



Provisions on equality bodies in other Directives than the 6 Directives covered by the standards on equality bodies - implications for transposition and for indicators

This paper clarifies the relationship between the Directives on equality bodies and 4 recent Directives which refer to equality bodies¹. It presents how the Commission services understand the Directives. It does not encroach on the Court of Justice's competence for interpreting EU law.

There are binding references to equality bodies in two Directives: the Directive on work-life balance and the Directive on pay transparency. Directive 2024/1500 refers to both.

Two other Directives (Gender balance on company boards and Violence against women) require Member States to designate a body to perform certain tasks, leaving it optional to designate an equality body or another body for this purpose.

1. Directive 2019/1158 on work-life balance for parents and carers (see Annex 1).

Article 15 of the Work-Life Balance Directive ensures that the equality bodies designated pursuant to Article 20 of Directive 2006/54/EC also have competence in matters governed by the Work-Life Balance Directive. This provision is binding on the Member States.

¹ This is not the case of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers even though some Member States have decided to designate equality bodies as bodies to promote equal treatment and to support Union workers and members of their family.



Article 23 of Directive 2024/1500 stipulates that references to the bodies for the promotion of equal treatment referred to in Article 20 of Directive 2006/54/EC shall be construed as references to the equality bodies under Directive 2024/1500.

As stated in Recital 13 of Directive 2024/1500, the new standards apply to equality bodies in particular when tackling discrimination cases covered by Directive 2019/1158, related to workers who exercise their right to take leave or to request flexible working arrangements.

Conclusion: the new standards fully apply to equality bodies when dealing with matters covered by the Work-Life Balance Directive.

Indicators: This field should be added to the fields listed in the indicators on the mandate of equality bodies.

2. Directive 2023/970 on pay transparency (see Annex 2)

Article 3(1)(l) of the Pay transparency Directive defines equality bodies as the body or bodies designated pursuant to Article 20 of Directive 2006/54/EC. Article 23 of Directive 2024/1500 stipulates that references to the bodies for the promotion of equal treatment referred to in Article 20 of Directive 2006/54/EC shall be construed as references to the equality bodies under Directive 2024/1500.

Therefore, the new standards of Directive 2024/1500 apply to equality bodies when dealing with issues falling under the scope of the Pay transparency Directive 2023/970.

In a few instances the provisions of the Pay transparency Directive are more detailed than those of Directive 2024/1500.

Article 1(3) of Directive 2024/1500 provides for that situation that ***“This Directive is without prejudice to more specific provisions contained in Directive (EU) 2023/970.”***

It is further specified in Recital (14) that *“Directive (EU) 2023/970 of the European Parliament and of the Council should be considered lex specialis in relation to Directive 2006/54/EC only regarding matters covered therein. This Directive should be without*



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prejudice to more specific provisions on equality bodies set out in Directive (EU) 2023/970.”

A number of provisions of both Directives thus complement each other. This is the case for instance in the fields of consultation and cooperation. Equality bodies are also given specific rights to access information when exercising powers falling under the Pay transparency Directive. The specific provisions involving equality bodies in the context of pay transparency are reproduced in Annex 2. **They all constitute additional tasks/competences for equality bodies for which they need adequate resources in accordance with Article 4 of Directive 2024/1500 and Article 28(3) of the Pay transparency Directive.**

Litigation powers

Article 10 of Directive 2024/1500 on litigation powers of equality bodies provides that equality bodies have the right to act in court proceedings in civil and administrative law matters. In accordance with Article 10(3), Member States have to provide at least one of the following 3 types of legal standing: acting on behalf of one or several victims (Article 10(3)(a)) or in support of one or several victims (Article 10(3)(b)) or acting in equality bodies' own name (Article 10(3)(c)).

Article 15 of the Pay transparency Directive provides that *“Member States shall ensure that associations, organisations, equality bodies and workers’ representatives or other legal entities which have, in accordance with criteria laid down in national law, a legitimate interest in ensuring equality between men and women, may engage in any administrative procedure or court proceedings regarding an alleged infringement of the rights or obligations relating to the principle of equal pay. They may act on behalf of, or in support of, a worker who is an alleged victim of an infringement of any right or obligation relating to the principle of equal pay, with that person’s approval.”*

Therefore, Article 15 includes an obligation for Member States to empower equality bodies to act on behalf of, or in support of, a worker who is an alleged victim of an infringement of any right or obligation relating to the principle of equal pay under the conditions set in Article 15, independently of whether they have decided to opt or not for the transposition of Article 10(3)(a) or (b) of Directive 2024/1500. The litigation



rights provided for in Article 15 of the Pay Transparency Directive are therefore mandatory in relation to equal pay and pay transparency matters.

