Public consultation on a legislative initiative on strengthening the principle of equal pay between men and women through pay transparency

Fields marked wi	h * are mandatory
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Introduction

Gender equality is one of the fundamental values of the European Union. Yet, the effective implementation and enforcement of the equal pay principle, stipulated in the European Treaties since 1957 as well as in Article 4 of the 2006 Gender Equality Recast Directive (2006/54/EC), remains a major challenge. It is partially reflected in the continuing evidence of non-compliance with the law and in the persistence and magnitude of the gender pay gap, which was still 16% in the EU 28 in 2017. The gender pay gap is the difference between the average gross hourly earnings of men and women expressed as a percentage of the average gross hourly earnings of men. It ranges from 3.5% in Romania to 25.6% in Estonia.

The persistence of the gender pay gap at around 16% and its slow rate of decrease points to structural inequalities. The explanatory factors behind the gender pay gap are complex and mutually reinforcing. They include horizontal and vertical labour market segregation, continued unequal sharing of caring responsibilities and its consequences for participation of women in the labour market, etc. Part of the difference can however be attributed to gender-based pay discrimination.

In order to raise awareness about the persistence of gender bias in pay and to incentivize companies to take initiatives to analyse and possibly revise their pay structures, the 2014 Pay Transparency Recommendation (2014/124/EU) provided four core measures to improve pay transparency and encouraged Member States to implement at least one. However, the 2017 Implementation Report of the Recommendation revealed an uneven follow-up to the Recommendation: in a significant number of Member States, transparency-enhancing measures are still entirely absent (even looking beyond the ones suggested by the Recommendation).

As part of the <u>2017-2019 Action Plan on tackling the gender pay gap</u>, with a view to ensuring a better enforcement of the principle of equal pay for the same work or work of equal value in practice, the Commission committed to assess possible targeted amendments to the 2006 Gender Equality Recast Directive. For that purpose, the Commission conducted an in-depth evaluation of the existing EU legal provisions of the 2006 Gender Equality Recast Directive and of the 2014 Pay Transparency Recommendation implementing the Treaty principle on "equal pay for equal work or work of equal value" for women and men ("the Commission's Evaluation").

In her political guidelines, the President of the European Commission announced that she will '[...] table measures to introduce binding pay transparency measures' (for further information, see the <u>Inception Impact Assessment</u> published in January 2020).

The forthcoming initiative will follow the Commission's Evaluation, as well as other work by the Commission that highlighted problems with enforcing this principle across the EU. It will complement other Commission initiatives focused on tackling the root causes of the gender pay gap, such as the adoption and implementation of the Work-Life Balance Directive 2019/1158/EU; sectoral initiatives fighting stereotypes

and ensuring better gender balance; and the proposed Directive on improving gender balance on company boards.

IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

The questionnaire is available in all official EU languages. You can submit your responses in any official EU language. Contributions received from this survey will be published on the European Commission's website. Please choose the option concerning the publication of your contribution (for further information, please consult the privacy statement attached).

About you

*	Language	of	my	contri	bution
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- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

*I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)

Public authorityTrade union
Other
* First name
*Surname
*Email (this won't be published)
*Scope
International
© Local
NationalRegional
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In which main sector? Agriculture, forestry and fishing Mining and quarrying Manufacturing Electricity, gas, steam and air conditioning supply
 Water supply; sewerage, waste management and remediation activities Construction
 Wholesale and retail trade; repair of motor vehicles and motorcycles Transportation and storage
Accommodation and food service activities
Information and communication
 Financial and insurance activities Real estate activities
 Specialized professional, scientific and technical activities
 Administrative and support service activities
 Public administration and defence; compulsory social security Education
Human health and social work activities
Arts, entertainment and recreation
 Other service activities Activities of households as employers (such as domestic employees):
Activities of households as employers (such as domestic employees); undifferentiated goods- and services-producing activities of households for own use
Activities of extraterritorial organisations and bodies

