay for women is less than that for men.”

Danfoss C—109/77 (1989)



Pay transparency

- Commission recommendation (2014)
 - Individual right to information
 - Equality duties on employers (wage reporting/pay audits/gender neutral job evaluation)
 - Data collection (national statistics)
 - Include definition of « work of equal value » in national legislation

Job evaluation systems

- **CJEU case law establishes gender-neutral criteria**
- **Appropriate application of gender-neutral criteria**
- **Appropriate weighting of gender neutral criteria**

Job evaluation criteria

- **Skills** (cognitive, psychomotor, behavioral)
- **Responsibility** (people, goods & equipment, information, financial resources)
- **Effort** (mental & psychosocial, physical)
- **Working conditions** (physical, psychological, emotional, organizational)

Group discussions I

- Pay transparency:
 - Where can you turn for information on the remuneration system?
 - Is the remuneration system as a whole transparent?
 - Are all aspects of the remuneration system transparent?
 - Can one exclude the possibility that discrimination may have taken place?

Group discussions II

- Job evaluation
 - How can the employer know that the job evaluation system is gender neutral?
 - Where can you turn to find this information?
 - What criteria were used for setting pay?
 - Are the criteria gender neutral?
 - Can one exclude that discrimination may have taken place?



**Thank you for your
attention!**

Any questions?



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