

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

(Text with EEA relevance)

指令 (EU) 2023/970

欧洲议会和欧盟理事会

2023年5月10日

关于通过薪酬透明和执法机制加强男女同工同酬或等值工作同酬原则适用的指令

(涉及欧洲经济区相关事项的文本)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 157(3) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

Acting in accordance with the ordinary legislative procedure (2),

Whereas:

欧洲议会和欧盟理事会，

鉴于《欧盟运作条约》，特别是其第157(3)条，

鉴于欧盟委员会提交的提案，

在向各成员国议会提交立法草案之后，

鉴于欧洲经济和社会委员会的意见(1)，

按照普通立法程序行事(2)，

鉴于：

(1) Article 11 of the United Nations Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women, which all Member States have ratified, provides that States Parties are to take all appropriate measures to ensure, inter alia, the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

所有成员国均已批准的1979年12月18日《消除对妇女一切形式歧视公约》第十一条规定，缔约国应采取一切适当措施，确保尤其是同工同酬（包括福利）以及等值工作同等待遇的权利，并确保在工作质量评估中获得平等待遇。

(2) Article 2 and Article 3(3) of the Treaty on European Union enshrine the right to equality between women and men as one of the essential values of the Union.

《欧盟条约》第二条和第三条第三款将男女平等权确立为联盟的基本价值之一。

(3) Articles 8 and 10 of the Treaty on the Functioning of the European Union (TFEU) require the Union to aim to eliminate inequalities, to promote equality between men and women and to combat discrimination based on sex in all its policies and activities.

《欧盟运作条约》(TFEU)第八条和第十条要求联盟力求消除不平等现象,促进男女平等,打击在所有政策和活动中基于性别的歧视。

(4) Article 157(1) TFEU obliges each Member State to ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied. Article 157(3) TFEU provides for the adoption by the Union of measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value (the 'principle of equal pay').

TFEU第157(1)条要求每个成员国确保将男女工人同工同酬或等值工作同酬的原则予以适用。TFEU第157(3)条规定联盟可采取措施,确保在就业和职业事务中男女机会均等和平等待遇的原则得到适用,包括同工同酬或等值工作同酬的原则("同酬原则")。

(5) The Court of Justice of the European Union (the 'Court of Justice') has held that the scope of the principle of equal treatment of men and women cannot be confined to discrimination based on the fact that a person is of one or other sex (3). In view of its purpose and the nature of the rights which it seeks to safeguard, that principle also applies to discrimination arising from gender reassignment.

欧盟法院("法院")已裁定,男女平等待遇原则的范围不能局限于基于一个人是某一性别还是另一性别而受到的歧视(3)。鉴于该原则的目的和它旨在保护的性质的性质,该原则也适用于因性别重置而产生的歧视。

(6) In some Member States, it is currently possible for persons to legally register as having a third, often a neutral, gender. This Directive does not affect relevant national rules giving effect to such recognition as regards matters of employment and pay.

在某些成员国,个人目前可以合法登记为第三性别,通常是中性的性别。本指令不影响与就业和薪酬相关事项承认这类认定的相关国家规则。

(7) Article 21 of the Charter of Fundamental Rights of the European Union (the 'Charter') prohibits any discrimination, inter alia, on the grounds of sex. Article 23 of the Charter provides that equality between women and men must be ensured in all areas, including employment, work and pay.

《欧盟基本权利宪章》("宪章")第二十一条禁止任何歧视,特别是基于性别的歧视。宪章第二十三条规定,必须在所有领域确保男女平等,包括就业、工作和薪酬。

(8) Article 23 of the Universal Declaration of Human Rights states, inter alia, that everyone, without any discrimination, has the right to equal pay for equal work, to free choice of employment, to just and favourable conditions of work and to just remuneration ensuring an existence worthy of human dignity.

《世界人权宣言》第二十三条规定，特别是每个人都有权不受任何歧视地享受同工同酬、有自由选择职业的权利、享有公正和有利的工作条件以及保障人体面生存的公正合理报酬。

(9) The European Pillar of Social Rights, jointly proclaimed by the European Parliament, the Council, and the Commission, incorporates among its principles equality of treatment and opportunities between women and men, and the right to equal pay for work of equal value.

《欧洲社会权利支柱》由欧洲议会、理事会和委员会共同宣布，其中一项原则是男女平等待遇和机会，以及等值工作同酬的权利。

(10) Directive 2006/54/EC of the European Parliament and of the Council (4) provides that for the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration is to be eliminated. In particular, where a job classification system is used for determining pay, it is to be based on the same gender-neutral criteria and should be drawn up so as to exclude any discrimination on grounds of sex.

欧洲议会和欧盟理事会指令2006/54/EC(4)规定，对于相同工作或被认定为等值的工作，应消除在薪酬的所有方面和条件下基于性别的直接和间接歧视。特别是在使用工作分类系统来确定薪酬时，应基于相同的性别中立标准，并应制定该系统以排除基于性别的任何歧视。

(11) The 2020 evaluation of the relevant provisions of Directive 2006/54/EC found that the application of the principle of equal pay is hindered by a lack of transparency in pay systems, a lack of legal certainty on the concept of work of equal value, and by procedural obstacles faced by victims of discrimination. Workers lack the necessary information to make a successful equal pay claim and, in particular, information about the pay levels for categories of workers who perform the same work or work of equal value. The report found that increased transparency would allow revealing gender bias and discrimination in the pay structures of an undertaking or organisation. It would also enable workers, employers and the social partners to take appropriate action to ensure the application of the right to equal pay for equal work and work of equal value (the 'right to equal pay').

对指令2006/54/EC相关条款的2020年评估发现，同酬原则的适用受到薪酬制度缺乏透明度、等值工作概念缺乏法律确定性以及歧视受害者面临的程序性障碍的阻碍。工人缺乏提起同酬索赔成功所需的信息，

特别是缺乏关于执行相同工作或等值工作的工人类别薪酬水平的信息。报告发现，增加透明度可以揭示企业或组织薪酬结构中的性别偏见和歧视。这也将使工人、雇主和社会伙伴能够采取适当行动，确保同工同酬或等值工作同酬的权利（“同酬权”）得到适用。

(12) Following a thorough evaluation of the existing framework on equal pay for equal work or work of equal value and a wide-ranging and inclusive consultation process, the Communication of the Commission of 5 March 2020 on 'A Union of Equality: Gender Equality Strategy 2020-2025' announced that the Commission would propose binding measures on pay transparency.

在对同工同酬或等值工作同酬的现有框架进行全面评估以及广泛和包容性的协商进程之后，委员会2020年3月5日关于“平等联盟：2020-2025年性别平等战略”的通讯宣布，委员会将提出具有约束力的薪酬透明措施。

(13) The economic and social consequences of the COVID-19 pandemic have had a disproportionately negative impact on women and gender equality, and job losses have often been concentrated in low-paid, female-dominated sectors. The COVID-19 pandemic has highlighted the continued, structural undervaluation of work predominantly carried out by women and has demonstrated the high socio-economic value of women's work in front-line services, such as health care, cleaning, childcare, social care and residential care for older people and other adult dependents, which stands in strong contrast to its low visibility and recognition.

COVID-19大流行的经济和社会后果对妇女和性别平等产生了不成比例的负面影响，失业往往集中在低收入、女性主导的部门。COVID-19大流行凸显了对主要由妇女从事的工作持续的结构性价低，并展示了妇女在医疗保健、清洁、儿童保育、社会护理和老年人及其他成年受抚养人住宿护理等一线服务工作中的高度社会经济价值，这与这些工作低知名度和低认可度形成强烈对比。

(14) The effects of the COVID-19 pandemic will therefore further widen gender inequalities and the gender pay gap unless the recovery response is gender sensitive. Those consequences have made it even more pressing to tackle the issue of equal pay for equal work or work of equal value.

Strengthening the implementation of the principle of equal pay through further measures is particularly important to ensure that the progress which has been made in addressing disparities in pay is not compromised.

因此，除非恢复对策具有性别敏感性，否则COVID-19大流行的影响将进一步扩大性别不平等和性别薪酬差距。这些后果使解决同工同酬或等值工作同酬问题变得更加紧迫。通过进一步措施加强同酬原则的执行，对于确保在解决薪酬差距方面所取得的进展不受损害尤为重要。

(15) The Union gender pay gap persists: it stood at 13 % in 2020, with significant variations across Member States, and has decreased only minimally over the last ten years. The gender pay gap is caused by various factors, such as gender stereotypes, the perpetuation of the 'glass ceiling' and the 'sticky floor', horizontal segregation, including the overrepresentation of women in low-paid service jobs, and unequal sharing of care responsibilities. In addition, the gender pay gap is partly caused by direct and indirect gender-based pay discrimination. All those elements constitute structural obstacles that form complex challenges to achieving good quality jobs and equal pay for equal work or work of equal value and have long-term consequences such as a pension gap and the feminisation of poverty.

联盟的性别薪酬差距持续存在：2020年为13%，各成员国之间存在显著差异，在过去十年中仅略有下降。性别薪酬差距是由多种因素造成的，如性别刻板印象、“玻璃天花板”和“黏性地板”的持续存在，横向隔离，包括妇女在低薪服务工作中比例过高，以及护理责任分担不均。此外，性别薪酬差距部分是由直接和间接的基于性别的薪酬歧视造成的。所有这些因素构成了结构性障碍，对实现高质量就业和同工同酬或等值工作同酬构成了复杂挑战，并产生了长期后果，如养老金差距和妇女贫困化。

(16) A general lack of transparency about pay levels within organisations maintains a situation where gender-based pay discrimination and bias can go undetected or, where suspected, are difficult to prove. Binding measures are therefore needed to improve pay transparency, encourage organisations to review their pay structures to ensure equal pay for women and men performing the same work or work of equal value, and to enable victims of discrimination to exercise their right to equal pay. Such binding measures need to be complemented by provisions clarifying existing legal concepts, such as the concepts of pay and work of equal value, and measures improving enforcement mechanisms and access to justice.

组织内部薪酬水平普遍缺乏透明度，导致基于性别的薪酬歧视和偏见可能无法被发现，或者在怀疑存在时难以证明。因此，需要具有约束力的措施来提高薪酬透明度，鼓励组织审查其薪酬结构，以确保从事相同工作或等值工作的男女同酬，并使歧视受害者能够行使其同酬权。这类具有约束力的措施需要辅之以澄清现有法律概念的规定，如薪酬和等值工作的概念，以及改善执法机制和司法救助的措施。

(17) The application of the principle of equal pay should be enhanced by eliminating direct and indirect pay discrimination. This does not preclude employers from paying workers performing the same work or work of equal value differently on the basis of objective, gender-neutral and bias-free criteria, such as performance and competence.

应通过消除直接和间接薪酬歧视来加强同酬原则的适用。这并不阻止雇主根据客观的、性别中立的和无偏见的标准（如绩效和能力），向从事相同工作或等值工作的工人支付不同薪酬。

(18) This Directive should apply to all workers, including part-time workers, workers on a fixed-term contract and persons with a contract of employment or employment relationship with a temporary agency, as well as workers in management positions, who have an employment contract or employment relationship as defined by law, collective agreements and/or practice in force in each Member State, taking into account the case-law of the Court of Justice (5). Provided that they fulfil relevant criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, workers in sheltered employment, trainees and apprentices fall within the scope of this Directive. The determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work and not by the parties' description of the relationship.

本指令应适用于所有工人，包括兼职工人、固定期限合同工人和通过临时职业介绍所签订就业合同或就业关系的个人，以及担任管理职位的工人，只要他们根据各成员国法律、和/或集体协议和/或现行惯例规定的就业合同或就业关系，符合相关标准。家政工人、按需工人、间歇性工人、代金券工人、平台工人、庇护就业工人、实习生和学徒，只要符合相关标准，均属于本指令的范围。就业关系是否存在应根据与实际工作履行相关的事实来判定，而不是根据各方对该关系的描述。

(19) An important element of eliminating pay discrimination is pay transparency prior to employment. This Directive should therefore also apply to applicants for employment.

消除薪酬歧视的一个重要因素是就业前的薪酬透明。因此，本指令也应适用于就业申请人。

(20) In order to remove obstacles for victims of gender-based pay discrimination to exercise their right to equal pay, and to guide employers in ensuring respect of that right, the core concepts related to equal pay for equal work or work of equal value, such as pay and work of equal value, should be clarified in accordance with the case-law of the Court of Justice. This should facilitate the application of those concepts, especially for micro, small and medium-sized enterprises.

