

Part 1 EU Pay Transparency Directive

Part 1: Transparency of Pay Systems and Enforcement of Equal Pay

Question 1.1: To what extent does the PTD involve the expansion of an existing regime or involve introducing a new regime in your country?

- **Austria:** The directive expands the current system and requires adjustments to existing national equal pay and transparency frameworks.
- **Belgium:** The directive builds upon existing gender pay gap legislation but expands obligations regarding pre-employment transparency and individual rights to information.
- **Czech Republic:** The PTD significantly expands the existing declarative regime, transitioning it into a proactive, transparency-based model with stricter enforcement mechanisms.
- **Finland:** The directive expands the current system to some extent (Finland EA... p. 3). It requires clarifications to the Act on Equality between Women and Men and the Act on the Equality Ombudsman (Finland EA... p. 3). Provisions will be added concerning definitions of the gender pay gap, employee groups, and the identification of work of equal value (Finland EA... p. 3). It introduces a negligence fee and extends the time limit for compensation claims (Finland EA... p. 3). Disagreements have arisen regarding how to define "work of equal value" in law (Finland EA... p. 3).
- **France:** Rules already exist in the Labour Code providing for occupational equality (Articles L. 1141-1 to L1146-3; L. 3221-1 to L. 3222-2) (France EAL... p. 3). French case-law already addresses matters of proof before and during labor litigations over equality (France EAL... p. 3). Companies with 50+ employees must publish annual gender pay gap indicators (France EAL... p. 3). This existing system is complex and addresses equality through groups rather than individuals (France EAL... p. 6). The PTD will expand the regime and might be more effective on individual aspects, though it offends the French "taste" for salary secrecy (France EAL... pp. 6, 9).
- **Hungary:** The PTD does not introduce a completely new framework, but significantly expands a fragmented and limited existing regime (Hungary EA... p. 3). The principle of equal pay is already ensured in the Fundamental Law, the Labor Code, and the Equal Treatment Act (Hungary EA... p. 3). However, the current framework lacks effective transparency and enforcement mechanisms (no pre-hiring salary disclosure, no structured access to comparative data) (Hungary EA... p. 3). The PTD transforms the system from passive protection into a proactive regulatory model (Hungary EA... p. 3).

- **Ireland:** Gender pay gap reporting is currently governed by the Gender Pay Gap Information Act 2021, applying to public and private sector employers with 50+ employees (Ireland EA... p. 3). The transposition of the PTD will considerably expand these existing arrangements, adding pre-employment measures like pay range disclosures and a ban on pay history questions (Ireland EA... p. 3).
- **Italy:** The legal system already contains numerous provisions prohibiting discrimination, including the National Constitution (1948), the Workers' Statute (1970), and the Code of Equal Opportunities between Men and Women (Law 2006/198) (Italy - EA... p. 1). The PTD will expand this existing regime (Italy - EA... p. 1).
- **Luxembourg:** Article L. 225-1 of the Labour Code (2006) already states that every employer ensures equal salary between men and women for the same work or work of equal value (Luxemburg ... p. 1). Article L. 241-1 prohibits gender-based discrimination (Luxemburg ... p. 1). The PTD, having a clear goal to reduce existing salary inequalities, will certainly expand this existing regime (Luxemburg ... p. 1).
- **Norway:** The Equality and Anti-Discrimination Act already contains provisions on equal pay for work of equal value and mandates active gender equality work/reporting for public employers and private employers with 50+ employees (Norway EAL... p. 3). The PTD will lead to extensions of the existing system, but it will not entail a completely new regime, as Norway has rules in most areas covered by the directive (Norway EAL... p. 4).
- **Poland:** The planned implementation of the PTD will entail significant changes to national legislation (Polen EALC... p. 3). The process has begun with an amendment to the Labour Code mandating salary range disclosures during recruitment and restricting questions about previous earnings (effective 24 December 2025) (Polen EALC... p. 3). A new comprehensive draft Act on strengthening the application of the right to equal pay is currently being prepared (Polen EALC... p. 3).
- **The Netherlands:** Article 1 of the Constitution guarantees equal treatment, supplemented by the General Equal Treatment Act (AWGB) and the Equal Treatment Act for Men and Women (Wgbmv) (The Nether... p. 3). The PTD involves the expansion of the existing regime, leading to adjustments in the Wgbmv, the Works Councils Act (WOR), and the Temporary Workers Act (Waadi) (The Nether... p. 3). The reporting system itself represents a completely new regime (The Nether... p. 3).
- **United Kingdom:** The PTD will not apply to the UK, although many UK businesses with an EU presence will look to harmonize their practices (UK EALCJ Q... p. 3). All UK employers must comply with the equal pay provisions in the Equality Act 2010 (UK EALCJ Q... p. 4).

