

EUROPEAN COMMISSION

> Brussels, 5.3.2020 SWD(2020) 101 final

COMMISSION STAFF WORKING DOCUMENT

Implementation of the measures set out in the EU Action Plan 2017-2019 on tackling the gender pay gap

Accompanying the document

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

on the implementation of the EU Action Plan 2017-2019 on tackling the gender pay gap

{COM(2020) 101 final}

Actions	Objectives / Modalities	Actors involved	State of play
1- Assess the possibility of amending Gender Equality Recast Directive 2006/54/EC	To compile evidence of the need to encourage development of the existing legal framework and improve its enforcement by: • strengthening the enforcement role of equality bodies • improving sanctions and compensation to victims • ensuring gender equality in occupational pension schemes • ensuring pay transparency	European Commission	 Evaluation report on the implementation of the Commission Recommendation on strengthening the principle of equal pay between men and women through transparency adopted in November 2017. Public consultations held between 11 January and 5 April 2019. Evaluation of the EU equal pay provisions by an external contractor conducted between October 2018 and November 2019. It examined the progress made in improving the implementation of the 'equal pay principle' enshrined in the Treaty, considered enforcement and examined the protection of victims of gender pay discrimination and its contribution to achieving equality between men and women. Carried out in accordance with the evaluation criteria of the Better Regulation Guidelines: effectiveness, efficiency, relevance, coherence and its EU added value. Evaluation report to be published together with the Commission staff working document in March 2020.
2- Report on the national measures adopted on the basis of Article 157-4 TFEU, providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in	To fulfil the obligation under Article 31-2 of the Gender Equality Recast Directive	European Commission	• <u>Report on gender-based positive action in employment</u> prepared by European network of legal experts in gender equality and non-discrimination. Published in November 2019 under the title "Gender-based positive action in employment in Europe - A comparative analysis of legal and policy approaches in the EU and EEA - A special report". Considers the use of 'positive action' as key mechanism to advance women's equality in employment and to ensure gender-balanced company boards. Identifies the legal and regulatory frameworks and scope of positive action in European Union law and policy in the 28 EU Member States at the time, and the three members of the European Economic Area (Iceland, Liechtenstein and Norway).

professional careers			
3- Work together with EQUINET, the Advisory Committee on Equal Opportunities between Women and Men and the High- Level Group on Gender Mainstreaming	To better enforce the principle of equal pay in Member States	European Commission EQUINET National authorities EIGE	 Council Conclusions adopted in December 2017 on enhanced measures to reduce horizontal gender segregation in education and employment, based on the report by the European Institute for Gender Equality (EIGE) on 'Study and work in the EU: set apart by gender'. Includes an analysis of the links between segregation and the gender pay gap. Opinion on the gender pay gap by the Advisory Committee on Equal Opportunities between Women and Men in consultation with the Member States' representatives, social partners, EIGE and EQUINET, adopted in March 2018. Capacity-building seminar organised jointly with EQUINET in October 2018 on protection from dismissal for pregnant women and employees using their right to family leave. High-Level Group informed on 31 January 2018 of the state of play on the action plan and discussed how it had been received by Member States and the related actions taken at national level. Ministerial debate on 'Closing the gender pay gap' was organised in the EPSCO Council under the Bulgarian Presidency in March 2018. Advisory Committee on Equal Opportunities between Women and Men presented its opinion on the gender pay gap to the High-Level Group during a meeting under the Romanian Presidency in February 2019. The High-Level Group discussed the action plan in more detail in view of the evaluation of the Recast Directive. EIGE research paper on the links between the gender pay gap and policies to improve work-life balance prepared for the background of the Romanian Council Conclusions (see below). Council Conclusions on the gender pay gap were adopted under the Romanian Presidency in June 2019. Council Conclusions on the gender pay gap were adopted under the Finnish Presidency in October 2019.
4- Support transnational projects to tackle stereotypes and segregation	 The 2014-2020 Rights, Equality and Citizenship programme (REC programme) The European Social Fund Erasmus + 	European Commission Member States	• Call for proposals under the Rights, Equality and Citizenship programme to support transnational projects to promote good practices on gender roles and to overcome gender stereotypes in education, training and in the workplace published in 2016. 8 action grants were signed for projects running from 2017 to 2019. Involvement of e.g. social partners, public service providers, career guidance services, civil society organisations, schools and universities, local or regional stakeholders and the private sector is encouraged in the projects. Inclusion of a behavioural aspect is also encouraged in order to generate evidence or factors that help determine the success of an initiative.
5- Organise	- To organise a stock-	European	'Information and networking meeting with REC projects on empowerment of women' organised in June