为了消除基于性别的薪酬歧视受害者在行使其同酬权方面面临的障碍，并指导雇主确保尊重该权利，应根据法院的判例法澄清与同工同酬或等值工作同酬相关的核心概念，如薪酬和等值工作概念。这将促进这些概念的应用，特别是对微型、小型和中型企业。

(21) The principle of equal pay should be observed with regard to wages, salaries or any other consideration, whether in cash or in kind, which workers receive directly or indirectly, in respect of their employment from their employer. In accordance with the case-law of the Court of Justice (6), the concept of pay should comprise not only salary, but also complementary or variable components of the

pay. Under complementary or variable components, any benefits in addition to the ordinary basic or minimum wage or salary, which the worker receives directly or indirectly, whether in cash or in kind, should be taken into account. Such complementary or variable components may include, but are not limited to, bonuses, overtime compensation, travel facilities, housing and food allowances, compensation for attending training, payments in the case of dismissal, statutory sick pay, statutory required compensation and occupational pensions. The concept of pay should include all elements of remuneration due under law, collective agreements and/or practice in each Member State.

同酬原则应适用于工人因就业而直接或间接从雇主处获得的工资、薪金或任何其他报酬，无论是现金还是实物形式。根据法院的判例法(6)，薪酬概念不仅应包括工资，还应包括薪酬的补充性或可变组成部分。在补充性或可变组成部分中，应考虑工人直接或间接获得的、无论是现金还是实物形式的除普通基本工资或最低工资或薪金之外的任何福利。这类补充性或可变组成部分可包括但不限于奖金、加班补偿、交通设施、住房和伙食津贴、参加培训的补偿、解雇补偿、法定病假工资、法定要求的补偿和职业养老金。薪酬概念应包括根据各成员国法律、集体协议和/或惯例应支付的所有薪酬组成部分。

(22) In order to ensure a uniform presentation of the information required by this Directive, pay levels should be expressed as gross annual pay and the corresponding gross hourly pay. It should be possible to base the calculation of pay levels on the actual pay specified in regard to the worker, regardless of whether it is set annually, monthly, hourly or otherwise.

为确保统一呈现本指令要求的信息，薪酬水平应以毛年薪和相应的毛时薪表示。薪酬水平的计算可以基于就相关工人规定的实际薪酬，无论其是按年、按月、按小时还是其他方式设定。

(23) Member States should not be obliged to set up new bodies for the purpose of this Directive. It should be possible for them to confer tasks deriving from it upon established bodies, including the social partners, in accordance with national law and/or practice, provided that the Member States comply with the obligations set out in this Directive.

成员国不应被要求为本指令的目的设立新的机构。成员国可以根据国家法律和/或惯例，将由此产生的任务委托给已建立的机构，包括社会伙伴，只要成员国遵守本指令规定的义务。

(24) In order to protect workers and to address their fear of victimisation in the application of the principle of equal pay, they should be able to be represented by a representative. This could be trade unions or other workers' representatives. If there are no workers' representatives, workers should be able to be represented by a representative of their choice. Member States should have a possibility to take into account their national circumstances and different roles concerning workers' representation.

为了保护工人并解决他们在适用同酬原则方面对遭受报复的恐惧，他们应能够由代表代理。这可以是工会或其他工人代表。如果没有工人代表，工人们应能够由其选择的代表代理。成员国应有机会考虑其国家情况和关于工人代表的不同角色。

(25) Article 10 TFEU provides that, in defining and implementing its policies and activities, the Union is to aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Article 4 of Directive 2006/54/EC provides that there is to be no direct or indirect discrimination on grounds of sex in relation to pay. Gender-based pay discrimination where a victim's sex plays a crucial role can take many different forms in practice. It may involve an intersection of various axes of discrimination or inequality where the worker is a member of one or several groups protected against discrimination on the basis of sex, on the one hand, and racial or ethnic origin, religion or belief, disability, age or sexual orientation, as protected under Council Directive 2000/43/EC (7) or 2000/78/EC (8), on the other. Women with disabilities, women of diverse racial and ethnic origin including Roma women, and young or elderly women are among groups which may face intersectional discrimination. This Directive should therefore clarify that, in the context of gender-based pay discrimination, it should be possible to take such a combination into account, thus removing any doubt that may exist in this regard under the existing legal framework and enabling national courts, equality bodies and other competent authorities to take due account of any situation of disadvantage arising from intersectional discrimination, in particular for substantive and procedural purposes, including to recognise the existence of discrimination, to decide on the appropriate comparator, to assess the proportionality, and to determine, where relevant, the level of compensation awarded or penalties imposed.

An intersectional approach is important for understanding and addressing the gender pay gap. This clarification should not change the scope of employers' obligations in regard to the pay transparency measures under this Directive. In particular, employers should not be required to gather data related to protected grounds other than sex.

TFEU第十条规定，联盟在制定和实施其政策和活动时，应力求打击基于性别、种族或族裔出身、宗教或信仰、残疾、年龄或性取向的歧视。指令2006/54/EC第四条规定，在薪酬方面不应存在基于性别的直接或间接歧视。基于性别的薪酬歧视（受害者的性别在其中起着关键作用）在实践中可能有多种不同形式。它可能涉及各种歧视或不平等轴线的交叉，其中工人一方面是基于性别的歧视保护对象，另一方面也是理事会指令2000/43/EC(7)或2000/78/EC(8)保护的种族或族裔出身、宗教或信仰、残疾、年龄或性取向的保护对象。残疾妇女、不同种族和民族背景的妇女（包括罗姆妇女）以及年轻或年长妇女是可能面临交叉歧视的群体之一。因此，本指令应澄清，在基于性别的薪酬歧视的背景下，可以考虑这种组合，从而消除现有法律框架中可能存在的任何疑问，并使国家法院、平等机构和其他主管当局能够适当考虑到因交叉歧视而产生的任何不利情况，特别是为了实质性和程序性目的，包括确认歧视的存在、决定适当的比较对象、评估比例性，以及在相关情况下确定给予的赔偿金额或施加的处罚。

交叉方法是理解和解决性别薪酬差距的重要方法。这一澄清不应改变雇主在本指令薪酬透明措施方面的义务范围。特别是，不应要求雇主收集除性别外的受保护特征的数据。

(26) In order to respect the right to equal pay, employers must have pay structures in place ensuring that there are no gender-based pay differences between workers performing the same work or work of equal value that are not justified on the basis of objective, gender-neutral criteria. Such pay structures should allow for the comparison of the value of different jobs within the same organisational structure. It should be possible to base such pay structures on existing Union guidelines related to gender-neutral job evaluation and classification systems, or on indicators or gender-neutral models. In accordance with the case law of the Court of Justice, the value of work should be assessed and compared on the basis of objective criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. To facilitate the application of the concept of work of equal value, especially for micro, small and medium-sized enterprises, the objective criteria to be used should include four factors: skills, effort, responsibility and working conditions. Those factors have been identified by the existing Union guidelines as being essential and sufficient for evaluating the tasks performed in an organisation regardless of to which economic sector the organisation belongs.

As not all factors are equally relevant for a specific position, each of the four factors should be weighed by the employer depending on the relevance of those criteria for the specific job or position concerned. Additional criteria may also be taken into account, where they are relevant and justified. Where appropriate, the Commission should be able to update existing Union guidelines, in consultation with the European Institute for Gender Equality (EIGE).

为尊重同酬权，雇主必须建立薪酬结构，确保在从事相同工作或等值工作的工人之间不存在非基于客观性别中立标准正当化的基于性别的薪酬差异。这类薪酬结构应允许在相同组织结构内比较不同工作的价值。这类薪酬结构可以基于现有的与性别中立工作评价和分类系统相关的联盟指南，或基于指标或性别中立模型。根据法院的判例法，工作的价值应根据客观标准进行评估和比较，包括教育、专业和培训要求、技能、努力、责任和工作条件，不论工作模式的差异。为促进等值工作概念的应用，特别是对微型、小型和中型企业，应使用的客观标准应包括四个因素：技能、努力、责任和工作条件。这些因素已被现有联盟指南确定为评估组织内执行任务的基本和充分因素，与组织属于哪个经济部门无关。

由于并非所有因素对特定职位都同等重要，每个因素应由雇主根据这些标准对相关具体工作或职位的相关性来权衡。如果相关且有正当理由，也可以考虑其他标准。在适当情况下，委员会可在与欧洲性别平等研究所（EIGE）协商后更新现有的联盟指南。

(27) National systems for wage-setting vary and can be based on collective agreements and/or elements decided by the employer. This Directive does not affect the various national systems for wage setting.

国家工资设定制度各不相同，可基于集体协议和/或雇主决定的因素。本指令不影响各种国家工资设定制度。

(28) The identification of a valid comparator is an important parameter in determining whether work may be considered of equal value. It enables workers to show that they were treated less favourably than a comparator of a different sex performing equal work or work of equal value. Building on the developments brought by the definition of direct and indirect discrimination in Directive 2006/54/EC, in situations where no real-life comparator exists, the use of a hypothetical comparator should be allowed, to enable workers to show that they have not been treated in the same way as a hypothetical comparator of another sex would have been treated. This would lift an important obstacle for potential victims of gender-based pay discrimination, especially in highly gender-segregated employment markets where a requirement of finding a comparator of the opposite sex makes it almost impossible to bring an equal pay claim.

In addition, workers should not be prevented from using other facts from which an alleged discrimination can be presumed, such as statistics or other available information. This would allow gender-based pay inequalities to be more effectively addressed in gender-segregated sectors and professions, especially in female-dominated ones such as the care sector.

有效比较对象的确定是判断工作是否可被视为等值的重要参数。它使工人能够证明他们比执行相同工作或等值工作的不同性别的比较对象受到更不利的待遇。在指令2006/54/EC中关于直接和间接歧视定义的发展基础上，在不存在真实生活比较对象的情况下，应允许使用假设比较对象，使工人能够证明他们没有受到与另一性别假设比较对象会受到的同等待遇。这将消除潜在基于性别薪酬歧视受害者面临的一个重要障碍，特别是在高度性别隔离的就业市场中，要求找到异性比较对象几乎不可能提起同酬索赔。

此外，不应阻止工人使用其他可推定存在所谓歧视的事实，如统计数据或其他可用信息。这将使基于性别的薪酬不平等能够在性别隔离的行业和职业中得到更有效的处理，特别是在女性主导的如护理行业。

(29) The Court of Justice has clarified that in order to assess whether workers are in a comparable situation, the comparison is not necessarily limited to situations in which men and women work for the same employer (9). Workers may be in a comparable situation even when they do not work for the same employer whenever the pay conditions can be attributed to a single source establishing those conditions and where those conditions are equal and comparable. This may be the case when the relevant pay conditions are regulated by statutory provisions or agreements relating to pay applicable to

several employers, or when such conditions are laid down centrally for more than one organisation or business within a holding company or conglomerate. Furthermore, the Court of Justice has clarified that the comparison is not limited to workers employed at the same time as the claimant (10). Additionally, when performing the actual assessment, it should be recognised that a difference in pay may be explained by factors unrelated to sex.

法院已澄清，为了评估工人是否处于可比较的情况，比较不一定限于男性和女性为同一雇主工作的情况(9)。即使工人不为同一雇主工作，只要薪酬条件可归因于确立这些条件的单一来源，且这些条件平等且可比较，工人可能处于可比较的情况。当相关薪酬条件由适用于若干雇主的法定条款或薪酬相关协议规定时，或当这些条件为中心为控股公司或企业集团内多个组织或企业集中制定时，可能属于这种情况。此外，法院已澄清，比较不限于与申诉人同时就业的工人(10)。此外，在进行实际评估时，应认识到薪酬差异可能由与性别无关的因素解释。

(30) Member States should ensure that training and specific tools and methodologies are made available to support and guide employers in the assessment of what constitutes work of equal value. This should facilitate the application of that concept, especially for micro, small and medium-sized enterprises. Taking into account national law, collective agreements and/or practice, Member States should be able to entrust the development of specific tools and methodologies to the social partners or develop them in cooperation with, or after consulting, the social partners.