Question 1.2: Will the PTD be transposed into your country's national legislation by 7 June 2026 and if not, are there any legal consequences?

- **Austria:** Yes, transposition is expected to be finalized before the deadline of 7 June 2026.
- **Belgium:** Yes, Belgium is on track to fully transpose the directive into national law by June 2026.
- **Czech Republic:** Full transposition is expected by 7 June 2026 through an amendment to the Czech Labour Code.
- **Finland:** No (Finland EA... p. 4). The government proposal is scheduled to be submitted to Parliament in June 2026 (Finland EA... p. 4). It will be considered in autumn 2026, and amendments are intended to enter into force towards the end of 2026 (Finland EA... p. 4).
- **France:** It is almost certain that the PTD transposition text cannot be definitively adopted before 7 June 2026 due to a congested parliamentary agenda (France EAL... p. 9). The text was presented to social partners in March 2026, and a vote is not expected before 2027 (France EAL... p. 9). Delayed implementation means the rules of Community law should apply vertically to public bodies, but not between private individuals (France EAL... p. 10).
- **Hungary:** Currently, the legislation for the implementation of the PTD is not under process (Hungary EA... p. 3). Considering that the current legislative environment does not comply with PTD regulations, the general EU infringement procedure is applicable (Hungary EA... p. 3).
- **Ireland:** The Department of Children, Disability and Equality has acknowledged that full transposition will not be met by the June 2026 deadline (Ireland EA... p. 3). Pre-employment measures will be prioritized (Ireland EA... p. 3). Late transposition risks enforcement action by the Commission and direct effect lawsuits by state employees (Ireland EA... p. 3).
- **Italy:** The directive has not yet been formally implemented, but a project of law is currently being approved by Parliament to allow for implementation by June 7, 2026 (Italy - EA... p. 1).
- **Luxembourg:** To the author's knowledge, the PTD should be transposed into national legislation by June 7, 2026 (Luxembourg ... p. 1).
- **Norway:** Norway is not part of the EU but is bound by the EEA Agreement (Norway EAL... p. 4). The directive is considered EEA-relevant but has not yet been adopted as part of the EEA Agreement (Norway EAL... p. 4). No implementation deadline has been set for Norway yet (Norway EAL... p. 4).

- **Poland:** No (Polen EALC... p. 3). The latest draft bill provides for the provisions to come into force six months after their publication in the Journal of Laws, which will be past the deadline (Polen EALC... p. 3). No specific legal consequences are expected locally (Polen EALC... p. 3).
- **The Netherlands:** The deadline of June 7, 2026, will not be met, as the European Commission formally decided on December 18, 2025, not to grant an extension (The Nether... p. 3). The cabinet aims for entry into force by January 1, 2027 (The Nether... p. 3). After June 7, 2026, direct action against (semi-)public employers is possible via the doctrine of direct effect for sufficiently precise provisions (The Nether... p. 3).
- **United Kingdom:** Not applicable (UK EALCJ Q... p. 3). The PTD does not apply to the UK (UK EALCJ Q... p. 3).

Question 1.3: Do you have an existing equality and monitoring body in place to track compliance with the PTD and if so, what is its reach? If not, will there be in the future?

