

Proposal for a Council Directive on the approximation of the laws of Member States concerning the application of the principle of equal pay for men and women contained in Article 119 of the EEC Treaty

(Submitted to the Council by the Commission on 19 November 1973)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the implementation of the principle that men and women should receive equal pay for equal work contained in Article 119 of the EEC Treaty is an integral part of the establishment and functioning of the common market;

Whereas it is first of all the responsibility of Member States to ensure the application of this principle by means of adequate laws, regulations and administrative provisions;

Whereas, in spite of the adoption by the Conference of Member States of a Resolution intended to implement harmoniously the principle of equal pay and, consequently, to provide a uniform method of application in all Member States, considerable differences may be observed in the national provisions;

Whereas, this being so, it is necessary to remove these differences and, consequently, to approximate the national provisions;

Whereas, moreover, even in those States with the most advanced legislation, doubts remain with regard to the practical application of the principle of equality, and whereas it is desirable, in consequence, to reinforce the basic laws by standards aimed at facilitating their practical application in such a way that all workers in the Community may enjoy effective protection in this field;

Whereas, moreover, in order that the growing number of female workers may benefit from the harmonisation of the improvement of workers' living and working conditions as part of a balanced socio-economic development of the Community, it is necessary to improve and harmonize the abovementioned provisions,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive is intended to approximate the laws, regulations and administrative provisions concerning the application of the principle that men and women should receive equal pay for equal work, contained in Article 119 of the Treaty establishing the European Economic Community and hereinafter called 'the principle of equal pay'.

Article 2

Member States shall introduce into their domestic legal systems such measures as are necessary to enable all persons who consider themselves aggrieved by the non-application of the principle of equal pay to enforce their claims before the courts.

Article 3

Member States shall abolish all discrimination between men and women arising from laws, regulations or administrative provisions affecting wages, particularly as regards the public and similar services, the legal minimum wage and statutory wage-related allowances or benefits other than those falling within social security systems which are directly regulated by law.

Article 4

Member States shall take all necessary measures to render ineffective any provisions contrary to the principle of equal pay which appear in collective agreements, wage scales, wage agreements or individual contracts of employment.

Article 5

Member States shall take the necessary measures to prevent any dismissals which might be construed as an employer's reaction to a complaint at the level of the undertaking or to suits tending to ensure that the principle of equal pay is respected.

Article 6

Member States shall ensure that the application of the principle of equal pay is supervised at the level of the undertaking and that all infringements are punished.

Article 7

Provisions adopted in pursuance of this Directive and those already in force in this connection shall be brought to the attention of workers in any appropriate manner at their places of work.

Article 8

Within a period of six months, dating from the day that this Directive has been notified, the Member States shall amend their laws in accordance with the aforementioned minimal provisions and shall forthwith inform the Commission thereof. Laws thus amended shall enter into force one year after this Directive has been notified or not later than 31 December 1975.

Article 9

In the two years dating from the expiry of the period of one year specified in Article 8 and not later than 31 December 1977, the Member States shall forward to the Commission all the information enabling it to draw up a report on the application of this Directive for submission to the Council.

Furthermore, once this Directive has been notified, Member States shall ensure that the Commission is informed, in time for it to submit its comments, of the most important laws, regulations and administrative provisions which they envisage adopting in the field covered by this Directive.

Article 10

This Directive is addressed to the Member States.