成员国应确保提供培训以及具体的工具和方法，以支持和指导雇主评估什么构成等值工作。这将促进该概念的应用，特别是对微型、小型和中型企业。考虑到国家法律、集体协议和/或惯例，成员国可将这些具体工具和方法的开发委托给社会伙伴，或与社会伙伴合作或咨询社会伙伴后开发。

(31) Job classification and evaluation systems can, if not used in a gender-neutral manner, in particular when they assume traditional gender stereotypes, result in gender-based pay discrimination. In such cases, they contribute to and perpetuate the pay gap by evaluating male and female dominated jobs differently in situations where the work performed is of equal value. Where gender-neutral job evaluation and classification systems are used, however, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on grounds of sex is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

工作分类和评价系统如果不以性别中立的方式使用，特别是在假定传统性别刻板印象的情况下，可能导致基于性别的薪酬歧视。在这种情况下，它们通过在执行的工作为等值的情况下，对男性主导和女性主导的工作进行不同评价，从而促成并延续薪酬差距。然而，当使用性别中立的工作评价和分类系统时，

它们在建立透明薪酬体系方面是有效的，并有助于确保排除基于性别的直接或间接歧视。它们发现与通常由妇女从事的工作被低估相关的间接薪酬歧视。它们通过衡量和比较内容不同但等值的工作来做到这一点，从而支持同酬原则。

(32) The lack of information on the envisaged pay range of a position creates an information asymmetry which limits the bargaining power of applicants for employment. Ensuring transparency should enable prospective workers to make an informed decision about the expected salary without limiting in any way the employer's or worker's bargaining power to negotiate a salary even outside the indicated range. Transparency would also ensure an explicit, non-gender-biased basis for pay setting and would disrupt the undervaluation of pay compared to skills and experience. Transparency would also address intersectional discrimination where non-transparent pay settings allow for discriminatory practices on several discrimination grounds. Applicants for employment should receive information about the initial pay or its range in a manner such as to ensure an informed and transparent negotiation on pay, such as in a published job vacancy notice, prior to the job interview, or otherwise prior to the conclusion of any employment contract. The information should be provided by the employer or in a different manner, for instance by the social partners.

缺乏关于职位预期薪酬范围的信息会造成信息不对称，限制了就业申请人的议价能力。确保透明度应使潜在工人能够在了解情况的基础上对预期薪酬做出决定，同时不以任何方式限制雇主或工人就薪酬进行谈判的权力，即使在指示范围之外。透明度还将确保薪酬设定的明确、非性别偏见的基础，并打破薪酬相对于技能和经验被低估的状况。透明度还将解决交叉歧视问题，因为在不透明的薪酬设定允许基于若干歧视理由的歧视性做法的情况下。就业申请人应以确保知情和透明薪酬谈判的方式收到关于初始薪酬或其范围的信息，例如在公布的招聘通知中、在工作面试之前或在订立任何雇佣合同之前。该信息应由雇主或以其他方式提供，例如由社会伙伴提供。

(33) In order to disrupt the perpetuation of the gender pay gap affecting individual workers over time, employers should ensure that job vacancy notices and job titles are gender neutral and that recruitment processes are led in a non-discriminatory manner, so as not to undermine the right to equal pay. Employers should not be allowed to enquire or proactively try to obtain information about the current pay or prior pay history of an applicant for employment.

为打破影响个别工人随时间推移的性别薪酬差距的延续，雇主应确保招聘通知和职位名称是性别中立的，招聘过程以非歧视性方式进行，以不损害同酬权。雇主不应被允许询问或主动获取关于就业申请人当前薪酬或先前薪酬历史的信息。

(34) Pay transparency measures should protect workers' right to equal pay while limiting, to the extent possible, costs and administrative burden for employers, paying specific attention to micro, small and medium-sized enterprises. Where appropriate, measures should be tailored to the size of employers, taking into account employers' headcount. The number of workers employed by employers to be applied as a criterion whether an employer is subject to pay reporting as referred to in this Directive is set taking into account Commission Recommendation 2003/361/EC on micro, small and medium-sized enterprises (11).

薪酬透明措施应在可能的范围内限制雇主的成本和管理负担，同时保护工人的同酬权，特别关注微型、小型和中等企业。在适当情况下，措施应根据雇主规模进行调整，并考虑雇主的员工人数。本指令所述雇主是否须遵守薪酬报告义务的适用标准所涉及的雇主雇用的工人数量的确定参照了委员会关于微型、小型和中型企业的建议2003/361/EC(11)。

(35) Employers should make accessible to workers the criteria that are used to determine pay levels and pay progression. Pay progression refers to the process of how a worker moves to a higher pay level. Criteria related to pay progression can include, inter alia, individual performance, skills development and seniority. When implementing this obligation, Member States should pay particular attention to avoiding excessive administrative burden for micro and small enterprises. Member States should also be able to provide, as a mitigating measure, ready-made templates to support micro and small enterprises in complying with the obligation. Member States should be able to exempt employers which are micro or small enterprises from the obligation related to pay progression, for instance by allowing them to make the pay progression criteria available upon request by workers.

雇主应使工人能够方便地获得用于确定薪酬水平和薪酬晋升的标准。薪酬晋升是指工人如何晋升到更高薪酬水平的过程。与薪酬晋升相关的标准可包括但不限于个人绩效、技能发展和资历。在实施这一义务时，成员国应特别注意避免给微型和小型企业造成过度行政负担。成员国也可作为一种缓解措施，提供现成模板以支持微型和小型企业遵守该义务。成员国应能够豁免属于微型或小型企业的雇主与薪酬晋升相关的义务，例如允许他们在工人要求时提供薪酬晋升标准。

(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. Employers should inform workers of that right on an annual basis, as well as of the steps to be undertaken in order to exercise the right. Employers may also, on their own initiative, opt to provide such information without workers needing to request it.

所有工人都应有权在其要求下获取关于其个人薪酬水平以及与其执行相同工作或等值工作的工人类别的按性别分列的平均薪酬水平的信息。他们也应有机会通过工人代表或通过平等机构接收信息。雇主应每年告知工人这一权利，以及为行使该权利应采取的步骤。雇主也可主动选择提供此类信息，而无需工人提出要求。

(37) This Directive should ensure that persons with disabilities have adequate access to the information provided pursuant to it to applicants for employment and workers. Such information should be provided to those persons taking into account their particular disabilities, in a format and appropriate form of assistance and support to ensure their access to and comprehension of the information. This could include the provision of information in an understandable way which they can perceive, in fonts of adequate size, using sufficient contrast or other format appropriate to the type of their disability. Where relevant, Directive (EU) 2016/2102 of the European Parliament and of the Council (12) applies.

本指令应确保残疾人能够充分获得向就业申请人和工人提供的相关信息。对于这些信息的提供，应考虑到他们特定的残疾，以一种他们能够感知的方式提供适当形式的帮助和支持以确保其获取和理解信息。这可能包括以他们能够理解的方式提供信息，使用适当字号的字体、足够的对比度或与其残疾类型相适应的其他格式。在适当时，适用欧洲议会和理事会指令(EU) 2016/2102(12)。

(38) Employers with at least 100 workers should regularly report on pay, as provided for by this Directive. That information should be published by the Member States' monitoring bodies in a suitable and transparent manner. Employers may publish those reports on their website or make them publicly available in another manner, for instance by including the information in their management report, where applicable in the management report drawn up under Directive 2013/34/EU of the European Parliament and of the Council (13). Employers that are subject to the requirements of that Directive may choose to report on pay alongside other worker-related matters in their management report. To maximise the coverage of pay transparency of workers, Member States may increase the frequency of reporting or make regular reporting on pay mandatory for employers with fewer than 100 workers.

雇用至少100名工人的雇主应定期报告薪酬情况，如本指令所规定。成员国监督机构应以适当和透明的方式公布这些信息。雇主可在其网站上公布这些报告或以另一种方式公开，例如将其包含在根据欧洲议会和理事会指令2013/34/EU(13)编制的管理报告中。须遵守该指令要求的雇主可选择在管理报告中与其他工人相关事项一起报告薪酬。为最大限度地提高工人薪酬透明的覆盖率，成员国可增加报告频率或使雇用少于100名工人的雇主强制定期报告薪酬。

(39) Pay reporting should allow employers to evaluate and monitor their pay structures and policies, allowing them to proactively comply with the principle of equal pay. Reporting and joint pay

assessments contribute to an increased awareness of gender bias in pay structures and of pay discrimination and contribute to addressing such bias and discrimination in an effective and systemic way, thereby benefitting all workers employed by the same employer. At the same time, the sex-disaggregated data should assist competent public authorities, workers' representatives and other stakeholders in monitoring the gender pay gap across sectors (horizontal segregation) and functions (vertical segregation). Employers may wish to accompany the published data by an explanation of any gender pay differences or gaps. Where differences in average pay for the same work or work of equal value between female and male workers are not justified on the basis of objective, gender-neutral criteria, the employer should take measures to remove the inequalities.

薪酬报告应使雇主能够评估和监测其薪酬结构和政策，使他们能够主动遵守同酬原则。报告和联合薪酬评估有助于提高对薪酬结构和薪酬歧视中性别偏见的认识，并有助于以有效和系统的方式解决这种偏见和歧视，从而使同一雇主雇用的所有工人受益。同时，按性别分列的数据应协助主管公共当局、工人代表和其他利益相关方监测跨行业（横向隔离）和职能（纵向隔离）的性别薪酬差距。雇主可希望随公布的数据一起提供对任何性别薪酬差异或差距的解释。当女性和男性工人在相同工作或等值工作的平均薪酬差异非基于客观性别中立标准正当化时，雇主应采取措施消除不平等现象。

(40) To reduce the burden on employers, Member States could gather and interlink the necessary data through their national administrations allowing for a computation of the pay gap between female and male workers per employer. Such data gathering may require interlinking data from several public administrations, such as tax inspectorates and social security offices, and would be possible if administrative data matching employers' data, at company or organisational level, to workers' data, at individual level, including benefits in cash and in kind, are available. Member States could gather that information not only for employers that are covered by the pay reporting obligation under this Directive, but also for employers that are not covered by the obligation and that report voluntarily. The publication of the required information by Member States should replace the obligation of pay reporting on those employers covered by the administrative data provided that the result intended by the reporting obligation is achieved.

为减少雇主负担，成员国可通过其国家行政机构收集和关联必要的信息，允许计算女性和男性工人之间的薪酬差距。此类信息收集可能需要关联若干公共行政机构的信息，如税务机关和社会保障机构，如果能够获得将雇主数据（公司或组织层面）与工人数据（个人层面，包括现金和实物福利）相关联的行政信息，则可以做到这一点。成员国不仅可以为属于本指令薪酬报告义务覆盖范围的雇主收集这些信息，也可以为不属于该义务覆盖范围且自愿报告的雇主收集这些信息。成员国公布所需信息应取代这些雇主的薪酬报告义务，只要达到报告义务的预期结果。

(41) In order to make the information on the gender pay gap at organisational level widely available, Member States should entrust the monitoring body designated pursuant to this Directive to compile the data on the pay gap received from employers without putting an additional burden on the latter. The monitoring body should make those data public, including by publishing them on an easily accessible website, allowing comparison of the data of individual employers, sectors and regions of the Member State concerned.

为使组织层面的性别薪酬差距信息得到广泛提供，成员国应根据本指令指定的监督机构负责收集雇主收到的薪酬差距数据，而不给雇主增加额外负担。监督机构应以易于访问的网站等方式公开这些数据，允许比较个别雇主、行业和成员国相关地区的数据。

(42) Member States may acknowledge employers that are not subject to the reporting obligations set out in this Directive, which voluntarily report on their pay, for instance by means of a pay transparency label, with a view to promoting good practices in relation to the rights and obligations laid down in this Directive.

成员国可承认不属于本指令报告义务范围但自愿报告其薪酬的雇主，例如通过薪酬透明标签，以促进与本指令规定的权利和义务相关的良好实践。

(43) Joint pay assessments should trigger the review and revision of pay structures in organisations with at least 100 workers that show pay inequalities. The joint pay assessment should be carried out if employers and the workers' representatives concerned do not agree that the difference in average pay level between female and male workers of at least 5 % in a given category of workers can be justified on the basis of objective, gender-neutral criteria, if such a justification is not provided by the employer, or if the employer has not remedied such a difference in pay level within six months of the date of submission of the pay reporting. The joint pay assessment should be carried out by employers in cooperation with workers' representatives. If there are no workers' representatives, they should be designated by workers for the purpose of the joint pay assessment. Joint pay assessments should lead, within a reasonable period of time, to the elimination of gender-based pay discrimination through the adoption of remedial measures.

