



Webinar on proposed pay transparency directive

Hosted by BEERG/HR Policy/Ius Laboris/Oneida Associés

On ZOOM: Thursday - May 20th – 1600H (CET/Paris time)

Hello all,

The European Commission has recently published a proposal for a Directive ([here](#)) “... *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*”.

On May 20th, at 16:00h (CET/Paris time) BEERG & HR Policy, in association with Ius Laboris and Oneida Associés, will host a webinar (to last 70-90mins) to discuss the proposed Directive and how businesses might be able to feed into the European legislative process to make the Directive as workable as possible.

In the press release announcing the Directive, the President of the European Commission, Ursula von der Leyen, said that “*Equal work deserves equal pay. And for equal pay, you need transparency*”.

While the Directive still must be agreed by the Council of Ministers and the European Parliament, the momentum behind it suggests it could move quickly through the procedures this year and then, as usual, Member States would have 2-years to transpose it into their own legislation. Even in countries where there is currently legislation requiring equal pay transparency it will add additional requirements.

It is also worth noting that this could be the first EU employment law Directive that will not apply to post-Brexit Britain (though, as we suggested in a recent Brexit Briefing, it could apply in Northern Ireland [here](#))

Any company which has more than 250 employees will be within scope. Key features of the proposed legislation include:

- **Pay transparency for job-seekers** – Employers will have to provide information about the initial pay level, or its range in the job vacancy notice, or before the job interview. Employers will not be allowed to ask prospective workers about their pay history.
- **Right to information for employees** – Workers will have the right to request information from their employer on their individual pay level and on the average pay levels, broken down by sex, for categories of workers doing the same work or work of equal value.
- **Reporting on gender pay gap** – Employers with at least 250 employees must publish information on the pay gap between female and male workers in their organisation, the overall gap and the median pay gap. They also need to disclose the proportion of female and male workers in each pay band. For internal purposes, they should also provide information on the pay gap between female and male employees by categories of workers doing the same work or work of equal value.

- **Joint pay assessment** – Where pay reporting reveals a gender pay gap of at least 5 % in any category of workers and when the employer cannot justify the gap on objective gender neutral factors, employers will have to carry out a pay assessment, in cooperation with workers' representatives.
- **Compensation for workers** – workers who suffered gender pay discrimination can get compensation, including full recovery of back pay and related bonuses or payments in kind.
- **Burden of proof on employer** – it will be by default for the employer, not the worker, to prove that there was no discrimination in relation to pay.
- **Sanctions to include fines** – Member States should establish specific penalties for infringements of the equal pay rule, including a minimum level of fines
- **Equality bodies and workers' representatives** may act in legal or administrative proceedings on behalf of workers as well as lead on collective claims on equal pay.

For multinational employers with more than 250 employees in multiple EU Member States meeting the requirements of the proposed Directive will prove challenging in the extreme. Given the complexities involved in putting together and analysing the relevant data, identifying problems, and planning for discussion with employees' representatives, starting exploratory work now should be considered.

Speakers will include: *(full bios attached)*

- [Chris Engels](#) and [Inger Verhelst](#), from **Claeys & Engels**, Brussels: *Key legal elements in the proposed Directive*
- [Iain Stark](#), International Compensation Consultant (ex-IBM and BIC) *What can you do now in anticipation?*
- From **Oneida Associés**: [Véronique Vuillod](#), Chief People and Culture Officer, Coca Cola European Partners, and [Alain Mauries](#), Senior Advisor Oneida, former SVP HR Pochet Group and VP Employee Relations, Coca Cola Enterprises *Planning for discussions with employees representatives*
- [Henry D Eickelberg](#), Chief Operating Officer and [Ani Huang](#), Senior Vice President from the **HR Policy Association**: *A view from the US where the Paycheck Fairness Act is before Congress*

To register to attend the webinar, email: dmooney@beerg.com

BEERG will shortly be offering in-house presentations and training packages to assist companies in identifying the issues they will face with this legislation.

*Tom Hayes,
BEERG Exec Director
Phone: 00 33 684 752 122*



Chris Engles
Partner
Claeys & Engles

Chris is mentioned by the most important references concerning legal publications:

"Chris Engles specialises in dismissal law and is an expert in matters concerning European labour law. One respondent says, "He has a sound legal knowledge and is extremely responsive. He is very commercial and pragmatic – a leader in the field."