Organisation name			
255 character(s) maximum			
Organisation size Micro (1 to 9 employees) Small (10 to 49 employees) Medium (50 to 249 employees) Large (250 or more) Transparency register number 255 character(s) maximum			
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Medium (50 to 2	49 employees)		
Large (250 or m	ore)		
 Small (10 to 49 employees) Medium (50 to 249 employees) Large (250 or more) Transparency register number			
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making.			
Country of origin			
	or that of your organisation.		
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		Martinique	
Australia	© Fiji	Mauritania	Slovakia
Austria	Finland	Mauritius	Slovenia
Azerbaijan	France	Mayotte	Solomon
. D. :			Islands
Bahamas	French Guiana	Mexico	Somalia
Bahrain	French	Micronesia	South Africa
	Polynesia		

Bangladesh	French Southern and Antarctic Lands	Moldova	 South Georgia and the South Sandwich Islands
BarbadosBelarusBelgiumBelizeBeninBermudaBhutan	GabonGeorgiaGermanyGhanaGibraltarGreeceGreenland	 Monaco Mongolia Montenegro Montserrat Morocco Mozambique Myanmar /Burma 	 South Korea South Sudan Spain Sri Lanka Sudan Suriname Svalbard and Jan Mayen
BoliviaBonaire Saint Eustatius and Saba	GrenadaGuadeloupe	NamibiaNauru	SwedenSwitzerland
Bosnia and Herzegovina	Guam	Nepal	Syria
BotswanaBouvet IslandBrazilBritish Indian	GuatemalaGuernseyGuineaGuinea-Bissau	NetherlandsNew CaledoniaNew ZealandNicaragua	TaiwanTajikistanTanzaniaThailand
Ocean Territory British Virgin Islands	Guyana	Niger	The Gambia
Brunei	Haiti	Nigeria	Timor-Leste
Bulgaria	Heard Island and McDonald Islands	Niue	Togo
Burkina Faso	Honduras	Norfolk Island	Tokelau
Burundi	Hong Kong	NorthernMariana Islands	Tonga
Cambodia	Hungary	North Korea	Trinidad and Tobago
Cameroon	Iceland	North Macedonia	Tunisia
Canada	India	Norway	Turkey
Cape Verde	Indonesia	Oman	Turkmenistan
Cayman Islands	Iran	Pakistan	Turks and Caicos Islands
Central African Republic	Iraq	Palau	Tuvalu
Chad	Ireland	Palestine	Uganda
Chile	Isle of Man	Panama	Ukraine
China	Israel	Papua New	United Arab
Christmas Island	Italy	Guinea Paraguay	Emirates United Kingdom

ClippertonCocos (Keeling)	JamaicaJapan	PeruPhilippines	United StatesUnited States
Islands			Minor Outlying Islands
Colombia	Jersey	Pitcairn Islands	Uruguay
Comoros	Jordan	Poland	US Virgin
			Islands
Congo	Kazakhstan	Portugal	Uzbekistan
Cook Islands	Kenya	Puerto Rico	Vanuatu
Costa Rica	Kiribati	Qatar	Vatican City
Côte d'Ivoire	Kosovo	Réunion	Venezuela
Croatia	Kuwait	Romania	Vietnam
Cuba	Kyrgyzstan	Russia	Wallis and
			Futuna
Curação	Laos	Rwanda	Western
			Sahara
Cyprus	Latvia	SaintBarthélemy	Yemen
Czechia	Lebanon	Saint Helena	Zambia
		Ascension and	
		Tristan da	
		Cunha	
Democratic	Lesotho	Saint Kitts and	Zimbabwe
Republic of the		Nevis	
Congo			
Denmark	Liberia	Saint Lucia	

Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the personal data protection provisions

