



Ms. Irena Moozova  
Director  
Dir D — Equality and Union citizenship  
Directorate General for Justice and  
Consumers  
European Commission  
1049 Brussels  
Belgium

Brussels, 17 November 2017

Dear Ms. Moozova,

**Re: Work of the European Commission on the Gender Pay Gap**

The European Commission is publishing an Action Plan on how to tackle the gender pay gap together with an evaluation report of the Recommendation on pay transparency. In parallel, the Advisory Committee on Equal Opportunities for Women and Men (ACEO) has prepared a draft Opinion to feed into the discussion.

**We have strong concerns about the approach taken and views developed in this process.**

The Commission intends to publish an evaluation report on its Recommendation, on subjects that are at the core of enterprises' competences and, where relevant, at the core of collective bargaining: pay, pay transparency, disclosure, pay audits, addressing the gender pay gap, pay discrimination, promoting the principle of equal pay for work of equal value, etc. Employers are very worried regarding the level of detail of this approach in comparison to the limited competences of the EU in this area. Employers have been consulted at an earlier stage before the publication of the Recommendation and participated in several public debates. We fear however that our concerns raised on those occasions have so far not been taken into account.

The draft evaluation report of the Commission overemphasizes tools such as pay transparency and pay audits giving only a fragmented picture on the proper way to address the gender pay gap. Employers have committed to combat all forms of discriminations at the workplace and promote the equal pay principle. Closing the gender pay gap takes time and is linked to many underlying factors. That is why we should not adopt a simplistic approach and give biased and disproportionate attention to pay transparency. Instead, we need thorough and evidence-based analysis.

It is the responsibility of the European Commission to find the right balance in its internal reflection as well as in Advisory committees, especially when providing expertise and technical background work. The draft Opinion of the ACEO, and the current version of the evaluation report, overlook basic economic principles, and provide only highly interpretative analysis and rhetoric shortcuts, while formulating recommendations which are not evidence-based. Moreover, we fear that many aspects of the paper that has been circulated reflect individual opinions or specific examples that cannot and should not be generalised.

As the ACEO draft Opinion and numerous documents already published by the Commission, researchers, and many other stakeholders point out, the gender pay gap is the result of multifaceted factors. Among these, stereotypes, horizontal and vertical segregation on the labour market, the different educational and professional choices between men and women, cultural norms, behavioral factors, career breaks, as well as the important number of part-time jobs occupied by women are the strongest drivers of inequalities and underlying discriminations.

As you know, the debate on the gender pay gap should not be one-sided, and we count on the Commission to change its approach towards a more credible, scientifically and data driven work.

Yours sincerely,

For BUSINESSEUROPE



Maxime CERUTTI

For UEAPME



Liliane VOLOZINSKIS

For CEEP



Guillaume AFELLAT