conferences on the basis of the results of projects combatting stereotypes and segregation	taking conference - To organise a final conference	Commission National authorities Key stakeholders	2019 to share experiences, bringing together projects funded under REC calls on segregation, stereotypes, gender gaps, work-life balance and women on boards/in politics/public fora. Social partners also invited.
6- Facilitate the EU Platform of Diversity Charters and initiate regular sharing of best practices among companies	- To eliminate gender segregation	European Commission National authorities Key stakeholders	 An annual forum of the EU Diversity Charters, brought together diversity experts, businesses and public sector representatives, in Prague in October 2018. Highlighted the business case for gender diversity in senior corporate positions, the need to pay attention to the hiring, retention and progression of women in companies and to overcome gender biases. The latest annual forum of the Diversity Charters took place in Brussels on 16 May 2019 and included a panel discussion on 'More diversity in the top – can we overcome the challenge?'. The Czech Diversity Charter presented research on how single mothers can be supported in the labour market during a meeting of the Diversity Charters Platform in October 2019.
7- Fund grassroots projects that are run by the education and training communities and challenge stereotypes	- Erasmus +	European Commission National authorities Key stakeholders	 Calls for proposals published on 20 October 2015 and 20 October 2016 (EAC/A04/2015 and EAC/A03/2016). Relevant projects were on-going during the action plan's implementation.
8- Provide tools to promote institutional changes that can foster equality in scientific careers and highlight women's achievements in science with the EU prize for women innovators	- Gender equality in academia and research	European Commission EIGE	 2018 She Figures study published on 8 March 2019. 14 projects to support gender equality actions at national level funded for the period of 2017-2019 under Horizon 2020 for the total budget of 34.539.226 euro. 13 finalists announced on 4 April 2019 for the EU Prize for Women Innovators. Commissioner Moedas announced the four winners of the 2019 Prize funded under Horizon 2020 on 16 May 2019. 12 finalists announced on 8 March 2018 for the 2018 round. Commissioner Moedas and MEP Eva Kaili announced the four winners of the 2018 Prize on 21 June 2018. The 2020 edition of the Prize launched in autumn 2019. Statistical note 'What lies behind the gender pay gap?' published by EIGE in 2019. Research note 'Women and men in ICT: a chance for better work-life balance' published by EIGE in 2018. Report on gender segregation in education 'Work and study in the EU: Set apart by gender' published by EIGE in June 2018. Technical report on "'Gender difference in adolescents' STEM career plans from 2018" published by the European Commission Joint Research Centre.

