



EU fights against gender pay gap

Women employees earn less than their male colleagues in the legal profession

Dorothee Wildt, LL.M., DAV Brussels ([Anwaltsblatt 2020, 151](#))

The new Commission President Ursula von der Leyen already announced this in her political guidelines: A new gender equality strategy is planned, and wage transparency is to be increased through legislative measures to combat the gender pay gap. This is in keeping with the fact that the Maltese Helena Dalli is the first Commissioner to be exclusively responsible for the issue of equality. There is a need for EU legislative action: In 2016, the gender pay gap – the difference between the average gross hourly earnings of female and male employees – in Germany amounted to 21.5%, in the EU as a whole 16.2%. Germany thus occupies an inglorious third place in the EU.

The gender pay gap is particularly pronounced in the legal profession, as a 2014 study by the Soldan Institute shows. Female lawyers had an average total annual gross income of 54.597 euros. Their male colleagues, on the other hand, earned 67.526 euros – almost a quarter more than the German average (see Kilian, AnwBl 2016, 320).

Equal pay is already required on the basis of an EU Directive. Nevertheless, employers currently have a negotiating advantage because there is no need to report on pay in companies with fewer than 500 employees. Transparency should be created here as well. In addition, the differentiation between some existing legal terms such as "pay", "equal work" and "work of equal value" is to be improved. This should make it easier to assess whether wage differences are justified in comparable situations. It is expected that the EU Commission will adopt a Directive in 2020.

Through improved access to wage information, standardised terms and improved enforcement mechanisms in EU law, it is intended, among other things, to increase productivity in companies, increase the mobility of workers and reduce the risk of old-age poverty for older women. In view of the information rights already existing in Germany under the Pay Transparency Act, it is to be hoped that employees in companies with less than 200 employees will also be entitled to information.

This legislative proposal complements other recently adopted laws such as the Directive on work-life balance and also the Women on Boards Directive. The latter is currently being blocked in the Council by Germany without any valid reasons. Hopes rest on President von der Leyen and Commissioner Dalli that this muddled situation will be resolved and that EU legislation to combat the gender pay gap will succeed. In the legal profession, too, this approach will hopefully lead to a reduction in the flagrant pay gap between lawyers.