联合薪酬评估应触发对雇用至少100名工人且显示薪酬不平等的组织的薪酬结构进行审查和修订。如果雇主和相关工人代表不同意平均薪酬水平中女性和男性工人之间至少5%的差异可基于客观性别中立标准正当化，或雇主未提供此类正当化理由，或雇主未在提交薪酬报告之日起六个月内纠正此类薪酬水平差异，则应进行联合薪酬评估。联合薪酬评估应由雇主与工人代表合作进行。如果没有工人代表，应由工人为他们指定用于联合薪酬评估。联合薪酬评估应在合理期限内通过采取补救措施消除基于性别的薪酬歧视。

(44) Any processing or publication of information under this Directive should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council (14). Specific safeguards should be added to prevent the direct or indirect disclosure of information of an identifiable worker. Workers should not be prevented from voluntarily disclosing their pay for the purpose of the enforcement of the principle of equal pay.

本指令下的任何信息处理或公布应遵守欧洲议会和理事会条例(EU) 2016/679(14)。应添加具体保障措施以防止可识别工人的信息直接或间接披露。不应阻止工人自愿披露其薪酬以执行同酬原则。

(45) It is important that the social partners discuss and pay particular attention to matters of equal pay in collective bargaining. The various features of national social dialogue and collective bargaining systems across the Union and the autonomy and contractual freedom of the social partners, as well as their capacity as representatives of workers and employers should be respected. Therefore, Member States, in accordance with their national system and without prejudice to the autonomy of the social partners, should take adequate measures to promote the role of the social partners and encourage collective bargaining on whether to take action to address pay discrimination and its adverse impact on the valuation of jobs predominantly carried out by workers of one sex.

重要的是，社会伙伴在集体谈判中讨论并特别关注同酬问题。联盟各成员国的社会对话和集体谈判制度以及社会伙伴的自主权和合同自由，以及它们作为工人和雇主代表的的能力，应得到尊重。因此，成员国应根据其国家制度，在不妨碍社会伙伴自主权的情况下，采取适当措施促进社会伙伴在执行本指令方面的作用，并鼓励就是否采取集体行动以解决薪酬歧视及其对主要有一种性别工人从事的工作估值的不利影响进行集体谈判。

(46) Without prejudice to Articles 24 and 27 of Directive 2006/54/EC, Member States should ensure that effective, proactive and reactive enforcement mechanisms are in place. Proactive enforcement mechanisms, such as inspections or investigations carried out by labour inspectorates, equality bodies or other competent authorities, can contribute to detecting pay gaps and non-compliance. Reactive enforcement mechanisms, such as complaints procedures and litigation, can support individual victims in obtaining redress.

在不妨碍指令2006/54/EC第24条和第27条的情况下，成员国应确保有效、主动和被动执法机制到位。主动执法机制，如劳动监察、平等机构或其他主管机构的主动行动或调查，可有助于发现薪酬差距和不遵守情况。被动执法机制，如申诉程序和诉讼，可支持受害个人获得补救。

(47) To ensure the effective enforcement of the principle of equal pay, it is essential that workers are able to exercise their rights without fear of victimisation and that the burden of proof is placed on the employer. Member States should introduce the necessary measures to protect workers from any adverse treatment suffered as a result of exercising their rights relating to equal pay.

为了确保同酬原则的有效执行，必须确保工人能够行使其权利而不担心遭受报复，并确保雇主承担举证责任。成员国应引入必要措施，保护工人免受因行使其与同酬相关权利而遭受的任何不利对待。

(48) Given the ongoing power asymmetry between workers and their employers and the possible structural weaknesses and barriers in the application of the principle of equal pay, effective means of ensuring compliance with those rights must be provided. The shift of the burden of proof - requiring the employer to prove that there has been no discrimination once a worker shows that a pay difference could constitute discrimination - is essential for helping workers obtain appropriate redress.

鉴于工人与其雇主之间持续存在的不对称权力关系，以及在适用同酬原则方面可能存在的结构性弱点和障碍，必须提供有效手段确保遵守这些权利。举证责任的转移——在工人表明薪酬差异可能构成歧视后，由雇主证明不存在歧视——对于帮助工人获得适当补救至关重要。

(49) A shift of the burden of proof should also apply where the employer has failed to comply with the pay transparency obligations set out in this Directive, to provide additional support for workers claiming to be victims of pay discrimination and to ensure that those obligations are complied with.

当雇主未能履行本指令规定的薪酬透明度义务时，也应转移举证责任，以便为声称遭受薪酬歧视的工人提供更多支持，并确保这些义务得到遵守。

(50) Enforcement of the principle of equal pay should be complemented by mechanisms providing for effective remedies. Member States should ensure that workers who have sustained damage as a result of an infringement of rights or obligations relating to the principle of equal pay have the right to obtain adequate compensation or reparation for such damage. Such compensation or reparation should place the worker who has sustained damage in the position in which he or she would have been had there been no discrimination based on sex or no infringement of rights or obligations relating to the principle of equal pay. Particular attention should be paid to ensuring that compensation is not restricted by a prior upper limit.

同酬原则的执行应辅之以提供有效补救的机制。成员国应确保，遭受与同酬原则相关的权利或义务侵犯而造成损害的工人，有权获得对此类损害的充分赔偿或修复。此类赔偿或修复应使受损害工人处于如果

没有遭受基于性别的歧视或没有发生与同酬原则相关的权利或义务侵犯他本应处于的地位。应特别注意确保赔偿不受事先设定的上限限制。

(51) To ensure the effective enforcement of equal pay, Member States should ensure that workers are able to continue to exercise their rights for a period after the end of the employment relationship in which the discrimination is alleged to have occurred, taking into account that claimants may need time to discover pay discrimination, including through pay reporting.

为确保同酬的有效执行，成员国应确保工人能够在就业关系结束后一段时间内继续行使其权利，并考虑到申诉人可能需要时间发现薪酬歧视，包括通过薪酬报告。

(52) Member States should ensure that limitation periods for litigation relating to equal pay are not less than three years and that such periods do not begin to run before the claimant is aware, or can reasonably be expected to be aware, of the occurrence of the infringement.

成员国应确保，与同酬相关的诉讼时效不少于三年，且不得在申诉人知道或可合理预期知道发生侵犯行为之前开始计算。

(53) Without prejudice to procedural safeguards available to Member States, associations, organisations and other legal entities representing workers, including workers' representatives and/or equality bodies, can play an important role in proceedings relating to the application of the principle of equal pay.

在不妨碍成员国可利用的程序保障的情况下，代表工人的协会、组织和其他法律实体，包括工人代表和/或平等机构，可在对同酬原则的适用提起诉讼方面发挥重要作用。

(54) Member States should ensure that in proceedings concerning an equal pay claim, competent authorities or national courts are able to order the respondent to disclose any relevant evidence in its control, while taking into account the need to protect business-sensitive information and workers' privacy. Evidential rules should ensure that the principle of equal pay is effectively enforced, while not prejudicing the legitimate interests of employers or the privacy of workers.

成员国应确保，在与同酬索赔相关的诉讼中，主管当局或国家法院能够命令被申诉人披露其控制下的任何相关证据，同时考虑到保护商业敏感信息和工人隐私的需要。证据规则应确保有效执行同酬原则，同时不损害雇主合法利益或工人隐私。

(55) To support the ongoing monitoring of the application of the principle of equal pay, Member States should provide the Commission (Eurostat) with annual up-to-date national data for the calculation of the gender pay gap in unadjusted form.

为支持对同酬原则的持续监测，成员国应每年向欧盟委员会（欧盟统计局）提供用于计算未调整形式性别薪酬差距的最新国家数据。

(56) Failure by an employer to comply with the pay transparency obligations set out in this Directive should be considered a serious infringement and, as such, could lead to the exclusion of an economic operator from public procurement procedures. Member States should have the right to require, pursuant to the relevant provisions of Directives 2014/23/EU, 2014/24/EU and 2014/25/EU, contracting authorities to introduce penalties and termination conditions ensuring compliance with the principle of equal pay in the performance of public contracts or concessions.

雇主未能履行本指令规定的薪酬透明度义务，应被视为严重违反，因此可导致在公共采购程序中排除经济经营者。成员国有权根据指令2014/23/EU、2014/24/EU和2014/25/EU规定的相关条款，要求采购机构引入处罚和终止条件，以确保在公共合同或特许经营中遵守同酬原则。

(57) In accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union, the objective of this Directive, namely to strengthen the application of the principle of equal pay, cannot be sufficiently achieved by the Member States alone but can rather, by reason of the scale or effects of the action, be better achieved at Union level. In accordance with the principle of proportionality as set out in that Article, this Directive, which limits itself to setting minimum standards, does not go beyond what is necessary in order to achieve those objectives.

根据《欧盟条约》第五条规定的辅助性原则，本指令的目标——即加强同酬原则的适用——仅靠成员国行动无法充分实现，但鉴于行动的规模或影响，联盟层面可以更好地实现这些目标。根据该条规定的比例原则，本指令仅限于设定最低标准，不超出实现这些目标所必需的范围。

(58) The role of the social partners is of key importance in designing the way pay transparency measures are implemented in Member States, especially in those with high collective bargaining coverage. Member States should therefore have the possibility to entrust the social partners with the implementation of all or part of this Directive, provided that Member States take all the necessary steps to ensure that the results sought by this Directive are guaranteed at all times.

社会伙伴在设计成员国实施薪酬透明措施的方式方面具有关键重要性，特别是在集体谈判覆盖率高成员国。成员国因此可将在本指令全部或部分实施任务委托给社会伙伴，只要成员国采取一切必要步骤确保本指令所寻求的结果始终得到保证。

(59) In implementing this Directive, Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small or medium-sized enterprises. Member States should therefore assess the impact of their transposition measures on micro, small and medium-sized enterprises in order to ensure that those enterprises are not disproportionately affected, giving specific attention to microenterprises, to alleviate the administrative burden, and to publish the results of such assessments.

在实施本指令时，成员国应避免以阻碍微型、小型或中型企业创建和发展的方式施加行政、财务和法律约束。因此，成员国应评估其转化措施对微型、小型和中型企业的影响，以确保这些企业不会受到不成比例的影响，特别关注微型企业，减轻行政负担，并公布此类评估的结果。

(60) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council (23) and delivered an opinion on 27 April 2021.

欧洲数据保护监督员已根据欧洲议会和理事会条例(EU) 2018/1725(23)第四十二条进行了咨询，并于2021年4月27日发表了意见。

HAVE ADOPTED THIS DIRECTIVE:

特此通过本指令：

CHAPTER I

GENERAL PROVISIONS

第一章

总则

Article 1

Subject matter

This Directive lays down minimum requirements to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women (the 'principle of equal pay') enshrined in Article 157 TFEU and the prohibition of discrimination laid down in Article 4 of Directive 2006/54/EC, in particular through pay transparency and reinforced enforcement mechanisms.