Furthermore, he has been nominated leading Thought Leader in Europe for Labour & Employment Law in 2017. *Who's Who Legal: Labour & Employment 2017* has Chris listed amongst the 26 Belgian experts in Labour, Employment & Benefits Law. In 2018 he is mentioned as follows: "The "prompt, practical and business-focused" Chris Engles is recognised as one of the foremost figures in employment law. He draws high praise for his work in dismissal law and labour matters across Europe, with sources highlighting his "invaluable willingness to offer a view on risks and a real opinion on what to do"." In 2019, the guide mentions *"A Global Elite Thought Leader in the field, Chris Engles is "unmistakably one of the best". Respondents to the Who's Who Legal research were effusive in their praise of his work on individual and collective employee dismissals."*

[whoswholegal.com](https://www.whoswholegal.com)

Described as "outstanding", [Chris Engles](#) advises clients on restructuring and works council negotiations, with one interviewee declaring: "Engels has an important background on European work councils." According to a source, "he is the best-reputed lawyer in the Belgian market." (2021)

"[Chris Engles](#) is described by sources as a "great lawyer". His practice covers outsourcing, collective dismissals and transfers of undertakings. In addition to his domestic knowledge, Engels is also considered an expert in European labour law." (2018)

"Described as "top in Belgium," Chris Engles is praised by sources who note his "practical mind" and say there is "absolutely no doubt about his technical expertise." He handles individual and collective dismissals and outsourcing, receiving recognition for his knowledge of international law." (2017)

www.chambersandpartners.com

"Market leader Claeys & Engles handles a full range of issues for national and international companies in the private sector, and also acts for public sector bodies. Recent non-contentious work includes advising clients on large-scale restructurings, stock options and setting up pension

funds. Contentious mandates included litigation arising from workplace incidents. Chris Engels, Jan Van Gysegem and Ann Witters are names to note.”

www.legal500.com

Chris specialises in labour and employment law, more specifically dismissal law (both individual and collective). He is also a specialist in transfer of undertakings, outsourcing and applicable law issues in an international context. In the field of European law, Chris pays particular attention to issues related to the European Works Council.

Chris has acted as advisor to the European Union on matters such as the European Works Council and evolution of labour law. He has also advised the International Labour Organisation.

Chris graduated from the University of Leuven (K.U.Leuven), School of Law, where he also obtained his doctorate of laws. He also has a masters degree in law from the University of California, Los Angeles, USA (UCLA). Chris currently is a Professor at the Law School of the K.U.Leuven. He teaches "Arbeidrecht en Onderneming" and "European Labour Law". Chris publishes widely in the area of labour law and also participates in many seminars on the subject, on national and international level.



Alain Mauries

Senior Advisor at Oneida Associés

Directeur Organisation et Programmes

DRH/DevRH at AGORA MANAGERS

Strong background in human relations with 37 years' experience across all areas of industrial relations in companies of different sizes, cultures and sectors, (from mid-market companies to international groups), all in transformation (acquisition, merger-absorption, outsourcing , restructuring, economic or social difficulties, etc.). Skilled in the development of social dialogue and support for change.

Involved for over twenty years in supporting CIFFOP HR Master 2 students and practicing "reverse mentoring" Passionate about people development via tutoring and both, internal or external mentoring – all the time facilitating the transmission of knowledge from design to implementation with the operational capacity to achieve the objectives set.



Iain Stark
International Rewards Consultant

Iain is an international rewards consultant with diverse other HR business experiences. Over a career of 30 years he has lived and worked in the UK, the US and, since 2003, in France. After qualifying as an actuary in the UK and becoming a partner with WatsonWyatt (now part of WillisTowersWatson), consulting on benefits to multinationals led to an assignment in IBM HQ in the US. After being hired by IBM, during 8 years in IBM HQ Iain had diverse leadership roles in benefits, compensation, HR Strategy and performance management. After moving to Europe Iain led compensation & benefits for EMEA, then led the HR team for Mergers & Acquisitions, was the HR leader for the IT services business for Europe and then the talent leader for the IT services business globally. Subsequently his missions have included being the global VP rewards for CWT, the global VP rewards for BIC and most recently consulting assignments have included equal pay consulting for a leading global employment agency.



Inger Verhelst
Partner
Claeys & Engles

Inger advises clients on a daily basis with respect to individual and collective labour issues and assists companies with redundancies, restructuring, acquisitions and negotiations with the unions. She also closely follows developments with regard to end of career issues and UCA and regularly pleads before the labour courts.