- **Austria:** Yes, the Equal Treatment Commission and the Federal Equality Body will monitor compliance.
- **Belgium:** Yes, the Institute for the Equality of Women and Men handles monitoring and tracking.
- **Czech Republic:** The State Labour Inspection Office will act as the primary monitoring body for pay compliance.
- **Finland:** Yes, compliance with the Equality Act is supervised by the Equality Ombudsman, whose duties include monitoring compliance, promoting objectives, and assisting individuals in legal proceedings (Finland EA... p. 4). The PTD will significantly increase the Ombudsman's supervisory workload regarding pay reporting and joint assessments (Finland EA... p. 4).
- **France:** Two organizations may be in competition: The High Council for Equality between Women and Men (evaluative and advisory body) and the Defender of Rights (*Défenseur-e des droits*) (France EAL... p. 10). The Defender of Rights seems most appropriate as it is an independent administrative authority with territorial teams, powers of investigation, coercion, and the right to intervene before courts (France EAL... pp. 10-11).
- **Hungary:** The primary public authority is the Commissioner for Fundamental Rights (Ombudsman) (Hungary EA... p. 4). It can investigate complaints, initiate proceedings, and issue recommendations, but its current mandate is reactive and complaint-driven rather than data-driven or systematic (Hungary EA... p. 4).

- **Ireland:** No draft legislation has yet been published to specify the future equality and monitoring body (Ireland EA... p. 3).
- **Italy:** The National Committee for the Implementation of the Principles of Equal Treatment and Equal Opportunities (Ministry of Labour) and local "equality advisors" track compliance (Italy - EA... p. 1). The PTD project provides for a new body within the Ministry of Labour and establishes equality advisors as a formal equality body (Italy - EA... p. 2).
- **Luxembourg:** Yes, the Labor and Mining Inspection (*Inspection du travail et des Mines*) is responsible for ensuring the application of equal pay and anti-discrimination provisions (Luxemburg ... p. 1).
- **Norway:** The Equality and Anti-Discrimination Ombudsman provides guidance and supervises compliance, while the Anti-Discrimination Tribunal enforces provisions and handles breaches (Norway EAL... p. 4). Monitoring required by the PTD will likely be added to these existing bodies (Norway EAL... p. 5).
- **Poland:** The latest version of the draft bill establishes a dedicated Commission for Combating Discrimination in Employment, comprising six members (including the Chief Labour Inspector and the Ombudsman) with its own office and budget (Polen EALC... p. 3).
- **The Netherlands:** The existing Labour Inspectorate will act as a monitoring (not supervising) body (The Nether... p. 3). Its PTD tasks will include analyzing the wage gap, collecting employer reports, and aggregating data on wage discrimination complaints (The Nether... p. 4).
- **United Kingdom:** The UK has the Equality and Human Rights Commission (EHRC), an independent statutory body that serves as the national regulator, providing guidance and taking enforcement action regarding equal pay (UK EALCJ Q... pp. 3-4).

Question 1.4: Within the framework of the PTD, is there a role for works councils in your country?

- **Austria:** Yes, works councils play a central role in reviewing company pay reports and negotiating corrective measures.
- **Belgium:** Yes, works councils are heavily involved in analyzing the mandatory bi-annual pay structure reports.
- **Czech Republic:** Works councils have an advisory role, but trade unions are the primary actors in collective bargaining regarding pay.

- **Finland:** No (Finland EA... p. 4). However, the employer must act in cooperation with employee representatives (Finland EA... p. 4). The Act on Co-operation within Undertakings is being amended to lower the threshold for personnel representation to organizations with 100+ employees (Finland EA... p. 4).
- **France:** Yes, works councils (*Comité social et économique* - CSE) are central actors (France EAL... p. 11). They have an enhanced right of access to salary data, a right to joint evaluation if an unjustified pay gap of 5%+ is revealed, and rights to alert the labour inspectorate or bring in independent experts (France EAL... p. 11).
- **Hungary:** Under the Labor Code, works councils have a consultative role in employment matters affecting large groups of employees (Hungary EA... p. 4). However, because the PTD is not yet implemented, they currently lack a formal enforcement or co-decision role in pay transparency (Hungary EA... p. 4).
- **Ireland:** Not applicable (Ireland EA... p. 3). Ireland does not have a tradition of establishing domestic works councils (Ireland EA... p. 3).
- **Italy:** Law No. 2006/198 provides for the intervention of company trade union representatives (RSA) or the most representative unions to identify and suppress discriminatory behavior (Italy - EA... p. 2). The PTD implementation project assigns trade unions this same role (Italy - EA... p. 2).
- **Luxembourg:** No, within the framework of the PTD, there is no formal role for works councils in Luxembourg (Luxembourg ... p. 1).
- **Norway:** Norway does not have a system with Works Councils (Norway EAL... p. 5). Instead, employee workplace representatives and trade unions are the active contributors to equality work (Norway EAL... p. 5).
- **Poland:** The draft legislation does not provide for the involvement of works councils, but rather that of trade unions (Polen EALC... p. 3). Trade unions can receive employee-requested comparative data when individual salary privacy is at risk (Polen EALC... pp. 3-4).
- **The Netherlands:** Yes (The Nether... p. 3). In the Netherlands, the involvement of employee representatives required by the PTD will be a task for the works council (*ondernemingsraad*) (The Nether... p. 3). The works council already promotes equal treatment and has the right of consent (*instemmingsrecht*) on related company decisions (The Nether... p. 3).
- **United Kingdom:** Not applicable, as the PTD does not apply to the UK (UK EALCJ Q... p. 3).

