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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 enforcement mechanisms.
[6750/21 + ADD 1 + ADD 2 + ADD 3 - COM(2021) 93 final]
- Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above-mentioned document followed by a courtesy English translation.

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NA/mk

LIFE.4

EN/DA



Næstformand Maroš Šefčovič
Europa-Kommissionen
B-1049 Bruxelles
Belgien

Politisk udtalelse om Europa-Kommissionens forslag til direktiv om løngennemsigtighed (KOM(2021) 93)

Folketinget har behandlet Kommissionens forslag til Europa-Parlamentets og Rådets direktiv om styrkelse af anvendelsen af princippet om lige løn til mænd og kvinder for samme arbejde eller arbejde af samme værdi ved hjælp af løngennemsigtighed og håndhævelsesmekanismer.

Folketinget vurderer, at forslaget ikke indebærer problemer i forhold til nærhedsprincippet.

Et flertal i Folketinget (Socialdemokratiet og Venstre) er enige i princippet om, at mænd og kvinder skal have lige muligheder, og at løn ikke skal afhænge af køn. Partierne deler intentionen i Kommissionens forslag om at fremme lige løn gennem løngennemsigtighed. Partierne bemærker, at den danske ligelønslov siden 1976 har forbudt uligeløn for samme arbejde eller arbejde af samme værdi, men der er fortsat ikke ligeløn på det danske arbejdsmarked. Partierne byder derfor initiativer velkommen, der fremmer ligeløn. Initiativer til fremme af ligeløn må dog ikke skade den danske model eller forhindre arbejdsmarkedets parter i at indgå aftaler om løn- og arbejdsforhold.

Partierne støtter EU's ligelønsprincip samt en effektiv håndhævelse heraf og er optaget af at bekæmpe lønforskelle baseret på køn, bl.a. ved at sikre synlighed og information om mænds og kvinders aflønning samt ved at styrke ligelønsarbejdet på alle niveauer. Samtidig ser partierne med bekymring på forslagens konsekvenser for den markedsbaserede løndannelse og på detaljeringsgraden i det nye EU-forslag, idet det vil udfordre den danske arbejdsmarkedsmodel og medføre unødige byrder for erhvervslivet.

Danmark har en stærk og langvarig tradition for, at løn- og arbejdsvilkår reguleres af arbejdsmarkedets parter gennem kollektive overenskomster og uden indblanding fra regering og Folketinget. Det sikrer fleksibilitet og tilpasnings-

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J.nr.: 21-000247-2
Andreas Sommer
Møller
EU-konsulent
andreas.moeller@ft.dk

Folketinget
Christiansborg
1240 København K
3337 5500
ft@ft.dk
www.ft.dk

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dygtighed i forhold til udviklingen på arbejdsmarkedet, en passende lønudvikling og en afbalancering af begge parter interesser. Det er nødvendigt, at der skabes sikkerhed for, at forslaget respekterer dette.

Partierne vil værne om og bevare den danske model, herunder arbejdsmarkedets parter rolle og autonomi i forhold til fortsat at kunne fastlægge løn- og arbejdsvilkår tilpasset udviklingen på det danske arbejdsmarked. Partierne har derfor en række alvorlige bekymringer i forhold til, om det omfattende og detaljerede forslag, herunder de meget detaljerede håndhævelses- og tilsynsbestemmelser, er i overensstemmelse med proportionalitetsprincippet.

Partierne vil arbejde for, at nye tiltag kan implementeres gennem kollektive aftaler, og finder det afgørende, at der i videre omfang må sikres respekt for forskellige nationale modeller og for arbejdsmarkedets parter i forslagens enkelte bestemmelser.

Direktivet vil have lovgivningsmæssige og økonomiske konsekvenser, såvel statsfinansielt som erhvervsøkonomisk som følge af de administrative konsekvenser for erhvervslivet. Partierne vil derfor have fokus på at tilpasse kravene, så de i højere grad passer ind i et dansk setup med henblik på at mindske de administrative byrder for både offentlige myndigheder, arbejdsgivere og erhvervsliv. Her tænkes bl.a. på øgede krav til dataindsamling og lønovervågning.

Et mindretal i Folketinget (Socialistisk Folkeparti og Enhedslisten) støtter formålet med at fremme ligeløn gennem gennemsigtighed og håndhævelse, der sikrer arbejdstagere mod lønmæssig diskrimination på baggrund af køn.

Partierne bemærker, at den danske ligelønslov siden 1976 har forbudt arbejdsgivere at udbetale uligeløn for samme arbejde eller arbejde af samme værdi, men at der i praksis er gjort meget lidt - især for at bekæmpe den del af uligelønnen, der handler om arbejde af samme værdi. Partierne ser derfor positivt på værktøjer, der kan rette op på den strukturelle ulighed og forudindtaget, der hersker i organisationer, og som fastholder en undervurdering af arbejde, der primært udføres af kvinder.

Partierne understreger, at initiativer til fremme ligeløn ikke må skade den danske model eller forhindre arbejdsmarkedets parter i at indgå aftaler om løn- og arbejdsforhold.