Background information on respondents

*Sex

- Female
- Male
- Other

 less than 25 years From 25 to 34 years From 35 to 44 years From 45 to 54 years From 55 to 64 years 65 years or over 	
Do you have children?	
YesNo	
O NO	
Are you currently employed or have you ever been employed?	
YesNo	
 If yes, in which main sector (please refer to the sector of your current job or if you are not anymore employed to the last job you held) Agriculture, forestry and fishing Mining and quarrying 	u
Manufacturing	
Electricity, gas, steam and air conditioning supply Water supply according wests management and remediation activities.	
 Water supply; sewerage, waste management and remediation activities Construction 	
 Wholesale and retail trade; repair of motor vehicles and motorcycles Transportation and storage 	
Accommodation and food service activities	
Information and communication	
Financial and insurance activitiesReal estate activities	
Specialized professional, scientific and technical activities	
 Administrative and support service activities 	
Public administration and defence; compulsory social security	
Education	
Human health and social work activities Arts entertainment and recreation	
 Arts, entertainment and recreation Other service activities 	
Activities of households as employers (such as domestic workers); undifferentiated goods- and services-producing activities of households for own use	
Activities of extraterritorial organisations and bodies	
Size of the organisation	
 Less than 10 employees 	
Between 10 and 49 employees	
Between 50 and 249 employees	

* Age

250 or more employees

Job type

For details see http://www.ilo.org/public/english/bureau/stat/isco/docs/structure08.docx

- Manager
- Professional
- Technician and associate professional
- Clerical support worker
- Service and sales worker
- Skilled agricultural, forestry and fishery worker
- Craft and related trades worker
- Plant and machine operator, and assembler
- Elementary occupation
- Armed forces occupation

Experiences and attitudes on pay discrimination

<u>Pay:</u> the ordinary wage or salary and any other supplementary components received directly or indirectly from the employer, whether in cash or in kind, such as bonuses or a company car.

<u>Pay discrimination</u>: being paid less than another colleague doing the same work or work of equal value without objective justification.

<u>Work of equal value</u>: the value of work can be assessed and compared based on objective criteria, such as educational, professional and training requirements, skills, level of effort required and responsibility, work undertaken and the nature of tasks involved.

Do you think that men and women are paid equally for the same work or work of equal value in your country of residence, as regards the following sectors?

	Yes	No	Do not know
In the public sector	0	0	©
In large private organisations (from 250 employees)	0	0	0
In medium sized private organisations (50 to 249 employees)	0	0	0
In small private organisations (from 10 to 49 employees)	0	0	0
In micro private organisations (less than 10 employees)	0	0	0

Do you think that men and women are paid equally for the same work or work of equal value <u>in your organisation</u>?

- Yes
- No
- Do not know

Have you, or, if not you, someone you know, ever experienced pay discrimination?

(If replying on behalf of an organisation the question must be interpreted as having received complaints for pay discrimination on any grounds)

© Yes
© No
Do not know
If Yes, what do you think the reason(s) was/were? (if replying on behalf of an organisation the questions must be interpreted as the alleged reason of the complaint) [multiple choice possible] Sex Race and ethnic origin Religion or belief Disability Age Sexual orientation Other Do not know
= Bo not know
If Other, please specify
If <u>Yes</u> , what kind of action did you or the person you know take? (if replying on behalf of an organisation the questions must be interpreted as the action taken by the complainant to the best of your knowledge) [multiple choice possible] None
on behalf of an organisation the questions must be interpreted as the action taken by the complainant to the best of your knowledge) [multiple choice possible] None Addressed the issue with the employer
on behalf of an organisation the questions must be interpreted as the action taken by the complainant to the best of your knowledge) [multiple choice possible] None Addressed the issue with the employer Contacted trade union
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If you or the person you know took legal action (before a Court) what was the result?