9- Launch an EU Platform for Change to increase female women's employment and equal opportunities in the transport sector	 To exchange good practices and give visibility to concrete actions in favour of women's employment in transport To publish a study on the business case to increase women's employment in transport 	European Commission National authorities Key stakeholders	 Women in Transport – EU Platform for Change launched in November 2017 together with the signing of a declaration to ensure equal opportunities for women and men in the transport sector. Platform's objective to increase women's employment and equal opportunities for men and women in the transport sector. Action-oriented to deliver concrete results, covers all transport modes, 24 EU stakeholders have joined so far. Platform members are (1) representatives from the main EU employers and workers transport organisations, (2) representatives from four Member States and (3) the European Union Agency for Railways (ERA), the Shift2Rail Joint Undertaking and the European Union Aviation Safety Agency (EASA). Members can present actions themselves or simply channel actions from their own members. A second study on the 'Business case to increase female employment in transport' published in December 2018. Includes a list of measures companies can take to increase gender balance, including reporting on the gender pay gap. The European Commission Joint Research Centre published a study in 2019 on 'Women in European Transport with a focus on Research and Innovation'. Examines the status and evolution of European research in tackling women issues in transport and analyses women's participation in transport research and innovation activities. Assesses the progress to date and identifies challenges and opportunities concerning women and mobility. Concludes by providing policy and future research recommendations to overcome the main barriers to women's equality in transport.
10- Support peer learning between Member States on the careers of teachers and school leaders; support the collection of data on teacher wages and encourage Member States to take action to eliminate under- remuneration in this sector	 Education and Training 2020 European sectorial social dialogue in education Eurydice in cooperation with OECD 	European Commission National authorities Key stakeholders	 Expert seminar on the evaluation of teachers and school leaders organised from 3 to 4 December 2018, with gender issues discussed briefly. Expert seminar from 9-10 September 2019 focused on school leaders' development and careers, highlighting gender and background as relevant factors to consider to reflect the diversity of populations. Directorate-General Education, Youth, Sport and Culture's working group on 'promoting common values and inclusive education' adresses 'gender equality' among the key issues. A meeting devoted to these issues was organised in November 2019. Eurydice report on teachers' and school heads' salaries published on 4 October 2018. Examines the statutory salaries of teachers and school heads in pre-primary, primary and general secondary public schools in 42 European education systems in 2017/18. Looks at the average actual salaries (including allowances and other additional payments) in relation to per capita GDP and the earnings of other tertiary-educated workers. The average actual salaries are broken down by age and gender in the second part of the report <i>National Data Sheets</i>. Sectorial dialogue, ETUCE (European social partner representing workers in the educational sector) ran a co-funded project on gender equality, entitled 'Social dialogue and gender equality: Empowering education trade unions to address gender equality in the teaching profession through social dialogue', the project took place from December 2017 to November 2019. Built the capacity of education trade unions to address the challenges of gender inequality, making use of the tools in place in the social dialogue in the

11- Continue working towards the adoption of the Commission proposal for a directive on improving gender balance among directors of companies listed on stock exchanges and monitor the implementation of policies to increase gender diversity on boards in the EU's largest listed companies	- To work towards the adoption of the Commission proposal	European Commission Council European Parliament National authorities EIGE	 education sector at European, national and regional levels, and to improve education trade unions' understanding of gender equality issues. Contributed to the ETUCE action plan on gender equality (2010) by promoting concrete measures for its implementation at national and local level. Enhanced the professional status of teachers, trainers and school leaders and to make the teaching profession more attractive for both men and women. EIGE's study on 'Gender-related challenges in European education systems' to be published in 2020 and EIGE's study on 'Work and Study in the EU: set apart by gender' published in 2018. Work continued for the adoption of the blocked proposal - the Commission continued to support the Council presidencies in advancing the file. Compromise in the Council has not yet been reached and 18 Member States currently support the proposal. Item included on the agenda of the EPSCO of 13 June 2019 and EPSCO in December in 2019 – the Commission invited delegations to support this legislative initiative and strive for progress at the national level. A panel on 'Women in management' organised during the 2018 EU Diversity Charters Annual Forum. On 16 May 2019, a panel discussion on 'More diversity in the top – can we overcome the challenge?' – took place at the annual forum of the EU Diversity Charters in Brussels. EIGE regularly collects data on women and men in decision-making in the EU and pre-accession countries. EIGE's gender statistics database is available here. Statitical note on 'Legislative quotas can be strong drivers for gender balance in boardrooms' published by EIGE in 2019.
12- Fund projects to improve the gender balance in economic positions at all management levels	- REC programme	European Commission National authorities Keys stakeholders	 Open call for proposals launched with two priorities: women in decision-making and work-life balance, published in March 2018 to support stakeholder actions promoting gender balance in politics and in the corporate sector. 50 proposals received in total, eight of the selected projects concern women in decision-making and four concern work-life balance. Two projects concern the promotion of gender balance in corporate management (and six concern gender balance in politics). The related grant agreements entered into force in early 2019 and the selected projects are ongoing.
13- Encourage governments to adopt strategies with concrete measures in order to ensure improved	 To continue to engage in dialogue with social partners To implement projects to improve 	European Commission Social partners	 Seminar on 'Tackling the gender pay gap and promoting childcare' with social partners on 12 June 2018. 2017 Fundamental Rights Colloquium included a plenary session on 'Equal participation at work and in politics: a fundamental rights prerequisite', discussing the meaning of the under-representation of women in decision-making positions.

