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Report on the Application of the Principle of Equal Pay for Men
and Women: situation on 31 December 1972

The principle of equal pay for men and women for the same work is laid down in Article 119 of the EEC Treaty and in its latest report on its implementation the Commission says that although undeniable progress has been made in the Community the situation is still far from satisfactory.

The Commission intends to strengthen and extend its role for the effective achievement of wage equality. The Guidelines for a Social Action Programme last April also declared that the Commission would take the necessary initiatives provided in the Treaty. Therefore the Commission will start proceedings under Article 169 of the Treaty against certain Member States which have not yet complied with the obligations imposed by Article 119.

Article 169 lays down that if the Commission considers that a Member State has failed to fulfil any of its obligations under the Treaty it shall give a reasoned opinion on the matter after requiring such State to submit its comments. If the State does not comply with the terms of this opinion within the time set by the Commission, the latter may refer the matter to the Court of Justice.

The Commission will also prepare a draft for a new Community instrument which will specify certain details to facilitate the achievement of wage equality. This could help the Member States to relaunch national initiatives in this field.

The Commission also intends, in accordance with the wishes of the European Parliament, to invite the employers and unions to meet at a European level to negotiate a framework agreement which could deal with the points raised in the Report concerning collective agreements and wage equality.

Public Authorities

In the Report's conclusions the Commission points out that the public authorities in the Member States have a determining role in the bringing about of wage equality for men and women. It is essential therefore that the public authorities should intervene where they have not already done so, especially through legislation, in order:

- (a) To establish the right to "equal wages" of sufficient scope so that any woman who considers herself to have been wronged can assert this right by legal means. It is noted that no provision of this type exists yet in the Netherlands and that the situation is vague in Luxembourg;

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(b) To declare the complete nullity of any clause in an agreement or contract contrary to Article 119;

(c) To lay down effective sanctions for the disregarding of the principle of wage equality.

Employers and Unions

Among the Commission's recommendations to the employers and unions are:

- (a) To sign no more collective agreements laying down direct discrimination and, of course, to eliminate existing cases;
- (b) To include a clause in all collective agreements on how wage equality is to be applied;
- (c) To make the best use of classification systems by re-evaluating certain aptitudes of female workers such as precision, speed and dexterity.

Employers' organisations are urged in the Report to call on their members not to limit equality to minimum wages fixed in collective agreements but also to apply it to the wages actually paid, including bonuses. Likewise the employers should ensure that women really have equal opportunities in respect of access to skilled posts to give them the same possibilities as men for increases in income.

The trade unions are urged by the Commission to support and promote legal actions to eliminate discrimination and to take special care within companies to ensure the correct application of wage equality both for job classification and for real wages.

The Report which covers the period 1958-72 consists of four parts;

- 1) The legal situation regarding wage equality in the Member States;
- 2) The development of collective agreements;
- 3) Application of Article 119;
- 4) Statistical aspects of the problem.

Regarding statistics, the Report recalls that a 1966 survey of the four branches of industry which employ the most women, namely, textiles, food, clothing and electrical equipment, showed that the gap between the average hourly pay of women compared with men reduced considerably when one passed from a comparison of all manufacturing industries grouped together to a comparison of each of the four branches already mentioned.

For the textile, food and clothing industries the smallest differences in hourly earnings for men and women were recorded in Italy (13%) and in France (15%), these countries being followed by Germany (20%). Belgium (22%)

and the Netherlands (27%). For the electrical equipment industry, the smallest differences were recorded in France (10%), Italy (12%) and the Netherlands (12%), followed by Germany (20%) and Belgium (21%).

The enquiry into wage equality in industry is now being extended to white collar workers and will be extended to the commercial and service sectors where female workers are very numerous.

The Report only concerns the six original Member States of the EEC but an additional report on the situation on wage equality in the three new Member States is now being prepared.