Positive result for the employee (e.g. the case was won or agreement with an out-of-court settlement)	
Negative result for the employee (e.g. the case was lost or the action was	
abandoned)	
Action is still ongoing	
Do you have additional comments?	
Would you have the necessary information to assess whether you are a victim of pay discrimination?	
Yes	
O No	
If You could you place indicate how?	
If <u>Yes</u> could you please indicate how? I know or I can easily know the salaries of my colleagues doing the same	
work or work of equal value	
There is an internal pay transparency procedure in my organisation	
 Salaries in my organisation are public 	
Other	
If Other, please explain	
If Other, please explain	
If Other, please explain	
If Other, please explain Would you be comfortable in disclosing your own salary and other pay	
Would you be comfortable in disclosing your own salary and other pay components to your colleagues (such as bonuses or benefits in kind to be	
Would you be comfortable in disclosing your own salary and other pay components to your colleagues (such as bonuses or benefits in kind to be paid in relation to your employment relationship)?	
Would you be comfortable in disclosing your own salary and other pay components to your colleagues (such as bonuses or benefits in kind to be paid in relation to your employment relationship)? Yes	
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Would you be comfortable in disclosing your own salary and other pay components to your colleagues (such as bonuses or benefits in kind to be paid in relation to your employment relationship)? Yes No No No No Are you allowed to disclose your own salary and other pay components at the workplace (such as bonuses or benefits in kind to be paid in relation to your employment relationship)? Yes No Do not know Is it easy to obtain information at your workplace on the pay structure and the levels of different pay components?	

pay structure and the levels of different pay components? Yes No
Do you negotiate your salary or other pay components (such as bonuses, company car, smartphone or a supplementary insurance)? Yes No
If <u>Not</u> , please explain why
Enforcement issues

Would you be comfortable in asking for information at your workplace on the

If you knew you were paid less than your colleagues of the opposite gender doing the same work or work of equal value, what difference in pay would convince you to take action (e.g. raise the issue with your employer, contact your trade union or start a legal claim)?

- More than 100% (my colleague earns twice as much as me or more)
- Between 75% and 100%
- Between 50% and 75%
- Between 25% and 50%
- Less than 25%
- I would not undertake any action however large the difference

What do you think about the following types of support to help employees take action in case of gender-based pay discrimination?

	Very important	Important	Not that important	Not important at all	Do not know
Easily accessible information on how to lodge a complaint or about other legal procedures	0	0	0	0	0
Low litigation costs	0	0	0	0	0
Certainty of no professional consequences or adverse treatment in case of lodging a complaint or taking other legal action	0	0	0	0	0
Free legal support and representation in legal action	0	0	0	0	0
Labour inspectorate's intervention in case of alleged discrimination	0	0	0	0	0

Equality body's intervention in case of alleged discrimination	0	0	0	0	0
Decent monetary compensation or other remedy	0	0	0	0	0
Effective and proportionate fine to the company	0	©	0	0	0
Use of 'naming and shaming' of companies not complying with equal pay principle	0	0	0	0	0
Possibility of collective action – taken by a group of employees in the same situation	0	0	0	0	0
In case of potential discrimination, the employer has to prove the absence of discrimination (reversal of the burden of proof)	0	0	0	0	0

Relevance and possible features of the forthcoming initiative

<u>Pay</u>: the ordinary wage or salary and any other supplementary components received directly or indirectly from the employer, whether in cash or in kind, such as bonuses or a company car.

<u>Pay levels</u>: information on average pay level of employees per category or position doing the same work or work of equal value, by gender.

<u>Gender pay gaps</u>: the difference between the average pay of men and women per category or position of employees doing the same work or work of equal value.

What do you think of the following measures on pay transparency and better enforcement of the principle of equal pay?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Employees have the right to access information on pay levels and gender pay gaps of categories of individuals performing the same work or work of equal value	•	•	•	•	•
Employer reports regularly on pay levels and gender pay gaps per employees' category	0	0	0	0	0

Employers and employees representatives analysing information about pay levels and gender pay gaps per employees' category in regular pay audits	©	©	•	0	•
Gender-neutrality of job evaluation and classification systems	0	0	0	0	0
Obligation to include equal pay matters in collective bargaining	0	0	0	0	0
Effective and proportionate penalties for companies and compensation for victims of discrimination	0	0	0	0	0
Strong mandate of national equality bodies to intervene in support of victims	0	0	0	0	0
Reinforced mandate of labour inspectorates to intervene in support of victims	0	0	0	0	0

Do you agree/disagree with the following statements about the possible impacts of pay transparency measures?

