



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

NEWS REPORT

Country:	Portugal
Title:	New Law for the promotion of equal pay of men and women
Date:	6 November 2018
Expert:	Maria do Rosário Palma-Ramalho
<u>Context</u>	
Issue at stake:	Law No. 60/2018 of 21 August 2018 for the promotion of equal pay of men and women
Ground of discrimination:	Sex
Source:	Legislation
Field:	Equal pay
Applicable law:	Law No. 60/2018, 21 August 2018 for the promotion of equal pay of men and women for equal work or work of the same value

Content

Law development; On 21 August 2018, Law No. 60/2018 for the promotion of equal pay of men and women for equal work or work of the same value was adopted.¹ This law will only enter into force six months after its publication, as established by Article 19.

Key points of analysis: The main goal of this piece of legislation is to establish a set of measures directly intended to contribute to a better implementation of the principle of equal pay. These measures are the following;

- The Ministry of Employment and Social Affairs will publish detailed statistics on a yearly basis regarding the salary gap between men and women, both at the general and sectorial level; and statistics specifically per company, profession and qualification level, based upon the annual balance sheet provided by the companies (Article 3);
- The employers must implement a transparent wage policy in the companies (Article 4);
- Following the publication of the statistical data indicated above, if the Gender Equality Agency in Employment (CITE) detects wage inequalities in a company, it notifies the employer to present an «evaluation plan of the wage differences in the company» that is intended either to justify those differences and to eliminate those with no objective justification, and that will be put in place for a period of 12 months (Article 5);
- The workers and union representatives also have the right to ask the CITE for advice on alleged gender pay discriminatory practices inside the company; if the

¹ Published in the Official Journal of 21 August 2018 (www.dre.pt, accessed on the 21 August 2018).

- CITE concludes that a wage discrimination on the ground of sex is in place, the employer is compelled to eradicate it and he may be subjected to a fine (Article 6);
- The dismissal or the application of disciplinary measures against the worker until 1 year after he/she has asked the CITE for the advice indicated above is presumed unlawful (Article 7).

The measures now approved are examples of possible good practices in this field, since they go much beyond the level of protection granted by EU law. However, in the author's opinion, some of these measures look rather complex and therefore may be difficult to implement in practice (mainly as regard the assessments tasks of the CITE). At another level, this Act repeats some of the definitions and some of the rules that are already inscribed in the LC, apparently with the aim to reinforce the protection already granted by the LC in this field. However, since the content of both definitions and rules is not always equivalent some technical problems may arise in the application of this legislation.

Internet link source: Law No. 60/2018 Published in the Official Journal of 21 August 2018 available on www.dre.pt, accessed on 6 November 2018.