



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Estonia
<b>Title:</b>	Gender data from employer
<b>Date:</b>	July 2015
<b>Expert:</b>	Anu Laas
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Draft regulation on sex-disaggregated data collected by employers
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislation
<b>Field:</b>	Employment; gender mainstreaming
<b>Applicable law:</b>	Gender Equality Act (GEA)

### **Content**

**Legislative development:** In March 2015 the draft regulation 'Procedure of collection of sex-disaggregated statistical data about their workforce' was issued. The draft regulation requires employers to collect the following data:

1. the proportion of male and female employees at different levels of the organisation and professional groups;
2. in-house promotion and changes of positions;
3. participation in training;
4. the number of days of used vacation and leaves by different types of leave (annual holiday leave, paternity leave, parental leave, child-care leave, study leave);
5. hours of full-time and part-time, the number of overtime hours, night time, and weekend hours worked, as well as the number of hours on-call basis;
6. the average salary or wages worked at different working regimes and hours;
7. the staff of the individual allowances, allowances, benefits and bonuses to their grade; and
8. the number and gender division of candidates and new hires in the previous financial year.

The Ministry of the Interior and the Ministry of Economic Affairs and Communications did not support the draft regulation. Some ministries made suggestions on the draft regulation, and only the Ministry of Culture accepted it without any comments. The regulation has been under public debate during the last couple of months. Unions have been supportive, but the Estonian Chamber of Commerce and Industry, the Estonian Employers' Confederation, and the Association of Estonian Cities opposed it. The main arguments against the regulation are connected with the increasing management costs for employers, and the fact that no impact analysis has been conducted. The regulation and explanatory memorandum was elaborated in the Ministry of Social Affairs. The Explanatory Memorandum refers to Article 11 of the GEA and to Article 21 of the GEA on social dialogues of Directive 2006/54 (Recast). The coordination process continues.

**Key points of analysis:** In March 2015, the draft regulation was designed by the Ministry of Social Affairs to promote gender equality, and to monitor and assess compliance with the principle of equal treatment in employment relationships. The regulation is scheduled to enter into force in Estonia from 1 January 2016. Currently, the draft regulation is supported by unions and opposed by employers' organisations.

**Internet link source:**

Nael, M. (2015), Tööandjad ja ametiühingud on soopõhiste andmete kogumise osas eriarvamusel' (Employers and Unions have opposing opinions on collecting sex-disaggregated data) *Estonian Public Broadcasting (ERR)*, 2 April 2015. Available in Estonian at:

<http://uudised.err.ee/v/majandus/15b7bde1-71d1-4e44-987f-a6dd4e4b1cd6>, accessed 3 June 2015;

Estonia, Vabariigi Valitsuse määruse 'Soopõhiste tööalaste statistiliste andmete kogumise kord ja andmete loetelu' eelnõu seletuskiri (The Draft Explanatory Memorandum to the Government of Republic Regulation 'Procedure of collection of sex-disaggregated statistical data about their workforce'). Available in Estonian at: [http://www.koda.ee/public/Andmete\\_kogumise\\_maaruse\\_eelnou\\_seletuskiri\\_03.2015\\_1.pdf](http://www.koda.ee/public/Andmete_kogumise_maaruse_eelnou_seletuskiri_03.2015_1.pdf), accessed 5 June 2015.