	Strongly agree	Somehow agree	Somehow disagree	Strongly disagree	Do not know
Pay transparency helps enforce the right to equal pay	0	0	0	0	0
Pay transparency reduces pay discrimination	0	0	0	0	0
Pay transparency contributes to raising awareness on equal pay issues	0	0	0	0	0
Pay transparency is a powerful tool for equality bodies/labour inspectorates /social partners to support employees in defending their right to equal pay	0	0	0	0	0
Pay transparency would encourage employers to take action to better implement the principle of equal pay for the same work or work of equal value	0	0	0	0	0
Pay transparency helps improve work climate	0	0	0	0	0

Pay transparency has a positive impact on employees' motivation and productivity	0	0	0	0	0
Pay transparency can result in salaries flattening or decreasing and greater wage moderation by organisations	0	0	0	0	0
Pay transparency might make it difficult to reward high-performing employees	0	0	0	0	0
Pay transparency limits employers' discretion	0	0	0	0	0
Pay transparency creates significant additional administrative burden for organisations	0	0	0	0	0
Pay transparency must be part of wider equal pay policies	0	0	0	0	0
Effectiveness of pay transparency depends on the size of the organisation	0	0	0	0	0
Pay transparency measures should be tailored to the size of the organisation	0	0	0	0	0

How do you rate the following possible modalities of the <u>right to access pay information</u>?

Right to access pay information: right for employees to access information on pay levels and gender pay gaps, for categories of employees doing the same work or work of equal value.

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Information received upon employee's request to the employer	0	0	0	0	0
Information received as a personal regular communication e.g. in the payslip	0	0	0	0	0
Information is available to the trade union or equality body	0	0	0	0	0
Information is publicly available and easily accessible	0	0	0	0	0
Information should include average pay levels	0	0	0	0	0

Information should include gender pay gaps	0	0	0	©	0
Information should specify average bonus or benefits (any payments in cash or in kind paid in addition to the ordinary salary) and gender gaps related to them	•	•	•	0	•
Information about pay provided at hiring point (in the position vacancy or during the interview)	•	0	0	•	0

In your opinion, what kind of organisation should apply the employees' <u>right</u> to access pay information?

	Should be applicable	Should not be applicable	Do not know
Micro organisations (less than 10 employees)	0	0	0
Small organisations (10 to 49 employees)	0	0	0
Medium-sized organisations (50 to 249 employees)	0	0	0
Large organisations (at least 250 employees)	0	0	0

* If §	If Should not be applicable, please explain why							

How do you rate the following possible modalities of <u>pay reporting</u> by organisations on pay levels?

<u>Pay reporting</u>: employers' regular reporting of pay levels by category of employee or position, broken down by gender.

<u>Pay levels</u>: information on average pay level of employees per category or position doing the same work or work of equal value, by gender.

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Pay report is provided to employees only upon their request	0	0	0	0	0
Pay report is accessible to employees or employees' representatives	0	0	0	0	0

Pay report is avaliable to the equality body or labour inspectorate	0	0	0	0	0
Pay report is available to the public at large	0	0	0	0	0
Information is presented in a standard format or with clear explanation	0	0	0	0	0
Possibility of a follow up action by labour inspectorate/equality body if significant unjustified gender-based pay differences are detected	0	0	0	•	•
Pay reports of the last 4 years remain available	0	0	0	0	0

How do you rate the following possible modalities of <u>pay reporting</u> by organisations <u>on gender pay gaps</u>?

<u>Pay reporting</u>: employers' regular reporting of gender pay gaps by category of employee or position.

Gender pay gaps: the difference between the average pay of men and women per category or position of employees doing the same work or work of equal value.