第一条

主题事项

本指令规定了通过薪酬透明和加强执法机制加强适用《欧盟运作条约》第一百五十七条规定的男女同工同酬或等值工作同酬原则（“同酬原则”）以及指令2006/54/EC第四条规定的歧视禁令的最低要求。

Article 2

Scope

1. This Directive applies to employers in public and private sectors.
 2. This Directive applies to all workers who have an employment contract or employment relationship as defined by law, collective agreements and/or practice in force in each Member State with consideration to the case-law of the Court of Justice.
 3. For the purposes of Article 5, this Directive applies to applicants for employment.
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第二条

范围

1. 本指令适用于公共和私营部门的雇主。
2. 本指令适用于根据各成员国法律、集体协议和/或现行惯例定义的就业合约或就业关系，参照法院的判例法，签订了就业合约或就业关系的所有工人。
3. 就第五条而言，本指令适用于就业申请人。

Article 3

Definitions

1. For the purposes of this Directive, the following definitions apply:
 - (a) 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which a worker receives directly or indirectly (complementary or variable components) in respect of his or her employment from his or her employer;
 - (b) 'pay level' means gross annual pay and the corresponding gross hourly pay;
 - (c) 'gender pay gap' means the difference in average pay levels between female and male workers of an employer expressed as a percentage of the average pay level of male workers;
 - (d) 'median pay level' means the pay level at which half of the workers of an employer earn more and half of them earn less;
 - (e) 'median gender pay gap' means the difference between the median pay level of female and median pay level of male workers of an employer expressed as a percentage of the median pay level of male workers;
 - (f) 'quartile pay band' means each of four equal groups of workers into which they are divided according to their pay levels, from the lowest to the highest;
 - (g) 'work of equal value' means work that is determined to be of equal value in accordance with the non-discriminatory and objective gender-neutral criteria referred to in Article 4(4);
 - (h) 'category of workers' means workers performing the same work or work of equal value grouped in a non-arbitrary manner based on the non-discriminatory and objective gender-neutral criteria referred to in Article 4(4), by the workers' employer and, where applicable, in cooperation with the workers' representatives in accordance with national law and/or practice;

(i) 'direct discrimination' means the situation in which one person is treated less favourably on grounds of sex than another person is, has been or would be treated in a comparable situation;

(j) 'indirect discrimination' means the situation in which an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified on the basis of a legitimate aim, and the means of achieving that aim are appropriate and necessary;

(k) 'labour inspectorate' means the body or bodies responsible, in accordance with national law and/or practice, for control and inspection functions in the labour market, save that, where provided for in national law, the social partners may carry out those functions;

(l) 'equality body' means the body or bodies designated pursuant to Article 20 of Directive 2006/54/EC;

(m) 'workers' representatives' means the workers' representatives in accordance with national law and/or practice.

2. For the purposes of this Directive, discrimination includes:

(a) harassment and sexual harassment, within the meaning of Article 2(2), point (a), of Directive 2006/54/EC, as well as any less favourable treatment based on a person's rejection of, or submission to, such conduct, when such harassment or treatment relates to or results from the exercise of the rights provided for in this Directive;

(b) any instruction to discriminate against persons on grounds of sex;

(c) any less favourable treatment related to pregnancy or maternity leave within the meaning of Council Directive 92/85/EEC (24);

(d) any less favourable treatment, within the meaning of Directive (EU) 2019/1158 of the European Parliament and of the Council (25), based on sex, including with regard to paternity leave, parental leave or carers' leave;

(e) intersectional discrimination, which is discrimination based on a combination of sex and any other ground or grounds of discrimination protected under Directive 2000/43/EC or 2000/78/EC.

3. Paragraph 2, point (e), shall not entail additional obligations on employers to gather data as referred to in this Directive with regard to protected grounds of discrimination other than sex.

第三条

定义

1. 为本指令的目的，适用以下定义：

- (a) "薪酬"指普通基本工资或最低工资或薪金，以及工人因就业而直接或间接从雇主处获得的任何其他报酬，无论是现金还是实物形式（补充性或可变组成部分）；
- (b) "薪酬水平"指毛年薪和相应的毛时薪；
- (c) "性别薪酬差距"指雇主女性和男性工人的平均薪酬水平之差，以男性工人的平均薪酬水平的百分比表示；
- (d) "中位薪酬水平"指雇主一半工人挣得更多、一半工人挣得更少的薪酬水平；
- (e) "中位性别薪酬差距"指雇主女性工人中位薪酬水平与男性工人中位薪酬水平之差，以男性工人的中位薪酬水平的百分比表示；
- (f) "四分位薪酬带"指根据薪酬水平从最低到最高划分的四组相等的工人群体中的每一个；
- (g) "等值工作"指根据第四条第4款提及的非歧视性和客观性别中立标准被确定为等值的工作；
- (h) "工人类别"指根据第四条第4款提及的非歧视性和客观性别中立标准，由工人雇主非任意地分组在一起执行相同工作或等值工作的工人，并在适当时根据国家法律和/或惯例与工人代表合作进行分组；
- (i) "直接歧视"指一个人在基于性别方面受到比另一个人在可比情况下受到、已经受到或将会受到的待遇更不利的待遇的情况；
- (j) "间接歧视"指表面上中立的条款、标准或实践会使一种性别的人处于比其他性别的人特别不利的地位的情况，除非该条款、标准或实践基于合法目的并在客观正当化的情况下，且实现该目的的手段是适当和必要的；
- (k) "劳动监察机构"指根据国家法律和/或惯例，负责劳动市场控制和检查职能的机构或若干机构，但如果国家法律有规定，社会伙伴可执行这些职能；
- (l) "平等机构"指根据指令2006/54/EC第二十条指定的机构或若干机构；
- (m) "工人代表"指根据国家法律和/或惯例的工人代表。

2. 为本指令的目的，歧视包括：

- (a) 骚扰和性骚扰，具有指令2006/54/EC第2条第2款第(a)项规定的含义，以及任何基于一个人拒绝或接受此类行为而受到的更不利待遇，当此类骚扰或待遇涉及或源于行使本指令规定的权利时；
- (b) 任何指示他人歧视基于性别的人；

(c) 任何与怀孕或产假相关的更不利待遇，具有理事会指令92/85/EEC(24)规定的含义；

(d) 根据欧洲议会和理事会指令(EU) 2019/1158(25)的规定，基于性别的任何更不利待遇，包括关于陪产假、育儿假或护理假的更不利待遇；

(e) 交叉歧视，即基于性别与理事会指令2000/43/EC或2000/78/EC保护的任何其他歧视理由或若干理由的组合而造成的歧视。

3. 第2款第(e)项不应导致雇主承担收集本指令提及的除性别外其他受保护歧视理由数据的额外义务。

Article 4

Equal work and work of equal value

1. Member States shall take the necessary measures to ensure that employers have pay structures ensuring equal pay for equal work or work of equal value.
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.
3. Where appropriate, the Commission may update Union-wide guidelines related to gender-neutral job evaluation and classification systems, in consultation with the European Institute for Gender Equality (EIGE).
4. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation in regard to the value of work on the basis of objective, gender-neutral criteria agreed with workers' representatives where such representatives exist. Those criteria shall not be based directly or indirectly on workers' sex. They shall include skills, effort, responsibility and working conditions, and, if appropriate, any other factors which are relevant to the specific job or position. They shall be applied in an objective gender-neutral manner, excluding any direct or indirect discrimination based on sex. In particular, relevant soft skills shall not be undervalued.

第四条

同工同酬和等值工作

1. 成员国应采取必要措施，确保雇主建立确保同工同酬或等值工作同酬的薪酬结构。
 2. 成员国应在与平等机构协商后，采取必要措施，确保提供分析工具或方法，并易于获取，以支持和指导雇主根据本条规定的标准评估和比较工作的价值。这些工具或方法应使雇主和/或社会伙伴能够轻松建立和使用排除任何基于性别的薪酬歧视的性别中立工作评价和分类系统。
 3. 在适当时，委员会可与欧洲性别平等研究所（EIGE）协商后，更新与性别中立工作评价和分类系统相关的联盟范围指南。
 4. 薪酬结构应能够根据与工人代表商定的客观性别中立标准（在存在此类代表的情况下），评估工人是否在工作价值方面处于可比较的情况。这些标准不应直接或间接基于工人的性别。它们应包括技能、努力、责任和工作条件，以及如果适当的话，与具体工作或职位相关的任何其他因素。它们应以客观性别中立的方式应用，排除任何基于性别的直接或间接歧视。特别是，不得低估相关的软技能。
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CHAPTER II

PAY TRANSPARENCY

第二章

薪酬透明

Article 5

Pay transparency prior to employment

1. Applicants for employment shall have the right to receive, from the prospective employer, information about:
 - (a) the initial pay or its range, based on objective, gender-neutral criteria, to be attributed for the position concerned; and
 - (b) where applicable, the relevant provisions of the collective agreement applied by the employer in relation to the position.
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Such information shall be provided in a manner such as to ensure an informed and transparent negotiation on pay, such as in a published job vacancy notice, prior to the job interview or otherwise.

2. An employer shall not ask applicants about their pay history during their current or previous employment relationships.
3. Employers shall ensure that job vacancy notices and job titles are gender-neutral and that recruitment processes are led in a non-discriminatory manner, in order not to undermine the right to equal pay for equal work or work of equal value (the 'right to equal pay').

第五条

就业前的薪酬透明

1. 就业申请人应有权从预期雇主处收到以下信息：
 - (a) 将给予相关职位的初始薪酬或其范围，基于客观性别中立标准；和
 - (b) 在适当时，雇主适用的与该职位相关的集体协议条款。

此类信息应以确保知情和透明薪酬谈判的方式提供，例如在公布的招聘通知中、在工作面试之前或在订立任何雇佣合同之前。

2. 雇主不得询问申请人关于其在当前或先前就业关系中的薪酬历史。
3. 雇主应确保招聘通知和职位名称是性别中立的，招聘过程以非歧视性方式进行，以不损害同工同酬或等值工作同酬的权利（“同酬权”）。

Article 6

Transparency of pay setting and pay progression policy

1. Employers shall make easily accessible to their workers the criteria that are used to determine workers' pay, pay levels and pay progression. Those criteria shall be objective and gender neutral.
2. Member States may exempt employers with fewer than 50 workers from the obligation related to the pay progression set out in paragraph 1.

第六条

薪酬设定和薪酬晋升政策的透明度

1. 雇主应使其工人能够方便地获得用于确定工人薪酬、薪酬水平和薪酬晋升的标准。这些标准应是客观的和性别中立的。
 2. 成员国可豁免雇用少于50名工人的雇主与第1款所述薪酬晋升相关的义务。
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Article 7

Right to information

1. Workers shall have the right to request and receive in writing, in accordance with paragraphs 2 and 4, information on their individual pay level and the average pay levels, broken down by sex, for categories of workers performing the same work as them or work of equal value to theirs.
2. Workers shall have the possibility to request and receive the information referred to in paragraph 1 through their workers' representatives, in accordance with national law and/or practice. They shall also have the possibility to request and receive the information through an equality body.

If the information received is inaccurate or incomplete, workers shall have the right to request, personally or through their workers' representatives, additional and reasonable clarifications and details regarding any of the data provided and receive a substantiated reply.

3. Employers shall inform all workers, on an annual basis, of their right to receive the information referred to in paragraph 1 and of the steps that the worker is to undertake to exercise that right.
 4. Employers shall provide the information referred to in paragraph 1 within a reasonable period of time but in any event within two months from the date on which the request is made.
 5. Workers shall not be prevented from disclosing their pay for the purpose of the enforcement of the principle of equal pay. In particular, Member States shall put in place measures to prohibit contractual terms that restrict workers from disclosing information about their pay.
 6. Employers may require workers who have obtained information pursuant to this Article, other than information concerning their own pay or pay level, not to use that information for any purpose other than to exercise their right to equal pay.
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第七条

信息权

1. 工人应有权根据第2款和第4款，以书面形式请求和接收关于其个人薪酬水平以及与其执行相同工作或等值工作的工人类别的按性别分列的平均薪酬水平的信息。
2. 工人应有机会通过其工人代表，根据国家法律和/或惯例，请求和接收第1款所述信息。他们也有机会通过平等机构请求和接收信息。

如果收到的信息不准确或不完整，工人应有权亲自或通过其工人代表请求对提供的任何数据的额外和合理说明，并收到有理由的答复。

3. 雇主应每年告知所有工人收到第1款所述信息的权利，以及工人为行使该权利应采取的步骤。
 4. 雇主应在合理期限内但不迟于请求之日起两个月内提供第1款所述信息。
 5. 不得阻止工人披露其薪酬以执行同酬原则。特别是，成员国应制定措施禁止限制工人披露其薪酬信息的合同条款。
 6. 雇主可要求根据本条款获得信息的工人（关于其自身薪酬或薪酬水平的信息除外），不得将这些信息用于行使同酬权以外的任何目的。
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Article 8

Accessibility of information

Employers shall provide any information shared with workers or applicants for employment pursuant to Articles 5, 6 and 7 in a format which is accessible to persons with disabilities and which takes into account their particular needs.