gender balance in decision making and encourage them to engage in dialogue with social partners and sectorial regulatory bodies in order to promote/adopt relevant measures	the gender balance in decision-making positions -To support national concrete measures leading to better representation of the underrepresented sex in decision-making -To engage in and support dialogue with sectorial regulatory bodies	National authorities Regulatory bodies	 The European Development Days in June 2018 included a high-level panel on 'Raising women's participation in decision-making: engaging men as change agents'. The 2018 Fundamental Rights Colloquium on Democracy in the EU included a session on supporting broad participation and representation in democratic societies, including by women. Six projects are being co-financed (2019-2020) to support the participation of women in politics and public fora (and two in economic decision-making).
14- Implement the Work-Life Balance initiative	- To strive towards a swift adoption of the Directive on work-life balance for parents and carers by the co- legislators as well as implementation of the non-legislative actions presented in the Communication	European Council European Parliament	 The Work-Life Balance Directive 2019/1158 adopted in June 2019 and subsequently published in the Official Journal. Entered into force on 2 August 2019. Provides for 10 days of paid paternity leave for fathers, 4 months of parental leave for each parent (of which at least 2 months cannot be transferred to the other parent and have to be adequately paid), 5 days of carers' leave, the right for parents with children up to 8 years old and carers to request flexible working arrangements. The Commission will closely monitor the Directive's implementation into national systems. First implementation workshop with Member States took place on 10 and 11 December 2019 and may be followed by additional meetings in 2020 and 2021. The Commission is implementing the policy actions presented in the Communication. Several relate to continuous work – theme included in the European Semester (eg. on the lack of affordable childcare or long-term care and implications for women's participation in the labour market) as well as funding under the European Structural and Investment Funds. The Commission launched work in the joint indicators sub-group of the Employment Committee (EMCO) and the Social Protection Committee (SPC) to develop comparable indicators on women and men's take-up of paternity, parental and carers' leave, flexible working arrangements and comparable indicators on childcare and long-term care (indicators to be used to monitor the Directive's impact). Restricted call on closing gender gaps over the life course – work-life balance for women and men and a better sharing of caring responsibilities – under the 2019 REC programme. 10 proposals received and eight selected for funding. Call for proposals to develop, test and/or implement innovative work-life balance strategies in the workplace financed through the Employment and Social Innovation programme published in 2018. Four projects selected for financing.