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Pay report is provided to employees only upon their request	0	0	0	0	0
Pay report is accessible to employees or employees' representatives	0	0	0	©	0
Pay report is avaliable to the equality body or labour inspectorate	0	0	0	0	0
Pay report is available to the public at large	0	0	0	0	0
Information is presented in a standard format or with clear explanation	0	0	0	0	0
Possibility of a follow up action by labour inspectorate/equality body if significant unjustified gender pay gaps are detected	0	•	•	0	0
Pay reports of the last 4 years remain available	0	0	0	0	0

In your opinion, what kind of organisation should implement pay reporting?

(in relation to the previous two questions)

	Should be applicable	Should not be applicable	Do not know
* Micro organisations (less than 10 employees)	0	•	0
* Small organisations (10 to 49 employees	0	0	0
* Medium-sized organisations (50 to 249 employees)	0	0	0
* Large organisations (at least 250 employees)	0	0	0

lf	Should not be applicable, please explain why	

How do you rate the following possible modalities of pay audit?

<u>Pay audit</u>: employer and employees' representatives regularly analysing information about pay levels and gender pay gaps per employees' category, and further related information.

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Results of the audit are provided to employees only upon their request	0	0	0	0	0
Results of the audit are accesible to employees or employees' representatives	0	0	0	0	0
Results of the audit are avaliable to the equality body or labour inspectorate	0	0	0	0	0
Results of the audit are available to the public at large	0	0	0	0	0
The audit includes information on pay levels and gender pay gaps	0	0	0	0	0
The audit includes an analysis of the criteria used to establish pay and reasons explaining differences in pay	0	0	0	0	0
The audit includes an analysis of gender neutrality of job evaluation and classification system	0	0	0	0	0

The audit includes corrective measures if pay differences between men and women are not justified	•	0	0	0	•
The audit includes a follow-up of measures set in previous audits	0	0	0	0	©
Possibility of a follow up action by labour inspectorate/equality body if significant unjustified gender-based pay differences or gender pay gaps are detected	•	•	•	•	0

In your opinion, what kind of organisation should implement pay audit?

	Should be applicable	Should not be applicable	Do not know
Micro organisations (less than 10 employees)	0	0	0
Small organisations (10 to 49 employees	0	0	0
Medium-sized organisations (50 to 249 employees)	0	0	©
Large organisations (at least 250 employees)	0	0	©

If §	Should not be applicable, please explain why

How do you rate the following possible specific modalities of gender-neutral job evaluation and classification systems?

Gender-neutral job evaluation and classification systems: systematic way of determining the value/worth of a job in relation to other jobs in an organisation with the aim to compare their relative worth and ultimately establishing a rational pay structure.

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
Guidelines for organisations on how to develop and apply gender-neutral job evaluation and classification systems	0	0	0	0	0
IT tools for organisations to support the development of gender neutral evaluation and classification systems	0	0	0	0	0

Training on job evaluation and classification in general and on how to apply gender neutrality in such systems	©	©	•	0	©
Gender equality labeling system for organisations	0	0	0	0	0
Inclusion of matters related to gender- neutrality of job evaluation and classification systems in collective bargaining	0	0	0	0	0

In your opinion, what measures would you like to see included in a forthcoming European Commission initiative?

forthcoming European Commission initiative?
[multiple choice possible]
Employees' right to access pay information
Employers' obligation to report on pay levels
Employers' obligation to carry out pay audits
Gender-neutrality of job evaluation and classification systems
Obligation to include equal pay matters in collective bargaining
Enforcement measures (e.g. legal support, adequate penalties for
companies, compensation for victims and easier shift of burden of proof to employer)
Stronger mandate of national equality bodies to intervene in support of victims
More active role of labour inspectorates as regards gender equality issues in employment matters
Better cooperation between equality bodies and labour inspectorates
Other
If <u>Other</u> , please explain

Please upload any additional reference document or comment that you deem useful

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