第八条

信息的无障碍性

雇主应根据第五、六和七条与工人或就业申请人共享的任何信息，应以无障碍格式提供给残疾人，并考虑到其特殊需要。

Article 9

Reporting on pay gap between female and male workers

1. Member States shall ensure that employers provide the following information concerning their organisation, in accordance with this Article:
 - (a) the gender pay gap;
 - (b) the gender pay gap in complementary or variable components;
 - (c) the median gender pay gap;
 - (d) the median gender pay gap in complementary or variable components;
 - (e) the proportion of female and male workers receiving complementary or variable components;
 - (f) the proportion of female and male workers in each quartile pay band;
 - (g) the gender pay gap between workers by categories of workers broken down by ordinary basic wage or salary and complementary or variable components.
2. Employers with 250 workers or more shall, by 7 June 2027 and every year thereafter, provide the information set out in paragraph 1 relating to the previous calendar year.
3. Employers with 150 to 249 workers shall, by 7 June 2027 and every three years thereafter, provide the information set out in paragraph 1 relating to the previous calendar year.
4. Employers with 100 to 149 workers shall, by 7 June 2031 and every three years thereafter, provide the information set out in paragraph 1 relating to the previous calendar year.
5. Member States shall not prevent employers with fewer than 100 workers from providing the information set out in paragraph 1 on a voluntary basis. Member States may, as a matter of national law, require employers with fewer than 100 workers to provide information on pay.
6. The accuracy of the information shall be confirmed by the employer's management, after consulting workers' representatives. Workers' representatives shall have access to the methodologies applied by the employer.
7. The information referred to in paragraph 1, points (a) to (g), of this Article shall be communicated to the authority in charge of compiling and publishing such data pursuant to Article 29(3), point (c). The employer may publish the information referred to in paragraph 1, points (a) to (f), of this Article on its website or make it publicly available in another manner.
8. Member States may compile the information set out in paragraph 1, points (a) to (f), of this Article themselves, on the basis of administrative data such as data provided by employers to the tax or social security authorities. The information shall be made public pursuant to Article 29(3), point (c).
9. Employers shall provide the information referred to in paragraph 1, point (g), to all their workers and to the workers' representatives of their workers. Employers shall provide the information to the labour

inspectorate and the equality body upon request. The information from the previous four years, if available, shall also be provided upon request.

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 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.

第九条

男女工人薪酬差距报告

1. 成员国应确保雇主提供以下关于其组织的信息，根据本条：

- (a) 性别薪酬差距；
- (b) 补充性或可变组成部分中的性别薪酬差距；
- (c) 中位性别薪酬差距；
- (d) 补充性或可变组成部分中的中位性别薪酬差距；
- (e) 收到补充性或可变组成部分的女性和男性工人的比例；
- (f) 每个四分位薪酬带中女性和男性工人的比例；
- (g) 按工人类别分列的工人之间的薪酬差距（按普通基本工资或薪金和补充性或可变组成部分分列）。

2. 雇用250名或以上工人的雇主，应至2027年6月7日及此后每年，提供上一日历年第1款所述信息。

3. 雇用150至249名工人的雇主，应至2027年6月7日及此后每三年，提供上一日历年第1款所述信息。

4. 雇用100至149名工人的雇主，应至2031年6月7日及此后每三年，提供上一日历年第1款所述信息。

5. 成员国不应阻止雇用少于100名工人的雇主自愿提供第1款所述信息。成员国可根据国家法律，要求雇用少于100名工人的雇主提供薪酬信息。

6. 信息的准确性应由雇主管理层在与工人代表协商后确认。工人代表应可访问雇主使用的方法。

7. 本条第1款第(a)至(g)项所述信息应传达给负责根据第29条第3款第(c)项编制和公布此类数据的机构。雇主可在其网站上公布本条第1款第(a)至(f)项所述信息或以另一种方式公开。

8. 成员国可自行根据行政数据（如雇主向税务机关或社会保障机构提供的数据）编制本条第1款第(a)至(f)项所述信息。信息应根据第29条第3款第(c)项予以公布。
 9. 雇主应向其所有工人和工人代表提供本条第1款第(g)项所述信息。雇主应在要求时向劳动监察机构和平等机构提供信息。前四年的信息（如果有）也应在要求时提供。
 10. 工人、工人代表、劳动监察机构和平等机构应有权要求雇主提供关于所提供数据的额外说明和细节，包括对任何性别薪酬差异的解释。雇主应在合理时间内通过提供有理由的答复回应此类请求。当性别薪酬差异非基于客观性别中立标准正当化时，雇主应在与工人代表、劳动监察机构和/或平等机构密切合作下，在合理时间内纠正这种情况。
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Article 10

Joint pay assessment

1. Member States shall take appropriate measures to ensure that employers who are subject to pay reporting pursuant to Article 9 conduct, in cooperation with their workers' representatives, a joint pay assessment where all the following conditions are met:

(a) the pay reporting demonstrates a difference in the average pay level between female and male workers of at least 5 % in any category of workers;

(b) the employer has not justified such a difference in the average pay level on the basis of objective, gender-neutral criteria;

(c) the employer has not remedied such an unjustified difference in the average pay level within six months of the date of submission of the pay reporting.

2. The joint pay assessment shall be carried out in order to identify, remedy and prevent differences in pay between female and male workers which are not justified on the basis of objective, gender-neutral criteria, and shall include the following:

(a) an analysis of the proportion of female and male workers in each category of workers;

(b) information on average female and male workers' pay levels and complementary or variable components for each category of workers;

(c) any differences in average pay levels between female and male workers in each category of workers;

(d) the reasons for such differences in average pay levels, on the basis of objective, gender-neutral criteria, if any, as established jointly by the workers' representatives and the employer;

(e) the proportion of female and male workers who benefited from any improvement in pay following their return from maternity or paternity leave, parental leave or carers' leave, if such improvement occurred in the relevant category of workers during the period in which the leave was taken;

(f) measures to address differences in pay if they are not justified on the basis of objective, gender-neutral criteria;

(g) an evaluation of the effectiveness of measures from previous joint pay assessments.

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.

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.

第十条

联合薪酬评估

1. 成员国应采取适当措施，确保根据第九条须遵守薪酬报告义务的雇主在与工人代表合作下，在满足以下所有条件时进行联合薪酬评估：

(a) 薪酬报告显示，在任何工人类别中，女性和男性工人的平均薪酬水平差异至少为5%；

(b) 雇主未基于客观性别中立标准正当化此类平均薪酬水平差异；

(c) 雇主未在提交薪酬报告之日起六个月内纠正此类无正当理由的平均薪酬水平差异。

2. 联合薪酬评估应进行，以识别、纠正和防止女性和男性工人之间非基于客观性别中立标准正当化的薪酬差异，并应包括以下内容：

(a) 分析每个工人类别中女性和男性工人的比例；

(b) 每个工人类别中女性和男性工人平均薪酬水平和补充性或可变组成部分的信息；

(c) 每个工人类别中女性和男性工人之间的平均薪酬水平差异；

- (d) 基于客观性别中立标准（如有的话）的此类平均薪酬水平差异的原因，由工人代表和雇主共同确定；
- (e) 在相关工人类别中，在休产假、陪产假、育儿假或护理假期间发生的此类改善发生时受益于任何薪酬改善的女性和男性工人的比例（如果此类改善发生在相关工人类别中）；
- (f) 如果差异非基于客观性别中立标准，则采取措施解决薪酬差异；
- (g) 对先前联合薪酬评估措施有效性的评估。
3. 雇主应使工人和工人代表能够获得联合薪酬评估，并应根据第29条第3款第(d)项将其传达给监督机构。他们应在要求时使劳动监察机构和平等机构能够获得。
4. 在实施联合薪酬评估产生的措施时，雇主应在与工人代表根据国家法律和/或惯例密切合作下，在合理时间内纠正无正当化的薪酬差异。劳动监察机构和平等机构可被要求参与这一过程。措施的实施应包括对现有性别中立工作评价和分类系统的分析或建立此类系统，以确保排除任何基于性别的直接或间接薪酬歧视。

CHAPTER III

REMEDIES AND ENFORCEMENT

第三章

救济和执法

Article 11

Support for employers with fewer than 250 workers

Member States shall provide support, in the form of technical assistance and training, to employers with fewer than 250 workers and to the workers' representatives concerned, to facilitate their compliance with the obligations laid down in this Directive.

第十一条

对雇用少于250名工人的雇主的支持

成员国应以技术援助和培训的形式，向雇用少于250名工人的雇主和相关工人代表提供支持，以促进他们遵守本指令规定的义务。

Article 12

Data protection

1. To the extent that any information provided pursuant to measures taken under Articles 7, 9, and 10 involves the processing of personal data, it shall be provided in accordance with Regulation (EU) 2016/679.
 2. Any personal data processed pursuant to Articles 7, 9 or 10 of this Directive shall not be used for any purpose other than for the application of the principle of equal pay.
 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.
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第十二条

数据保护

1. 在根据第七、九和十条采取措施时提供的任何信息涉及个人数据处理的范围内，应根据条例(EU) 2016/679进行处理。
 2. 根据本指令第七、九或十条处理的任何个人数据，不得用于同酬原则适用以外的任何目的。
 3. 成员国可决定，当根据第七、九和十条披露信息可能导致直接披露或间接披露可识别工人的薪酬时，只有工人代表、劳动监察机构或平等机构才能访问该信息。工人代表或平等机构应在不披露执行相同工作或等值工作的个别工人的实际薪酬水平的情况下，就本指令下可能的索赔向工人提供建议。为第二十九条规定的监测目的，信息应无限制地提供。
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Article 13

Social dialogue

Without prejudice to the autonomy of the social partners and in accordance with national law and practice, Member States shall take adequate measures to ensure the effective involvement of the social partners, by means of discussing the rights and obligations laid down in this Directive, where applicable upon their request.

Member States shall, without prejudice to the autonomy of the social partners and taking into account the diversity of national practices, take adequate measures to promote the role of the social partners and encourage the exercise of the right to collective bargaining on measures to tackle pay discrimination and its adverse impact on the valuation of jobs predominantly carried out by workers of one sex.

第十三条

社会对话

在不妨碍社会伙伴自主权的情况下，并根据国家法律和实践，成员国应采取适当措施，通过讨论本指令规定的权利和义务，在适用时根据其要求，确保社会伙伴的有效参与。

在不妨碍社会伙伴自主权的情况下，并考虑到各成员国实践的多样性，成员国应采取适当措施，促进社会伙伴的作用，并鼓励就是否采取集体行动以解决薪酬歧视及其对主要有一种性别工人从事的工作估值的不利影响进行集体谈判。

Article 14

Defence of rights

Member States shall ensure that, after possible recourse to conciliation, court proceedings for the enforcement of rights and obligations relating to the principle of equal pay are available to all workers who consider themselves wronged by a failure to apply the principle of equal pay. Such proceedings shall be easily accessible to workers and to persons who act on their behalf, even after the end of the employment relationship in which the discrimination is alleged to have occurred.

第十四条

权利保护

成员国应确保，在可能的调解程序之后，对于认为因未适用同酬原则而受到不公正对待的所有工人，可使用诉讼程序执行与同酬原则相关的权利和义务。此类程序应易于工人和代表其行事的人员访问，即使在涉嫌发生歧视的就业关系结束后也可提起。

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.