Inger has a particular interest in questions concerning discrimination and psychosocial well-being at work. She also frequently advises clients on the protection of privacy and on the processing of personal data, more specifically the General Data Protection Regulation (GDPR).

Inger is a regular speaker at internal and external seminars in Belgium and abroad and has published numerous legal articles. She is co-author of the annual publications "Actief Eindigen" and "Praktijkboek Ontslag". Inger is member of the "International Practice Group Discrimination" within the international attorney alliance Ius Laboris. In the "Who's Who Legal 2018" she is recommended as follows: "*Inger Verhelst receives praise for her work on collective and individual labour issues and is recognised as "expert in discrimination matters and mobbing"*".

Inger Verhelst is guest lecturer in social law at the Antwerp Management School of the University of Antwerp (special programme Master in Human Resources Management) and at the Karel de Grote Hogeschool in Antwerp.

In 2016 she pleaded before the European Court of Justice in Luxembourg.

Inger obtained her Master's degree in law from the Catholic University of Leuven in 1994 with distinction and the same year started her career as a lawyer at the Antwerp Bar. Since 2010 she has been a partner at Claeys & Engels.

In 2017 Inger obtained the degree in "Programme in European Data Protection (GDPR) leading to certified DPO" organised by the Solvay Management School of the ULB (Université Libre de Bruxelles) in cooperation with the Belgian Data Protection Authority.



Véronique Vuillod
Chief People and Culture Officer
Coca-Cola European Partners

Véronique heads Coca Cola European Partners' People and Culture function. Having joined the Coca-Cola system more than 20 years ago, she has worked in senior human resources (HR) positions across business units, commercial and supply chain functions overseeing human resource strategy and partnering with business leaders. Most recently, Veronique was Vice President, People and Culture in France. She began her career as a consultant in management with PricewaterhouseCoopers.

She supports the promotion of diversity, HR best practices and innovations networks



Henry D. Eickelberg
Chief Operating Officer
HR Policy Association

Henry D. Eickelberg serves as the Chief Operating Officer of HR Policy Association and its Center On Executive Compensation. In addition to his operations capacities, Mr. Eickelberg focuses executive compensation, securities, and corporate governance public policy issues. Mr. Eickelberg received his J.D. from Penn State Law in 2010 and has an LL.M. in Securities and Financial Regulations from Georgetown University Law Center. Mr. Eickelberg also has an Operations Management Degree from Virginia Tech.



Tom Hayes
Director of European Union and
Global Labor Affairs
HR Policy Association

Tom Hayes is the European Affairs Director of HR Policy Association and the Managing Director of BEERG. He has been involved in industrial relations since 1972, first as a trade union official and then as a personnel director. In 1983, he began to work as an industrial relations and training consultant. In the early 1990s, the scope of the consultancy was expanded to take in European issues. He set up BEERG in 2004. He has been deeply involved with European Works Councils since the early 1990s. He has assisted in the negotiation of EWC agreements in a large number of major international companies and continues to support management in the effective operation of these EWCs. He advises a large number of transnational corporations on European employee relations strategy. Tom has a BA from University College Dublin in History and Politics. He lectured for several years on European industrial relations in the National College of Industrial Relations in Dublin and has been a guest lecturer in University College, Dublin, Galway University, Nottingham Trent University and Leicester University. He is the co-editor of *Practical Employment Law*, a guide to Irish labour law and is co-author of *Dismissal Law in Ireland*. He is co-author, with Alan Wild, of the BEERG/HR Policy publications on the recast European Works Council Directive and global collective bargaining trends in 2009.



Ani Huang
President and CEO
Center On Executive Compensation

Ani Huang is President and CEO of the Center On Executive Compensation and Senior Vice President of the HR Policy Association. Ani joined the Association in January 2012 from Global Payments, Inc, where she was Vice President of Global Compensation and Benefits. She has almost two decades of experience in compensation and human resources.

In her current role, Ani is responsible for overseeing the Center’s practice on a wide variety of executive compensation and governance issues as well as Subscriber engagement and Center research and writing. She is a frequent speaker and writer on the topics of executive compensation and governance.

Prior to serving as Vice President of Global Compensation and Benefits at Global Payments, Ani held various positions at Deutsche Bank A.G. in New York and Tokyo, Japan. She is a graduate of Stanford University.