			 Capacity-building seminar organised jointly with EQUINET in October 2018 on protection from dismissal for pregnant women and people who have taken family leave. Study on protection from dismissal and discrimination in the area of family-related leaves finalised in November 2018. EIGE's Gender Equality Index 2019 focused on work-life balance. Presents an EU scoreboard of 15 indicators on work-life balance. EIGE's analysis on 'Eligibility for Parental Leave in EU Member States' will be published in 2020. As of 2019, the data on eligibility for parental leave in the EU will be available on an annual basis in EIGE's gender statistics database.
15- Work towards a better recognition of skills in all sectors	- New Skills Agenda	European Commission National authorities Key stakeholders	 Upskilling pathways action of the skills agenda includes low-skilled women aged 55 and over with caregiver responsibilities, as well as parents returning to work after a period of taking care of family dependants. Council Recommendation from December 2016 encourages Member States to outline appropriate measures at the national level by mid-2018. In selecting priority groups among low-skilled adults, gender should be taken into account. Overview of the national implementation measures provided by the Commission in late 2018. Pledge to strengthen digital skills for women included in the digital skills and jobs coalition action of the skills agenda. Two-year project focuses on digital inclusion for women and on boosting young people's employability. 'Digital Skills and Jobs Coalition' initiative includes projects with a focus on equality: 'Tf for SHE' in Poland and Rails Girls Sofia' in Bulgaria. The European entrepreneurship competence framework ("EntreComp") is a pan-European framework to support the development of entrepreneurial skills. Examples on how to use the framework published in June 2018 as a user guide listing two projects to support women enterpreneurs, namely: 'IWomen Academy: Using EntreComp to inspire women to think about their entrepreneurial competences'; and 'The Women's Organisation: Applying EntreComp to existing programmes on buiding women's entrepreneurial knowledge, skills and confidence'. EntreComp also used as basis for a workshop on supporting women entrepreneurs at the European Development Days. Gender aspect further mainstreamed in mutual learning activities regarding the recognition and validation of skills. 2016 skills agenda proposed concrete measures for both women and men to acquire the skills needed to thrive in the labour market and society. An <u>overview of the implementation measures</u> was provided by the Commission in 2019.

16- Raise awareness of gender-neutral classification systems	- To continue to raise awareness of the importance of gender-	European Commission	 Many of the actions carried out using the digital competence framework (DigComp) take gender issues and digital skills for women into account. Gender will be an important element for the update of the skills agenda, to be adopted by the Commission in 2020. Commission's Women in Digital (WID) Scoreboard monitors women's participation in the digital economy. It assesses Member States' performance in the areas of Internet use, Internet user skills as well as specialist skills and employment based on 13 indicators. As of 2019, the Women in Digital (WiD) Scoreboard is an integral part of the Digital Economy and Society Index (DESI). The European Social Fund supports the validation and recognition of skills and experience in the Member States. The European network of legal experts in gender equality and non-discrimination requested to provide an update consisting of an overview on the most important developments in gender-neutral job-classification systems since 2013.
	neutral job classification systems to ensure equal pay - To publish and widely disseminate an updated guide on gender neutral job evaluation and classification system	National authorities Key stakeholders	 The update was made during the action plan's implementation. It will be used when appropriate to update Annex I of the 2013 implementation report on Directive 2006/54/EC, and will in due time be given wide publicity.
17- Report regularly on the evolution of the gender pay, earnings, and pensions gap in Europe; include the gender perspective in the 2018 Pension Adequacy Report	 Annual Report on equality between women and men data on the 'Adjusted' gender pay gap Eurobarometer on the gender pay gap and pay transparency 	European Commission	 2018 Report on equality between women and men in the EU published in March 2018 and the 2019 <u>Report on equality between women and men in the EU</u> published in March 2019. Data on the 'adjusted gender pay gap' published in June 2018 (Eurostat statistical working paper: '<u>A</u> <u>decomposition of the unadjusted gender pay gap using Structure of Earnings Survey data</u>'). Eurobarometer on the gender pay gap and pay transparency published in November 2017.
	 Publication of report on the enforcement of equal pay Publication of the 	European Commission	 Report on the enforcement of the equal pay principle published together with the action plan. 2018 Pensions Adequacy Report published in April 2018. Findings discussed at a conference on 2 July 2018, including a panel discussion on 'Gender and old age: how to overcome the gender pension gap?'.

