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## Pay transparency as a tool for equal pay

Equal pay, a *Metuselah* among legal principles on gender equality, was introduced to international human rights law by the ILO Equal Pay Convention in 1951, and to European law by the Treaty of Rome in 1957. Political pressure against the weak enforcement of the principle led to secondary European legislation from 1970s on. The need to enhance enforcement remains acute. Recently, political interest has focused on pay transparency measures. The European Commission's Pay Transparency Recommendation (2014/124/EU) lists pay transparency measures that help to detect pay discrimination, especially indirect discrimination and unequal pay for work of equal value. The focus of the Recommendation is on transparency of pay categories and levels, and on facilitating collective and individual action. Several European states, including Finland, Iceland and Sweden have introduced pay transparency measures, which differ from each other. The presentation discusses these measures.

Enforcement of the prohibition of discrimination is crucially weakened by the difficulty of getting at the prerequisite facts. Proof of pay discrimination consists of showing that another person of the opposite sex is paid more for the same work or work of equal value. Without comparator pay information, there is no way to detect or claim pay discrimination. If pay comparison is impossible, there is no effective legal remedy against discrimination. The focus of the Commission's Recommendation is on transparency of pay categories and pay levels. Effective legal remedy against pay discrimination may require disclosure of individual pay, however. Few jurisdictions allow disclosure of individual pay information. The Nordic approach to individual pay information is equivocal, as disclosure of pay information depends on being in public or private employment. The presentation discusses the Norwegian legislation on disclosure, and balancing right to privacy and protection of personal data against right to effective remedy against discrimination.