Conclusion: the two Directives are complementary, the Directive on pay transparency adding some specific competences/tasks for equality bodies in matters of equal pay between men and women.

The Pay transparency Directive also provides for the right of equality bodies to act on behalf or in support of a worker even if Member States did not opt for those options under Directive 2024/1500. This right only applies to equality bodies when dealing with alleged infringements of the rights or obligations relating to the principle of equal pay between men and women.

Indicators: The field of equal pay could be added to the fields listed in the indicators on the mandate of equality bodies. Litigation powers falling under Article 15 of Directive 2023/970 could be added to the indicator monitoring litigation powers.

3. Directive (EU) 2022/2381 (Gender balance on company boards) (see Annex 3).

Article 10 of Directive 2022/2381 requires Member States to designate one or more bodies **for the promotion, analysis, monitoring and support of gender balance on company boards**. The tasks which must, as a minimum, be attributed to the bodies under this Directive are more limited than the tasks attributed to equality bodies under Directive 2024/1500.

These bodies may be the equality bodies designated pursuant to Article 20 of Directive 2006/54. Article 23 of Directive 2024/1500 stipulates that references to the bodies for the promotion of equal treatment referred to in Article 20 of Directive 2006/54/EC shall be construed as references to the equality bodies under Directive 2024/1500.

There is no specific reference to the Women on company boards Directive in the recitals of Directive 2024/1500.



Conclusion: when Member States decide to designate their equality body(ies) to do the promotion, analysis, monitoring and support of gender balance on company boards, the equality bodies concerned are expected to receive the necessary resources to carry out those tasks, in order not to undermine the functioning of equality bodies and the performance of their tasks under Directive 2024/1500.

Indicators: This field of competence could be added to the list of indicators as an optional field.

4. Directive (EU) 2024/1385 on Violence against women (see Annex 4)

Article 22 of the Violence against women Directive requires Member States to designate national bodies with specific tasks in the context of the fight against violence against women. These bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU.

Article 23 of Directive 2024/1500 stipulates that references to the bodies for the promotion of equal treatment referred to in Directive 2006/54/EC shall be construed as references to the equality bodies under Directive 2024/1500.

Article 23 of Directive 2024/1499 provides that references to the bodies for the promotion of equal treatment referred to in Directive 2004/113/EC shall be construed as references to equality bodies under Directive 2024/1499.

The tasks which must, as a minimum, be attributed to the bodies under the Violence against women Directive are more limited than the tasks attributed to equality bodies under Directive 2024/1500. They cover the publication of reports and making of recommendations on matters relating to violence against women and domestic violence, including gathering of good practices, as well as exchanging information with relevant European bodies such as the European Institute for Gender Equality.



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Conclusion: when Member States decide to designate equality bodies to carry out the tasks under the Violence against women Directive, these equality bodies are expected to receive the necessary resources to carry out those tasks, not to undermine the functioning of equality bodies and the performance of their tasks under Directives 2024/1500 and 2024/1499.

Indicators: This field of competence could be added to the list of indicators as an optional field.

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Annex 1 – Work-life balance directive

Recital (13) of Directive 2024/1500 provides:

“This Directive applies to equality bodies when tackling discrimination covered by Directive (EU) 2019/1158 of the European Parliament and of the Council (12) by virtue of the reference in Article 15 of that Directive to Article 20 of Directive 2006/54/EC that is being replaced by this Directive.”

Article 23 - Amendments to Directives 2006/54/EC and 2010/41/EU

“Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.

References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article 2(1) of this Directive.”

Extracts from Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU

Article 15 Equality bodies

*“Without prejudice to the competence of labour inspectorates or other bodies that enforce the rights of workers, including the social partners, **Member States shall ensure that the body or bodies designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex, are competent with regard to issues relating to discrimination falling within the scope of this Directive.**”*

Recital (45) *“With a view to further improving the level of protection of the rights provided for in this Directive, national equality bodies should be competent in regard to issues relating to **discrimination that fall within the scope of this Directive, including the task of providing independent assistance to victims of discrimination in pursuing their complaints.**”*



Annex 2 - Pay transparency Directive

Article 1(3) of Directive 2024/1500 provides:

“This Directive is without prejudice to more specific provisions contained in Directive (EU) 2023/970.”