	2018 Pension Adequacy Report		 Average estimated gender pension gap was 30.1 per cent in the EU for 2018. Although lower for new retirees, it has remained persistently high in many Member States. Cumulative effect of the multiple caree gaps affecting women (pay, career duration, childcare breaks, part-time work, care for dependent adults likely to have a continued impact on their pensions, only mildly compensated for by pension systems. 2021 Pension Adequacy Report will continue to analyse the gender gap in pension benefits and pension coverage, their causes and the possible policy responses. The report will explore how pension credits for career breaks linked to caring responsibilities facilitate an equal sharing of caring responsibilities between men and women over their working life.
18- Launch work to better assess gender equality in the collaborative economy	- To assess gender equality in the collaborative economy	European Commission	 Commission report on 'Platform Workers in Europe' published in June 2018. Based on a survey of ove 32,000 respondents across 14 Member States. Examines work provided through digital labour platforms Labour services categorised according to the level of skills required, and analysed in terms of gender and educational levels. Results of the second wave of the survey (38,000 respondents from 16 Member States forthcoming. Directorate-General Internal Market, Industry, Entrepreneurship and SMEs organised a conference or 'Collaborative Economy: Opportunities, Challenges, Policies' on 11 October 2018. A report on 'Gende equality and the collaborative economy' published in March 2018 by the legal network. Advisory Committee prepared an opinion on the future of work prepared in December 2018. Work is ongoing to launch a pilot data collection project in the EU Labour Force Survey on labou platforms in view of a possible future inclusion in the core Labour Force Survey or in a module. All results from this pilot will be broken down by sex.
19- Raise awareness of the gender pay gap	- European Equal Pay Day	European Commission	• European Equal Pay Day organised around 3 November annually. Factsheets and shareable disseminated. First Vice-President Timmermans and Commissioners Thyssen and Jourová issued a join press statement on 31 October 2019, 26 October 2018 and 31 October 2017.
20 - In 2018 publish and disseminate an updated guide on case law on the principle of equal pay	- To update and publish an updated guide on the case law of the Court of Justice of the European Union on the principle of equal pay	European Commission	• A summary of the case law of the Court of Justice of the European Union updated and published on Equa Pay Day 2019.
21- Prepare and disseminate an updated	- To prepare and widely disseminate an	European Commission	• A thematic guide on best practices on equal pay (' <u>National cases and good practices on equal pay</u> ') by Susanne Burri, professor at Utrecht University, updated by the legal network to reflect the latest actions by

guide on best practices	updated guide on best practices reflecting the latest actions by Member States to ensure the application of equal pay		Member States to ensure the application of equal pay on the ground and published on Equal Pay Day 2019.
22 - Dedicate mutual learning seminars to the issue of the gender pay gap, including targeted support for social partners	 To continue to dedicate mutual learning seminars for governmental representative to the gender pay, earnings, and pensions gap and its root causes To support mutual learning and capacity- building of social partners, companies and other stakeholders, to tackle the gender pay gap 	European Commission National authorities Social partners Key stakeholders	 Thematic seminar in the form of a dialogue between the European Commission and the social partners held on 7 May 2019 on the role, costs and benefits of pay transparency. In the context of the mutual learning programme, the Commission organised another seminar in Iceland in May 2019 on tackling gender pay gaps, their root causes and best practices in addressing them.
23 - Offer financial support to Member States willing to reduce the gender pay gap	- REC programme 2014-2020	European Commission National authorities Key stakeholders	• Funding granted for actions by national authorities to help the Member States to experiment or develop/design measures to address gender employment/pay/pensions gaps. Done in the form of a restricted call for proposals to address gender gaps over the life-cycle from 3 October 2017 to 22 February 2018. 14 proposals received of which 12 projects proposed for financing for the total amount of €4,481,108.77. Projects running from late 2018 until late 2020.
24 - Continue to follow up on the gender pay gap through the European Semester	- European Semester	European Commission National authorities	 Gender pay gap raised in the European Semester country reports in 2018 and 2019. In 2018, addressed as an issue for Austria, Czechia, Estonia, Finland, Germany, Portugal, Slovakia and the United Kingdom. Under the 2019 round, concerns about the gender pay gap flagged as an issue for Austria, Czechia, Finland, France, Germany, Hungary, Malta, Portugal, Slovakia and the United Kingdom. Country-specific recommendation to address the high gender pay gap being monitored also during the 2020 round of the European Semester.