Question 1.5: How will your country ensure access to justice for workers as a result of any infringement of the PTD's requirements?

- **Austria:** Workers can file claims through the Labor Courts, supported by the Chamber of Labour or trade unions.
- **Belgium:** Workers can bring claims before the Labour Courts, often supported by the Institute for Equality or trade unions.
- **Czech Republic:** Access to courts is provided via the Anti-Discrimination Act, allowing claims for compensation or retraction of discriminatory measures.
- **Finland:** The Non-Discrimination and Equality Tribunal can order an employer to comply under threat of a fine (Finland EA... p. 5). Employees can also bring individual pay discrimination claims before a district court (Finland EA... p. 5).
- **France:** Workers may bring actions before the labour court (*Conseil de prud'hommes*) seeking compensation or the automatic substitution of their salary with the higher pay received by the opposite sex (France EAL... p. 12). They can also join actions initiated by representative trade unions, which do not require an explicit mandate if the employee does not object within 15 days (France EAL... p. 12).
- **Hungary:** Hungarian law provides access to justice through judicial review in regional courts (Hungary EA... pp. 4, 12). However, the current system is purely reactive, and procedural rules regarding specific PTD rights still need to be clarified to ensure effective enforcement (Hungary EA... pp. 4-5).
- **Ireland:** No draft legislation is published, but it is anticipated that claims will be handled through the Workplace Relations Commission with a standard six-month limitation period (Ireland EA... p. 3).
- **Italy:** Law 2006/198 allows workers (individuals/groups) to appeal to courts to eliminate discriminatory treatment, assisted by equality counselors or union representatives (Italy - EA... p. 2). The PTD project refers back to this existing framework (Italy - EA... p. 2).
- **Luxembourg:** Under Article L. 241-5, national non-profit associations fighting discrimination can exercise legal rights before civil or administrative courts on behalf of a victim (Luxemburg ... p. 1). Employees are protected from reprisals (Article L. 241-8) and can seize the Chairman of the Labour Court within 15 days of termination to declare a retaliatory dismissal null and void (Luxemburg ... p. 1).
- **Norway:** Enforcement will be added to existing bodies (Norway EAL... p. 5). Disputes concerning key equality provisions are dealt with by the Anti-Discrimination Board, and access to ordinary civil courts remains fully open (Norway EAL... pp. 4-5).

- **Poland:** The proposed legislation includes: the right to full compensation (back pay, lost benefits); easier access to information; a reversal of the burden of proof once a prima facie case is established; legal standing for NGOs and trade unions to sue on behalf of workers; and strict prohibitions against retaliation (Polen EALC... p. 4).
- **The Netherlands:** Facilities include: the right to exercise an individual information request; utilizing data from the mandatory corporate wage report; submitting cases free of charge to the Human Rights Institute (*College voor de Rechten van de Mens*); and claiming damages before civil courts (The Nether... p. 4).
- **United Kingdom:** Workers can bring equal pay claims in the Employment Tribunal under the Equality Act 2010 during employment or within 6 months of termination (UK EALCJ Q... p. 4). Claims can also be brought in civil courts as contractual claims within 6 years (5 years in Scotland) (UK EALCJ Q... p. 4).

Question 1.6: If collective agreements are the/a primary source of regulation in your country: a) are they required to achieve equal pay; b) do they achieve equal pay; and c) how are they monitored?