Recital (14) of Directive 2024/1500 provides:

*“Directive (EU) 2023/970 of the European Parliament and of the Council (13) should be considered *lex specialis* in relation to Directive 2006/54/EC only regarding matters covered therein. This Directive should be without prejudice to more specific provisions on equality bodies set out in Directive (EU) 2023/970.”*

Extracts from Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 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.

Transposition deadline: 7 June 2026

Subject matter (Article 1): This Directive strengthens the application of the principle of equal pay for equal work and the prohibition of discrimination laid down in Article 4 of Directive 2006/54/EC, in particular through pay transparency and reinforced enforcement mechanisms.

Article 3 Definitions (1)(l): ‘equality body’ means the body or bodies designated pursuant to Article 20 of Directive 2006/54/EC.

Consultation of equality bodies on tools or methodologies to support and guide the assessment and comparison of the value of work:

Article 4(2) - Member States shall, **in consultation with equality bodies**, take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work in accordance with the criteria set out in this Article. Those tools or methodologies shall allow employers and/or the social partners to easily establish and use gender-neutral job evaluation and classification systems that exclude any pay discrimination on grounds of sex.

Right of equality bodies to ask clarifications to employers about pay differences; cooperation to remedy the situation where applicable:

Article 9 (10) - Workers, workers’ representatives, labour inspectorates and **equality bodies shall have the right to ask employers for additional clarifications and details regarding any of the data provided**, including explanations concerning any gender pay differences. Employers shall respond to such requests within a reasonable time by providing a substantiated reply. Where gender pay differences are not justified on the



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basis of objective, gender-neutral criteria, employers shall remedy the situation within a reasonable period of time in close cooperation with workers' representatives, the labour inspectorate **and/or the equality body**.

Right of equality bodies to receive the joint pay assessment upon request:

Article 10(3) Employers shall make the joint pay assessment available to workers and workers' representatives and shall communicate it to the monitoring body pursuant to Article 29(3), point (d). They shall make it available to the labour inspectorate **and the equality body** upon request.

Role of equality bodies in the implementation of the measures arising from the joint pay assessment:

Article 10(4) - When implementing the measures arising from the joint pay assessment, the employer shall remedy the unjustified differences in pay within a reasonable period of time, in close cooperation, in accordance with national law and/or practice, with the workers' representatives. The labour inspectorate **and/or the equality body may be asked to participate in the process**. The implementation of the measures shall include an analysis of the existing gender-neutral job evaluation and classification systems or the establishment of such systems, to ensure that any direct or indirect pay discrimination on the grounds of sex is excluded.

Role equality bodies in the context of data protection:

Article 12(3) - Member States may decide that, where the disclosure of information pursuant to Articles 7, 9 and 10 would lead to the disclosure, either directly or indirectly, of the pay of an identifiable worker, only the workers' representatives, the labour inspectorate **or the equality body shall have access to that information**. The workers' representatives **or the equality body** shall advise workers regarding a possible claim under this Directive **without disclosing actual pay levels of individual workers performing the same work or work of equal value**. For the purposes of monitoring pursuant to Article 29, the information shall be made available without restriction.

Litigation powers: Article 15 - Procedures on behalf or in support of workers

Member States shall ensure that associations, organisations, **equality bodies** and workers' representatives or other legal entities which have, in accordance with criteria laid down in national law, a legitimate interest in ensuring equality between men and women, **may engage in any administrative procedure or court proceedings regarding an alleged infringement of the rights or obligations relating to the principle of equal pay**. They may act on behalf of, or in support of, a worker who is an alleged victim of an infringement of any right or obligation relating to the principle of equal pay, with that person's approval.

Article 21(2) Member States shall ensure that a limitation period is suspended or, depending on national law, interrupted, as soon as a claimant undertakes action by bringing a complaint to the attention of the employer or by instituting proceedings before a court, directly or through the workers' representatives, the labour inspectorate **or the equality body**.



Article 26 Relationship with Directive 2006/54/EC

Chapter III of this Directive [*N.B. remedies and enforcement*] shall apply to **proceedings** concerning any right or obligation relating to the principle of equal pay set out in Article 4 of Directive 2006/54/EC.