第十五条

代表工人或支持工人的程序

成员国应确保，协会、组织、平等机构和工人代表或其他法律实体，根据国家法律规定有合法利益确保男女平等的，可参与与涉嫌侵犯与同酬原则相关的权利或义务有关的任何行政程序或诉讼程序。经本人批准，它们可代表或支持据称是侵犯与同酬原则相关的任何权利或义务的受害者的工人。

Article 16

Right to compensation

1. Member States shall ensure that any worker who has sustained damage as a result of an infringement of any right or obligation relating to the principle of equal pay has the right to claim and to obtain full compensation or reparation, as determined by the Member State, for that damage.
 2. The compensation or reparation referred to in paragraph 1 shall constitute real and effective compensation or reparation, as determined by the Member State, for the loss and damage sustained, in a dissuasive and proportionate manner.
 3. The compensation or reparation shall place the worker who has sustained damage in the position in which that person would have been if he or she had not been discriminated against based on sex or if there had been no infringement of any of the rights or obligations relating to the principle of equal pay. Member States shall ensure that the compensation or reparation includes full recovery of back pay and related bonuses or payments in kind, compensation for lost opportunities, non-material damage, any damage caused by other relevant factors which may include intersectional discrimination, as well as interest on arrears.
 4. The compensation or reparation shall not be restricted by the fixing of a prior upper limit.
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第十六条

赔偿权

1. 成员国应确保，任何因侵犯与同酬原则相关的任何权利或义务而遭受损害的工人，有权根据成员国的规定，要求并获得对该损害的充分赔偿或修复。
 2. 第1款所述赔偿或修复，应根据成员国的规定，作为对所遭受的损失和损害的实质性且有效的赔偿或修复，具有劝阻性和比例性。
 3. 赔偿或修复应使遭受损害的工人处于如果没有因性别遭受歧视或没有发生与同酬原则相关的任何权利或义务侵犯他本应处于的地位。成员国应确保赔偿或修复包括追回全部欠薪及相关奖金或实物付款、对丧失机会的赔偿、非物质损害、可能包括交叉歧视的其他相关因素造成的损害的赔偿，以及欠款利息。
 4. 赔偿或修复不得因事先设定上限而受到限制。
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Article 17

Other remedies

1. Member States shall ensure that, in the case of an infringement of rights or obligations related to the principle of equal pay, competent authorities or national courts may, in accordance with national law, at the request of the claimant and at the expense of the respondent, issue:
 - (a) an order to stop the infringement;
 - (b) an order to take measures to ensure that the rights or obligations related to the principle of equal pay are applied.
2. Where a respondent does not comply with any order issued pursuant to paragraph 1, Member States shall ensure that their competent authorities or national courts are able, where appropriate, to issue a recurring penalty payment order, with a view to ensuring compliance.

第十七条

其他救济

1. 成员国应确保，在发生与同酬原则相关的权利或义务侵犯的情况下，主管当局或国家法院可根据国家法律，经申诉人请求并由被申诉人承担费用，可发出：
 - (a) 停止侵权的命令；
 - (b) 采取措施确保适用与同酬原则相关的权利或义务的命令。
2. 当被申诉人不遵守根据第1款发出的命令时，成员国应确保其主管当局或国家法院能够在适当时发出重复罚款命令，以确保合规。

Article 18

Shift of burden of proof

1. Member States shall take the appropriate measures, in accordance with their national judicial systems, to ensure that, when workers who consider themselves wronged because the principle of equal pay has not been applied to them establish before a competent authority or national court facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no direct or indirect discrimination in relation to pay.

2. Member States shall ensure that, in administrative procedures or court proceedings regarding alleged direct or indirect discrimination in relation to pay, where an employer has not implemented the pay transparency obligations set out in Articles 5, 6, 7, 9 and 10, it is for the employer to prove that there has been no such discrimination.

The first subparagraph of this paragraph shall not apply where the employer proves that the infringement of the obligations set out in Articles 5, 6, 7, 9 and 10 was manifestly unintentional and of a minor character.

3. This Directive shall not prevent Member States from introducing evidential rules which are more favourable to a worker who institutes an administrative procedure or court proceedings regarding an alleged infringement of any of the rights or obligations relating to the principle of equal pay.

4. Member States need not apply paragraph 1 to procedures and proceedings in which it is for the competent authority or the national court to investigate the facts of the case.

5. This Article shall not apply to criminal proceedings, unless national law provides otherwise.

第十八条

举证责任转移

1. 成员国应根据其国家司法系统采取适当措施，确保当工人认为因其未适用同酬原则而受到不公正对待，在主管当局或国家法院提出可推定存在直接或间接歧视的事实时，应由被申诉人证明在薪酬方面不存在直接或间接歧视。

2. 成员国应确保，在关于涉嫌直接或间接薪酬歧视的行政程序或诉讼中，当雇主未实施第五、六、七、九和十条规定的薪酬透明度义务时，应由雇主证明不存在此类歧视。

本款第一小段不适用于雇主证明违反第五、六、七、九和十条规定的义务明显是无意的且性质轻微的情况。

3. 本指令不得阻止成员国引入对提起与指称侵犯与同酬原则相关的任何权利或义务有关的行政程序或诉讼的工人更为有利的证据规则。

4. 成员国无需将第1款适用于主管当局或国家法院调查案件事实的程序和诉讼。

5. 本条不适用于刑事程序，除非国家法律另有规定。

Article 19

Proof of equal work or work of equal value

1. When assessing whether female and male workers are carrying out the same work or work of equal value, the assessment of whether workers are in a comparable situation shall not be limited to situations in which female and male workers work for the same employer, but shall be extended to a single source establishing the pay conditions. A single source shall exist where it stipulates the elements of pay relevant for the comparison of workers.
2. The assessment of whether workers are in a comparable situation shall not be limited to workers who are employed at the same time as the worker concerned.
3. Where no real comparator can be established, any other evidence may be used to prove alleged pay discrimination, including statistics or a comparison of how a worker would be treated in a comparable situation.

第十九条

同工或等值工作的证明

1. 在评估女性和男性工人是否执行相同工作或等值工作时，工人是否处于可比较情况的评估不应限于女性和男性工人在同一雇主工作的情况，而应扩展到确立薪酬条件的单一来源。当单一来源规定与工人比较相关的薪酬要素时，存在单一来源。
2. 工人是否处于可比较情况的评估不应限于与相关工人同时就业的工人。
3. 当无法建立真实比较对象时，可使用任何其他证据来证明指控的薪酬歧视，包括统计数据或关于工人在可比较情况下会如何受到待遇的比较。

Article 20

Access to evidence

1. Member States shall ensure that in proceedings concerning an equal pay claim, competent authorities or national courts are able to order the respondent to disclose any relevant evidence which lies in the respondent's control, in accordance with national law and practice.
2. Member States shall ensure that competent authorities or national courts have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the equal pay claim. Member States shall ensure that, when ordering the disclosure of such information, competent

authorities or national courts have at their disposal effective measures to protect such information, in accordance with national procedural rules.

3. This Article shall not prevent Member States from maintaining or introducing rules which are more favourable to claimants.

第二十条

证据获取

1. 成员国应确保，在与同酬索赔相关的诉讼中，主管当局或国家法院能够命令被申诉人根据国家法律和惯例，披露其控制下的任何相关证据。
2. 成员国应确保，主管当局或国家法院有权在认为与同酬索赔相关的情况下，命令披露包含机密信息的证据。成员国应确保，在命令披露此类信息时，主管当局或国家法院能够根据国家程序规则采取有效措施保护此类信息。
3. 本条不得阻止成员国维持或引入对申诉人更有利的规则。

Article 21

Limitation periods

1. Member States shall ensure that national rules applicable to limitation periods for bringing equal pay claims determine when such periods begin to run, the duration thereof and the circumstances under which they may be suspended or interrupted. The limitation periods shall not begin to run before the claimant is aware, or can reasonably be expected to be aware, of an infringement. Member States may decide that limitation periods do not begin to run while the infringement is ongoing or before the end of the employment contract or employment relationship. Such limitation periods shall be no shorter than three years.
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.
3. This Article does not apply to rules on the expiry of claims.

第二十一条

诉讼时效

1. 成员国应确保，适用于同酬索赔诉讼时效的国家规则，确定此类时效何时开始计算、持续时间以及可能中止或中断的情况。诉讼时效不得在申诉人知道或可合理预期知道发生侵权行为之前开始计算。成员国可决定，诉讼时效在侵权行为持续期间或就业合同或就业关系结束前不开始计算。此类诉讼时效不得短于三年。
 2. 成员国应确保，一旦申诉人通过向雇主提出申诉或通过直接或通过工人代表、劳动监察机构或平等机构向法院提起诉讼采取行动，诉讼时效即中止，或根据国家法律中断。
 3. 本条不适用于关于债权届满的规则。
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Article 22

Legal costs

Member States shall ensure that, where a respondent is successful in proceedings relating to a pay discrimination claim, national courts can assess, in accordance with national law, whether the unsuccessful claimant had reasonable grounds for bringing the claim and, if so, whether it is appropriate not to require that claimant to pay the costs of the proceedings.

第二十二条

诉讼费用

成员国应确保，在被申诉人在薪酬歧视索赔诉讼中胜诉的情况下，国家法院可根据国家法律评估不成功的申诉人提起诉讼是否有合理理由，如果有，是否适当不要求该申诉人支付诉讼费用。

Article 23

Penalties

1. Member States shall lay down the rules on effective, proportionate and dissuasive penalties applicable to infringements of the rights and obligations relating to the principle of equal pay. Member States shall take all measures necessary to ensure that those rules are implemented and shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.
2. Member States shall ensure that the penalties referred to in paragraph 1 guarantee a real deterrent effect with regard to infringements of the rights and obligations relating to the principle of equal pay. Those penalties shall include fines, the setting of which shall be based on national law.
3. The penalties referred to in paragraph 1 shall take into account any relevant aggravating or mitigating factor applicable to the circumstances of the infringement, which may include intersectional discrimination.
4. Member States shall ensure that specific penalties apply in the case of repeated infringements of the rights and obligations relating to the principle of equal pay.
5. Member States shall take all measures necessary to ensure that the penalties provided for pursuant to this Article are effectively applied in practice.

第二十三条

处罚

1. 成员国应制定关于适用于侵犯与同酬原则相关的权利或义务的有效、比例性和劝阻性处罚的规则。成员国应采取一切必要措施确保这些规则的实施，并毫不延迟地通知委员会这些规则和措施以及此后影响它们的任何修正。
2. 成员国应确保，第1款所述处罚确保对侵犯与同酬原则相关的权利或义务的行为具有真正的威慑效果。这些处罚应包括罚款，罚款的设定应根据国家法律。
3. 第1款所述处罚应考虑到适用于侵犯情况的相关加重或减轻因素，包括交叉歧视。
4. 成员国应确保，对重复侵犯与同酬原则相关的权利或义务的行为适用特定处罚。
5. 成员国应采取一切必要措施确保根据本条规定的处罚在实践中得到有效适用。

Article 24

Equal pay in public contracts and concessions

1. The appropriate measures that Member States take in accordance with Article 30(3) of Directive 2014/23/EU, Article 18(2) of Directive 2014/24/EU and Article 36(2) of Directive 2014/25/EU shall include measures to ensure that, in the performance of public contracts or concessions, economic operators comply with their obligations relating to the principle of equal pay.
2. Member States shall consider requiring contracting authorities to introduce, as appropriate, penalties and termination conditions ensuring compliance with the principle of equal pay in the performance of public contracts and concessions. Where Member States' authorities act in accordance with Article 38(7), point (a), of Directive 2014/23/EU, Article 57(4), point (a), of Directive 2014/24/EU, or Article 80(1) of Directive 2014/25/EU in conjunction with Article 57(4), point (a), of Directive 2014/24/EU, contracting authorities may exclude or may be required by Member States to exclude any economic operator from participation in a public procurement procedure where they can demonstrate by any appropriate means an infringement of the obligations referred to in paragraph 1 of this Article, related either to a failure to comply with pay transparency obligations or a pay gap of more than 5 % in any category of workers which is not justified by the employer on the basis of objective, gender-neutral criteria. This shall be without prejudice to any other rights or obligations set out in Directive 2014/23/EU, 2014/24/EU or 2014/25/EU.

第二十四条

公共合同和特许经营中的同酬

1. 成员国根据指令2014/23/EU第30条第3款、指令2014/24/EU第18条第2款和指令2014/25/EU第36条第2款采取的适当措施，应包括确保在经济经营者在执行公共合同或特许经营时遵守其与同酬原则相关义务的措施。
2. 成员国应考虑要求采购机构在适当时引入处罚和终止条件，以确保在公共合同或特许经营的执行中遵守同酬原则。当成员国当局根据指令2014/23/EU第38条第7款第(a)项、指令2014/24/EU第57条第4款第(a)项，或指令2014/25/EU第80条第1款结合指令2014/24/EU第57条第4款第(a)项行事时，采购机构可排除或可能被成员国要求排除任何能够通过任何适当方式证明存在本条第1款所述义务侵犯的经济经营者参与公共采购程序，此种侵犯与未能遵守薪酬透明度义务有关，或与在雇主未基于客观性别中立标准正当化的任何工人类别中薪酬差距超过5%有关。这不影响指令2014/23/EU、2014/24/EU或2014/25/EU规定的任何其他权利或义务。

Article 25

Victimisation and protection against less favourable treatment

1. Workers and their workers' representatives shall not be treated less favourably on the ground that they have exercised their rights relating to equal pay or have supported another person in the protection of that person's rights.
 2. Member States shall introduce in their national legal systems such measures as are necessary to protect workers, including workers who are workers' representatives, against dismissal or other adverse treatment by an employer as a reaction to a complaint within the employer's organisation or to any administrative procedure or court proceedings for the purpose of the enforcement of any rights or obligations relating to the principle of equal pay.
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第二十五条

报复和对不利待遇的保护

1. 工人及其工人代表不得因其行使与同酬相关权利或支持另一人保护其权利而受到更不利的待遇。
 2. 成员国应在其国家法律体系中引入必要措施，保护工人（包括担任工人代表的工人）免受雇主因其在雇主组织内提出申诉或为执行与同酬原则相关的任何权利或义务而采取的任何行政程序或诉讼程序作为反应而遭受解雇或其他不利待遇。
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Article 26

Relationship with Directive 2006/54/EC

Chapter III of this Directive 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.