Et mindretal i Folketinget (Dansk Folkeparti) kan ikke støtte forslaget, da det bør være arbejdsmarkedets parter, der sikrer ligeløn, og ikke et direktiv fra EU.

Det er efter partiets mening et område, der skal løses med aftaler på arbejdsmarkedet i de enkelte lande, og derfor er det efter partiets opfattelse i strid med nærhedsprincippet.

Hvis EU vil gennemføre forslaget, bør det ikke gælde for lande med tradition for, at arbejdsmarkedets parter aftaler lønnen gennem forhandlinger.

Med venlig hilsen

Eva Kjer Hansen
Formand for Folketingets Europaudvalg

Bjarne Laustsen
Formand for Folketingets Beskæftigelsesudvalg

Heidi Bahk
Formand for Folketingets Ligestillingsudvalg



FOLKETINGET

Vice-President Maroš Šefčovič
The European Commission
B-1049 Brussels
Belgium

Contribution concerning the European Commission's proposed directive on pay transparency (COM(2021) 93)

The Danish Parliament has debated the Proposal for a Directive of the European Parliament and of the Council 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 enforcement mechanisms.

The Danish Parliament believes that the proposals do not have a bearing on subsidiarity.

A majority in the Danish Parliament (The Social Democratic Party and The Liberal Party) agree with the principle that men and women should have equal opportunities and that pay should not be gender-specific. The parties accede to the intention of the Commission's proposal to strengthen equal pay through pay transparency. The parties note that, although the Danish Equal Pay Act has prohibited unequal pay for the same work or work of equal value since 1976, equal pay has yet to be achieved in the Danish labour market. The parties welcome initiatives that encourage equal pay. However, the parties believe that the promotion of equal pay should not jeopardise the Danish labour market model or prevent the social partners from entering agreements on pay and working conditions.

The parties support the EU equal pay principle and effective enforcement thereof, and they believe it is important to combat pay inequality based on gender by means of e.g. encouraging transparency and information on men and women's pay and strengthening efforts to achieve equal pay at all levels. Meanwhile, the parties are concerned that the proposal may have adverse consequences for market-driven wage setting. They are also worried about the proliferation of detail in the new EU proposal, as it flies in the face of the Danish labour market model and places a needless burden on the business community.

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File no.: 21-000247-2
Andreas Sommer
Møller
EU Adviser
andreas.moeller@ft.dk

The Danish
Parliament
Christiansborg
DK-1240 Copenhagen
K
+45 3337 5500
ft@ft.dk
www.ft.dk

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In Denmark, the social partners regulate pay and working conditions. They do so by means of collective agreements, in which there is neither government nor parliamentary involvement. This is a strong, time-honoured tradition. The Danish Model is flexible and adaptable with regard to labour market conditions. It produces appropriate pay increments and a balance between the interests of the social partners. It is imperative that the EU proposals include instruments that acknowledge the Danish Model.

The parties seek to protect and preserve the Danish Model, including the role and autonomy of the social partners with regard to their continuing to set pay and working conditions that are adapted to the evolution of the Danish labour market. Therefore, the parties have many grave concerns with regard to whether this comprehensive and detailed proposal, including its very detailed provisions regarding enforcement and monitoring, is in line with the proportionality principle.

The parties are prepared to work towards implementing new initiatives via collective agreements, and believe it is imperative that individual provisions of the EU proposal safeguard more broadly not only the various national models, but also a diversity of labour market players.

The directive will have legislative and financial repercussions on both state and business economics, due to the administrative burdens it can be expected to impose on the business community. The parties urge the Commission to focus on adapting the requirements to ensure that they correlate better with the Danish set-up, i.e. to reduce the administrative burden on public authorities, employers and the business community. In this respect, we refer to more stringent demands with regard to data collection and pay monitoring.

A minority in the Danish Parliament (The Socialist People's Party and The Unity List) supports the Commission's desire to promote equal pay through transparency and enforcement as measures to protect employees from pay discrimination because of gender.

The parties note that, since 1976, the Danish Equal Pay Act has prohibited employers from paying unequal pay for the same work or work of the same value although in practice very little has been achieved, especially with regard to combating that part of pay inequality related to work of the same value. The parties welcome any instrument that can eradicate structural inequality and bias that predominate at the organisational level, and perpetuate underestimation of work performed primarily by women.



However, the parties believe that the promotion of equal pay should not jeopardise the Danish labour market model or prevent the social partners from entering agreements on pay and working conditions.

A minority in the Danish Parliament (The Danish People's Party) is unable to support the proposal because it believes that the social partners should be responsible for establishing equal pay – not an EU directive.

The party believes that such matters should be resolved by means of labour market agreements in the individual Member States. The party believes therefore that the proposal contravenes the subsidiarity principle.

If the EU seeks to pass the proposal, the Member States whose social partners by tradition negotiate and reach agreement on pay, should be exempted.

Yours sincerely,

Eva Kjer Hansen
Chair, the European Affairs Committee of the Danish Parliament

Bjarne Laustsen
Chair, the Employment Committee of the Danish Parliament

Heidi Bank
Chair, the Gender Equality Committee of the Danish Parliament