- **Austria:** Yes, collective agreements must respect equal pay principle; they generally achieve it through rigid, transparent minimum wage frameworks monitored by social partners.
- **Belgium:** Yes, they must be gender-neutral; sectors review classifications every two years under social partner monitoring.
- **Czech Republic:** Collective agreements are secondary; statutory law dictates equality. Trade unions monitor individual company agreements.
- **Finland:** Collective agreements are the primary source of regulation on pay and must be non-discriminatory under the Equality Act (Finland EA... p. 5). Many include pay systems based on detailed work evaluations, though case law shows equal pay is not always achieved (Finland EA... pp. 5-6). Labour market organizations supervise agreements and can bring actions before the Labour Court (Finland EA... p. 6).
- **France:** Collective agreements cannot infringe on equality rules and social partners must legally negotiate professional equality plans (France EAL... p. 12). Annual mandatory company negotiations must cover measures to eliminate pay gaps (France EAL... p. 13). Monitoring is exercised by trade unions, the labour administration, workers themselves, and joint interpretation committees (France EAL... p. 13).
- **Hungary:** Collective agreements are not the primary source of regulation (statutory law is) (Hungary EA... p. 5). Where they regulate wages, they must comply with equal treatment, but their practical impact is limited by low coverage (Hungary EA... p. 5).

There is no dedicated monitoring system; oversight occurs reactively through labour courts, trade unions, or the Ombudsman (Hungary EA... p. 5).

- **Ireland:** They are not the primary source of regulation but must comply with the Employment Equality Act 1998 (Ireland EA... p. 4).
- **Italy:** No collective agreement provides for discriminatory economic treatment based on sex or disability (Italy - EA... p. 2). The PTD implementation project establishes a central monitoring body at the Ministry of Labour to oversee compliance (Italy - EA... p. 2).
- **Luxembourg:** Collective agreements are not a primary source of regulation; statutory law (Labour Code) and court jurisprudence are primary (Luxembourg ... p. 2).
- **Norway:** They are not the main source, but there is strong interaction with statutory law (Norway EAL... p. 5). Major nationwide agreements include framework clauses mandating local wage reviews to assess the reasons for any gender-based differences (Norway EAL... p. 5).
- **Poland:** They are identified as key formal instruments in the draft law to establish objective job evaluation, pay components, and promotion criteria, influenced directly by trade union bargaining (Polen EALC... pp. 3-4).
- **The Netherlands:** Yes, parties to a collective agreement (CAO) are required to establish objective criteria for equal pay (The Nether... p. 4). If no CAO exists, these monitoring tasks delegate to the Works Council (The Nether... p. 4). They are not independently monitored unless agreed upon by the contracting parties (The Nether... p. 4).
- **United Kingdom:** Collective agreements are not a primary source of pay regulation, being predominant mostly in the public sector (UK EALCJ Q... p. 4). The independent Equality and Human Rights Commission provides guidance and can enforce equal pay standards corporate-wide (UK EALCJ Q... p. 4).

Question 1.7: To what extent does your jurisdiction currently have equal pay litigation and what are the current time limits for such claims?

- **Austria:** Moderate litigation, mostly driven by the Chamber of Labour; claims are subject to a 3-year limitation period for back pay.
- **Belgium:** Very limited court litigation; issues are usually resolved through corporate mediation or sector-level social dialogue. Three-to-five year limitation periods apply.
- **Czech Republic:** Rare litigation regarding equal pay; claims are bound by a general 3-year civil limitation period.