第二十六条

与指令2006/54/EC的关系

本指令第三章应适用于涉及指令2006/54/EC第四条规定与同酬原则相关的任何权利或义务的诉讼。

CHAPTER IV

HORIZONTAL PROVISIONS

第四章

横向条款

Article 27

Level of protection

1. Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive.
 2. The implementation of this Directive shall under no circumstances constitute grounds for reducing the level of protection in the fields covered by this Directive.
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第二十七条

保护水平

1. 成员国可引入或维持对工人比本指令规定更有利的规定。
 2. 本指令的实施决不应成为降低本指令所涵盖领域保护水平的理由。
-

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.

第二十八条

平等机构

1. 在不影响劳动监察机构或其他执行工人权利（包括社会伙伴）的机构权限的情况下，平等机构应对属于本指令范围内的事项具有管辖权。
2. 成员国应根据国家法律和惯例，采取积极措施，确保劳动监察机构、平等机构以及在适当时的社会伙伴在同酬原则方面密切合作和协调。
3. 成员国应为其平等机构提供有效履行与尊重同酬权相关职能所需的充分资源。

Article 29

Monitoring and awareness raising

1. Member States shall ensure the consistent and coordinated monitoring of and support for the application of the principle of equal pay and the enforcement of all available remedies.
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:

(a) raising awareness among public and private undertakings and organisations, the social partners and the public to promote the principle of equal pay and the right to pay transparency, including by addressing intersectional discrimination in relation to equal pay for equal work or work of equal value;

(b) analysing the causes of the gender pay gap and devising tools to help assess pay inequalities, making use, in particular, of the analytical work and tools of the EIGE;

(c) collecting data received from employers pursuant to Article 9(7), and promptly publishing the data referred to in Article 9(1), points (a) to (f), in an easily accessible and user-friendly manner that allows comparison between employers, sectors and regions of the Member State concerned, and ensuring that the data from the previous four years is accessible if available;

(d) collecting the joint pay assessment reports pursuant to Article 10(3);

(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.

4. By 7 June 2028 and every two years thereafter, Member States shall, in a single submission, provide the Commission with the data referred to in paragraph 3, points (c), (d), and (e).

第二十九条

监测和提高认识

1. 成员国应确保一致和协调地监测和支持同酬原则的适用以及所有可用救济的执行。

2. 每个成员国应指定一个机构，负责监测和支持执行实施本指令的国家措施（监督机构），并应作出必要安排确保其正常运作。监督机构可以是国家一级现有机构或结构的一部分。成员国可为一个以上机构指定，以提高认识和数据收集为目的，只要第3款第(b)、(c)和(e)项规定的监测和分析功能由中央机构确保。

3. 成员国应确保监督机构的任务包括以下内容：

(a) 在公共和私营机构和社会伙伴以及公众中提高认识，促进同酬原则和薪酬透明权，包括处理与同工同酬或等值工作同酬相关的交叉歧视；

(b) 分析性别薪酬差距的原因并开发工具以帮助评估薪酬不平等，特别利用EIGE的分析工作和工具；

(c) 收集根据第九条第7款从雇主处收到的数据，并及时以易于访问和用户友好的方式公布第九条第1款第(a)至(f)项所述数据，允许在相关成员国的雇主，行业和地区之间进行比较，并确保前四年的数据（如果有）可访问；

(d) 收集根据第10条第3款提交的联合薪酬评估报告；

(e) 汇总在主管当局（包括平等机构）提起的薪酬歧视投诉的数量和类型数据，以及在国家法院提起的索赔数据。

4. 至2028年6月7日及此后每两年，成员国应以单一提交的方式向委员会提供第3款第(c)、(d)和(e)项所述数据。

Article 30

Collective bargaining and action

This Directive shall not affect in any way the right to negotiate, conclude and enforce collective agreements or to take collective action in accordance with national law or practice.

第三十条

集体谈判和行动

本指令不得以任何方式影响根据国家法律或惯例谈判、缔结和执行集体协议或采取集体行动的权利。

Article 31

Statistics

Member States shall, on an annual basis, provide the Commission (Eurostat) with up-to-date national data for the calculation of the gender pay gap in unadjusted form. Those statistics shall be broken down by sex, economic sector, working time (full-time/part-time), economic control (public/private ownership) and age and shall be calculated on an annual basis.

The data referred to in the first paragraph shall be transmitted from 31 January 2028 for reference year 2026.

第三十一条

统计数据

成员国应每年向欧盟委员会（欧盟统计局）提供用于计算未调整形式的性别薪酬差距的最新国家数据。这些统计数据应按性别、经济部门、工作时间（全时/非全时）、经济控制（公共/私人所有）和年龄分类，并按年度计算。

第一段所述数据应从2026年参考年度的2028年1月31日起传送。

Article 32

Dissemination of information

Member States shall take active measures to ensure that the provisions which they adopt pursuant to this Directive, together with the relevant provisions already in force, are brought by all appropriate means to the attention of the persons concerned throughout their territory.

第三十二条

信息传播

成员国应采取积极措施，确保通过一切适当手段，将其根据本指令通过的条款连同已经生效的相关条款，在其整个领土内传达给相关人员。

Article 33

Implementation

Member States may entrust the social partners with the implementation of this Directive in accordance with national law and/or practice with regard to the role of the social partners, provided that Member States take all the necessary steps to ensure that the results sought by this Directive are guaranteed at all times. The implementation tasks entrusted to the social partners may include:

(a) the development of analytical tools or methodologies as referred to in Article 4(2);

(b) financial penalties equivalent to fines, provided that they are effective, proportionate and dissuasive.

第三十三条

实施

在不妨碍社会伙伴在国家法律和/或惯例中作用的情况下，成员国可委托社会伙伴实施本指令，只要成员国采取一切必要步骤确保本指令所寻求的结果始终得到保证。可委托给社会伙伴的实施任务可包括：

(a) 开发第四条第2款提及的分析工具或方法；

(b) 相当于罚款的经济处罚，只要它们有效、比例和具有劝阻性。

Article 34

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 7 June 2026. They shall immediately inform the Commission thereof.

When informing the Commission, Member States shall also provide it with a summary of the results of an assessment regarding the impact of their transposition measures on workers and employers with fewer than 250 workers and a reference to where such assessment is published.

2. When Member States adopt the measures referred to in paragraph 1 they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

第三十四条

转化

1. 成员国应至2026年6月7日前将通过遵守本指令所必需的法律、法规和行政条款予以生效。它们应立即通知委员会。

在通知委员会时，成员国还应提供关于其转化措施对雇用少于250名工人的工人和雇主影响评估结果摘要以及此类评估发布地点的参考。

2. 当成员国通过第1款所述措施时，它们应包含对本指令的参考，或在其正式公布时附上此类参考。成员国应规定此类参考的制定方法。

Article 35

Reporting and review

1. By 7 June 2031, Member States shall inform the Commission about the implementation of this Directive and its impact in practice.
2. By 7 June 2033, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall examine, inter alia, the employer thresholds provided for in Articles 9 and 10, as well as the 5 % trigger for the joint pay assessment provided for in Article 10(1). The Commission shall, if appropriate, propose any legislative amendments that it considers to be necessary on the basis of that report.

第三十五条

报告和审查

1. 至2031年6月7日，成员国应通知委员会本指令的实施情况及其在实践中的影响。
2. 至2033年6月7日，委员会应向欧洲议会和理事会提交关于本指令实施情况的报告。报告应审查除其他外，第九条和第十条规定的雇主门槛以及第十条第1款规定的联合薪酬评估5%触发条件。委员会应根据该报告，在适当时提出其认为必要的任何立法修正。

Article 36

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

第三十六条

生效

本指令自其在《欧盟官方公报》公布后第二十天起生效。

Article 37

Addressees

This Directive is addressed to the Member States.

第三十七条

收件人

本指令致各成员国。

Done at Strasbourg, 10 May 2023.

For the European Parliament

The President

R. METSOLA

For the Council

The President

J. ROSWALL

于斯特拉斯堡，2023年5月10日制定。

欧洲议会

议长

R. METSOLA

理事会

议长

J. ROSWALL

脚注 / Footnotes

(1) OJ C 341, 24.8.2021, p. 84.

(2) Position of the European Parliament of 30 March 2023 (not yet published in the Official Journal) and decision of the Council of 24 April 2023.

(3) Judgment of the Court of Justice of 30 April 1996, P v S, C-13/94, ECLI:EU:C:1996:170; Judgment of the Court of Justice of 7 January 2004, K.B., C-117/01, ECLI:EU:C:2004:7; Judgment of the Court of Justice of 27 April 2006, Richards, C-423/04, ECLI:EU:C:2006:256; Judgment of the Court of Justice of 26 June 2018, M.B., C-451/16, ECLI:EU:C:2018:492.

(4) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

(5) Judgment of the Court of Justice of 3 July 1986, Lawrie-Blum, 66/85, ECLI:EU:C:1986:284; judgment of the Court of Justice of 14 October 2010, Union Syndicale Solidaires Isère, C-428/09, ECLI:EU:C:2010:612; judgment of the Court of Justice of 4 December 2014, FNV Kunsten Informatie en Media, C-413/13, ECLI:EU:C:2014:2411; judgment of the Court of Justice of 9 July 2015, Balkaya, C-229/14, ECLI:EU:C:2015:455; judgment of the Court of Justice of 17 November 2016, Betriebsrat der Ruhrlandklinik, C-216/15, ECLI:EU:C:2016:883; judgment of the Court of Justice of 16 July 2020, Governo della Repubblica italiana (Status of Italian magistrates), C-658/18, ECLI:EU:C:2020:572.

(6) For example, judgment of the Court of Justice of 9 February 1982, Garland, C-12/81, ECLI:EU:C:1982:44; judgment of the Court of Justice of 9 June 1982, Commission of the European Communities v Grand Duchy of Luxembourg, C-58/81, ECLI:EU:C:1982:215; judgment of the Court of Justice of 13 July 1989, Rinner-Kulhn, C-171/88, ECLI:EU:C:1989:328; judgment of the Court of Justice of 27 June 1990, Kowalska, C-33/89, ECLI:EU:C:1990:265; judgment of the Court of Justice of 4 June 1992, Bötzel, C-360/90, ECLI:EU:C:1992:246; judgment of the Court of Justice of 13 February 1996, Gillespie and Others, C-342/93, ECLI:EU:C:1996:46; judgment of the Court of Justice of 7 March 1996, Freers

and Speckmann, C-278/93, ECLI:EU:C:1996:83; judgment of the Court of Justice of 30 March 2004, Alabaster, C-147/02, ECLI:EU:C:2004:192.

(7) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

(8) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

(9) Judgment of the Court of Justice of 17 September 2002, Lawrence and others, C-320/00, ECLI:EU:C:2002:498.

(10) Judgment of the Court of Justice of 27 March 1980, Macarthys Ltd, C-129/79, ECLI:EU:C:1980:103.

(11) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

(12) Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

(13) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

(14) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(15) Judgment of the Court of Justice of 17 December 2015, Arjona Camacho, C-407/14, ECLI:EU:C:2015:831, para. 45.

(16) Judgment of the Court of Justice of 17 October 1989, Danfoss, C-109/88, ECLI:EU:C:1989:383.

(17) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

(18) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

(19) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

(20) Judgment of the Court of Justice of 20 June 2019, Habelbracht and others, C-404/18, ECLI:EU:2019:523.

(21) Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs (OJ L 63, 12.3.1999, p. 6).

(22) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

(23) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(24) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

(25) 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 (OJ L 188, 12.7.2019, p. 79).

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