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INFORMATION MEMO

Implementation as of 31 December 1964 of the principle of equal pay  
for men and women workers.

The EEC Commission has approved a report on progress made in the implementation of the equal pay principle up to 31 December 1964, which was the time-limit fixed for its full implementation.

This principle, established by Article 119 of the Treaty of Rome, was stated in more specific terms in the resolution adopted by the conference of the Member States on 30 December 1964, which provide for complete implementation of the principle by 31 December 1964.

The principle of equal pay

In its report, the Commission reaffirms that the principle of equal pay set out in Article 119 is to be taken in the widest sense, i.e. that it includes the elimination of all measures involving implicit or explicit discrimination in the matter of remuneration for women. In particular, the Commission rejects the contention that the principle should apply only to technically identical duties, and recalls that according to the undertakings given by the Member States in the resolution of 30 December 1961, the following practices must be considered incompatible with the equal pay principle: the systematic down-grading of women workers, the adoption of different qualification rules as between men and women workers, the use of job evaluation criteria not related to the real conditions in which the work is done.

Obligations incumbent on the Governments and the responsibilities of  
workers' and employers' organizations.

Under Article 119 and the resolution of 30 December 1961 the Member States were required to implement the equal pay principle directly in the public sector, and, more generally, to ensure appropriate legal safeguards for it. The workers' and employers' organizations whose freedom to fix conditions of work is acknowledged in practice in all the countries of the Community were charged with ensuring equal pay in collective bargaining agreements.

The situation in the individual Member States as of 31 December 1964

In Belgium, despite the progress which workers' and employers' organizations have made - and which has in some cases been considerable - there is still no legal machinery providing a general right for equal pay for women that can be upheld in the courts. The fact that collective agreements are legally enforceable does not exempt the Belgian Government from its duty to establish legal rules for the implementation of the equal pay principle. Moreover, a number of collective agreements which maintain disparity of treatment between men and women workers and others which interpret Article 119 restrictively as applying only to identical duties carried out in the same enterprise, have been made binding in a general sense.

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The workers' and employers' organizations are agreed that the time-limit of 31 December 1964 has not been complied with in all sectors. These organizations were also required to do everything in their power to ensure compliance with the time-limit. As for the system of standard classification, which has been written into many collective agreements, the Commission observes that although this system enables explicit measures of discrimination against female labour to be eliminated, it must not be used as a loophole whereby jobs normally done by women are classified lower - and paid less - than other jobs.

In Germany, the legal protection provided under Article 3 of the Constitution is a sufficient safeguard. Women workers who believe that their right to equal pay is not being respected can appeal to the courts. As far as principles are concerned, the problem may therefore be considered as solved.

The trade union organizations agree that with the exception of a small number of cases now under negotiation, the principle is being properly applied in Germany.

Nevertheless, the time-limit of 31 December 1964 has not been universally complied with. There are still some industries in which explicit wage discriminations survive and many industries in which the creation of categories of light work mainly carried out by women has meant a down-grading of women's jobs which has affected pay.

In France, the principle of equal pay is sanctioned both by constitutional rules and by ordinary legal requirements.

According to a joint declaration of the Government and of the workers' and employers' organizations, equal pay has been generally implemented for some time both in collective agreements and in practice.

The Commission notes, however, that the existence of categories of labour not covered by collective agreements or covered by collective agreements not recognized as being of general application, means that the women belonging to such categories do not have proper legal protection in this respect. The French authorities have however announced that a bill will be tabled in the near future to bridge this gap.

In Italy, Article 37 of the Constitution, unanimously interpreted by the courts as immediately applicable, constitutes a sufficient guarantee and has formed the legal basis for the development

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of wage agreements in recent years. On this basis the combined efforts of the government and of workers' and employers' have enabled considerable headway to be made: standardisation of job classifications in industry and the reduction in their number, and the conclusion of equal pay agreements in all the other sectors has made possible not only a considerable increase in women's pay but also **absolute equality** of remuneration in most fields of the economy.

Yet on 31 December 1964 there were still some sectors in Italy in which equal pay had not yet been achieved. These were mainly fringe activities not covered by collective agreements or ones for which old contracts were in force providing for what were sometimes wide disparities between women's pay and men's. There were also sectors - for which discussions on the renewal of collective agreements were under weigh - in which pay disparities survived.

In the Grand Duchy of Luxembourg, the law on minimum wages, which does not apply to domestic work, agriculture, aviculture and horticulture, no longer provides for discrimination against women's labour, and the collective agreements no longer provide for differentials between women's and men's pay. This means that, with these exceptions, there is a secure legal guarantee for the application of the equal pay principle.

But outside this guarantee, in the sectors not covered by collective agreements and in the sectors in which the minimum wage legislation does not apply, the problem of legal safeguards for the principle remains open. It is therefore incumbent on the government to take appropriate measures.

In the Netherlands, there has in general been considerable progress towards the elimination of disparities between women's and men's wages. Systems of classification and demarcation lines in the Netherlands are defined very clearly and are applied identically and objectively to women and men alike. But from the information supplied by 31 December 1964 it is clear that there are great difficulties in implementing the equal pay principle even in the final stage, and in some sectors there are still fairly wide disparities.

The Dutch Government, then, has yet to discharge its obligation to introduce the necessary legal instruments ensuring that the right to equal pay can be upheld in the courts. In addition, using the powers available to it, the government should declare non-enforceable any clauses in collective agreements departing from the rules laid down in the resolution of 30 December 1961.

The Commission notes that the workers' and employers' organizations now mainly responsible for fixing wages, have not made full use of the opportunities provided by the pay increases in recent years to step up women's wages more rapidly.

### Conclusions

The Commission notes that considerable progress has been made in most of the Member States. The combined efforts of the governments and of the workers' and employers' organizations have ensured that women's wages have risen faster than those of men in recent years.

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Nevertheless, despite the progress made, the equal pay principle has not, in practice, been fully implemented in any of the member countries. The governments and the workers' and employers' organizations still have many tasks to carry out before the objective can be considered as fully achieved.

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