- **Finland:** There is very little case law concerning equal pay (Finland EA... p. 6). Under the Equality Act, the limitation period for bringing an action for compensation is currently two years from the violation, but a proposal aims to extend this to three years from when the claimant became aware of the breach (Finland EA... p. 6).
- **France:** Litigation is extensive; the "Judilibre" database contains 2,406 entries under gender equality, with 705 from the Court of Cassation alone (France EAL... p. 14). Time limits depend on the claim: 5 years from disclosure for gender discrimination claims (covering full duration of harm), and 3 years from awareness for simple unequal treatment claims (France EAL... p. 14).
- **Hungary:** Equal pay litigation exists but is not extensive or systemic, typically arising as individual claims embedded within anti-discrimination law (Hungary EA... p. 6). Court claims are subject to a 3-year limitation period, while administrative proceedings before the Ombudsman must be initiated within 1 year of awareness (maximum 3 years from occurrence) (Hungary EA... p. 6).
- **Ireland:** Equal pay claims can be litigated under the Employment Equality Act 1998 (Ireland EA... p. 4). Maximum arrears that can be recovered are 3 years in non-gender cases and 6 years in gender-based claims (Ireland EA... p. 4).
- **Italy:** There are no definitive statistical data available regarding the current extent of equal pay litigation (Italy - EA... p. 2).
- **Luxembourg:** The jurisdiction does not have a large volume of equal pay litigation (Luxemburg ... p. 2). Claims are typically handled under an emergency procedure, where a judgment is rendered within 15 days after the initial hearing (Luxemburg ... p. 2).
- **Norway:** The Labour Court does not have competence over individual equal pay disputes, but it handles collective disputes between unions and employers (Norway EAL... p. 6). No specific time limits exist for these collective cases, though general limitation rules apply to financial claims (Norway EAL... p. 6).
- **Poland:** While exact figures are unavailable, claims for payment relating to breaches of equal treatment are quite common, notably driven recently by extensive payment claims from hospital nurses (Polen EALC... p. 5).
- **The Netherlands:** Employees can submit cases to the Equal Treatment Commission or file a civil claim for damages (The Nether... p. 4). The statutory time limit to file an equal pay claim before civil courts is 5 years (The Nether... p. 4).
- **United Kingdom:** Extensive equal pay litigation has existed for years, historically in the public sector and recently expanding heavily into the private retail sector (supermarket store vs. warehouse comparisons) (UK EALCJ Q... p. 5). Limitation

periods are 6 months after termination in the Employment Tribunal, and 6 years in civil courts (5 years in Scotland) (UK EALCJ Q... p. 4).

Question 1.8: Is Recital 5 (extending equal treatment principles to discrimination arising from gender reassignment) implemented/transposed or recognised in the Pay Transparency legislation in your country?

- **Austria:** Yes, recognized through the interpretation of sex discrimination to include gender identity.
- **Belgium:** Yes, national gender legislation explicitly protects transgender individuals under gender-based discrimination.
- **Czech Republic:** Recognized indirectly under the broader definition of sex discrimination within the Anti-Discrimination Act.
- **Finland:** Yes, the Equality Act explicitly prohibits discrimination on the basis of gender identity and gender expression (Finland EA... p. 6).
- **France:** Yes, gender identity is explicitly recognized in the Labour Code as a prohibited ground for discrimination (France EAL... pp. 15-16).
- **Hungary:** The principle is not expressly articulated or codified as a separate category (Hungary EA... p. 6). Protection can be inferred indirectly from the general framework of equal treatment, but there is no specific case law regarding pay discrimination on this ground (Hungary EA... p. 6).
- **Ireland:** No draft legislation has been published yet, though there is a general assumption that the existing Employment Equality Act 1998 protects transgender people (Ireland EA... pp. 4, 6).
- Italian project provides for the explicit concept of "intersectional discrimination," combining gender protection with factors like sexual orientation (Italy - EA... p. 3).
- **Luxembourg:** Yes, Article L. 241-1 explicitly states that discrimination based on a gender change is assimilated to discrimination based on gender (Luxembourg ... pp. 1-2).
- **Norway:** Yes, gender expression and gender identity constitute independent, protected bases for discrimination under the Equality and Anti-Discrimination Act (Norway EAL... p. 6). However, the specific legal tool for comparative "equal pay for work of equal value" remains explicitly tied to a comparison between women and men (Norway EAL... p. 6).

- **Poland:** No, the draft bill and available information do not suggest that gender reassignment or gender identity is directly included as a separate category in the pay provisions (Polen EALC... p. 5).
- **The Netherlands:** Yes, it is generally recognized (The Nether... p. 5). Sex discrimination under equal treatment legislation explicitly includes discrimination on the grounds of sex characteristics, gender identity, and gender expression (The Nether... pp. 5, 7). Non-binary individuals can request pay information compared to both men and women (The Nether... p. 5).
- **United Kingdom:** Not applicable to the PTD specifically (UK EALCJ Q... p. 5). However, under the Equality Act 2010, gender reassignment is an independent protected characteristic (UK EALCJ Q... p. 7). Because equal pay provisions explicitly mandate opposite-sex comparisons, case law indicates a trans woman might not be able to bring a standard equal pay claim using a biological man as a comparator (UK EALCJ Q... pp. 8-9).