Competence of equality bodies and resources

Article 28 Equality bodies

1. Without prejudice to the competence of labour inspectorates or other bodies that enforce the rights of workers, including the social partners, **the equality bodies shall be competent with regard to matters falling within the scope of this Directive.**
2. Member States shall, in accordance with national law and practice, take active measures to ensure close **cooperation and coordination** among the labour inspectorates, the equality bodies and, where applicable, the social partners with regard to the principle of equal pay.
3. Member States shall provide their equality bodies with the **adequate resources** necessary for effectively carrying out their functions with regard to the respect for the right to equal pay.

Collection of data on complaints brought to the equality bodies and claims brought to courts

Article 29 Monitoring and awareness raising

2. Each Member State shall designate a body for the monitoring and support of the implementation of national measures implementing this Directive (monitoring body) and shall make the necessary arrangements for the proper functioning thereof. The monitoring body may be part of an existing body or structure at national level. Member States may designate more than one body for the purpose of awareness-raising and data collection, provided that the monitoring and analysis functions provided for in paragraph 3, points (b), (c) and (e), are ensured by a central body.

(...) 3. Member States shall ensure that the tasks of the monitoring body include the following: (...)

(e) **aggregating data on the number and types of pay discrimination complaints brought before the competent authorities, including equality bodies,** and claims brought before the national courts.

Recital (36) "All workers should have the right to obtain information, upon their request, on their individual pay level and on the average pay levels, broken down by sex, for the category of workers performing the same work as them or work of equal value to theirs. **They should also have the possibility to receive the information** through workers' representatives or **through an equality body.**(...)"

Recital (47) (...) "Involving equality bodies, in addition to other stakeholders, is instrumental in effectively applying the principle of equal pay. The **powers and mandates** of the national equality bodies should therefore be adequate to fully cover gender-based pay discrimination, including any pay transparency or any other rights and obligations laid down in this Directive. In order to overcome the procedural and cost-related obstacles faced by workers who seek to exercise their right to equal pay, equality bodies, as well as



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associations, organisations and workers' representatives or other legal entities with an interest in ensuring equality between men and women should be able to **represent individuals**. They should be able to assist workers **by acting on their behalf or in support of them**, which would allow workers who have suffered discrimination to effectively institute a claim regarding the alleged infringement of their rights and the principle of equal pay."

Recital (49) "Member States should ensure the allocation of sufficient resources to equality bodies for the effective and adequate performance of their tasks related to pay discrimination based on sex. Where the tasks are allocated to more than one body, Member States should ensure that they are adequately **coordinated**. This includes, for instance, **allocating amounts recovered as fines to the equality bodies** for the purpose of effectively carrying out their functions in regard to the enforcement of the right to equal pay, including **bringing pay discrimination claims or assisting and supporting victims in bringing such claims.**"

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Annex 3 - Gender balance on company boards Directive

Article 23 of Directive 2024/1500 - Amendments to Directives 2006/54/EC and 2010/41/EU

“Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.

References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article 2(1) of this Directive.”

Extract from Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures.

Article 10

Bodies for the promotion of gender balance in listed companies

Member States shall designate one or more bodies **for the promotion, analysis, monitoring and support of gender balance on company boards**. For that purpose, Member States **may designate**, for example, the equality bodies they have designated pursuant to Article 20 of Directive 2006/54/EC of the European Parliament and of the Council.



Annex 4 - Violence against women directive

Article 23 of Directive 2024/1500 - Amendments to Directives 2006/54/EC and 2010/41/EU

“Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU are deleted.

References to the bodies for the promotion of equal treatment referred to in those Articles shall be construed as references to the equality bodies referred to in Article 2(1) of this Directive.”

Article 23 of Directive 2024/1499 - Amendments to Directives 2000/43/EC and 2004/113/EC

“Chapter III of Directive 2000/43/EC and Chapter III of Directive 2004/113/EC are deleted. References to the bodies for the promotion of equal treatment referred to in those Chapters shall be construed as references to the equality bodies referred to in Article 2(1) of this Directive.”

Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on **combating violence against women and domestic violence** (art. 22)

Article 22 Role of national bodies, including equality bodies

1. Member States shall designate and make the necessary arrangements for one or more bodies to carry out the following tasks:

- (a) publishing reports and making recommendations on any issue relating to violence against women and domestic violence, including gathering existing good practices; and
- (b) exchanging available information with relevant European bodies such as the European Institute for Gender Equality.

For the purposes of the first subparagraph, Member States may consult with civil society organisations.

2. The bodies referred to in paragraph 1 of this Article may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU.