

Pay Transparency Directive Webinar Series

Categorisation: defining categories of workers and work of equal value

Speakers



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Agenda

- Brief overview of EU PTD
- Categories of worker: EU PTD approach
- Practical options for categorising
- Themes from Member States
- Key factors when categorising
- Questions

How is your organisation approaching the uncertainty in member state implementation of the PTD?

- 1) Rolling out a single consistent EU-wide approach as much as possible
- 2) Adopting a mostly country-by-country approach
- 3) Waiting for more clarity before taking action
- 4) Not started / unsure

EU PTD: a brief overview

Key elements: transparency and reporting

Transparency: changes affecting all EU employers

Applicable from 7 June 2026

Candidate right to pay ranges

- Job applicants need to be provided with the pay or pay range for the position – in the job ad or at an(other) early stage.

Access to information

Employers have to provide workers with information about:

- criteria for determining pay, pay levels and pay progression.
- average pay for men and women in comparable roles.

Ban on asking about pay history

- Employers will be banned from asking job applicants about their pay during their current or previous roles.

Ban on pay secrecy clauses

Clauses which attempt to stop workers discussing pay for pay equality purposes will be banned.

Reporting: based on headcount thresholds

2026-2027 – employers with a headcount of 150 +
2030-2031 (and beyond) – employers with a headcount of 100+
Local legislation may affect headcount thresholds

Public reporting

Publish organisation-level pay, quartiles and eligibility gaps (similar to existing GB&I reporting)

Pay analysis and explaining the gaps

Correct and/or objectively explain any gaps or inequity

Internal category reporting

Internally publish gender pay gaps within “categories” of workers doing the same work or work of equal value, highlighting areas of unequal pay

Joint Pay Assessments

Required if a 5% or more pay gap exists within any category, and this cannot be justified or put right within six months. Must be done in cooperation with worker representatives.

Categories of Worker: EU PTD



Significance of categories

Under the PTD categories form groups for:

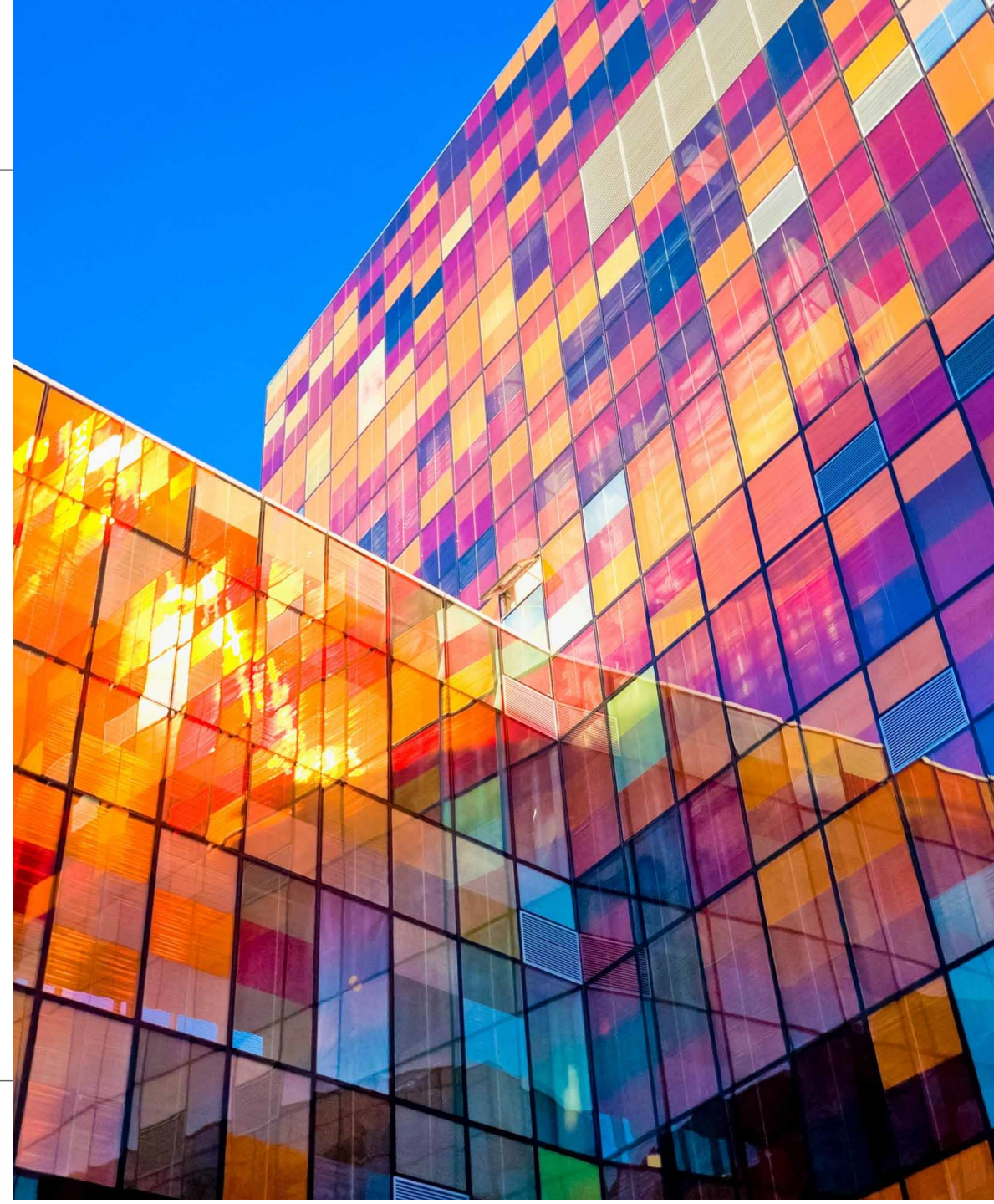
- Reporting: difference in average pay for men vs. women
- Right to information: average pay for men and women in a category
- Pay structures

They identify a group where pay should be the same, subject to justification of differences

Categories underpin the EU PTD and equal pay law

Categorisation and the EU PTD

- PTD requires employers to assign workers to categories of worker
- These ‘categories’ are groups of workers who are assessed as performing the **same work** or **work of equal value**
- Value to be identified using gender-neutral classification or evaluation systems – applying factors including skills, effort, responsibility, working conditions and others relevant to the role(s)
- Member States *may* determine more precise rules regarding categorisation (subject to those rules reflecting the ‘same work / work of equal value’ principle).



Involvement of workers' reps

Differing standards apply:

- Categories of worker are to be the subject of 'co-operation' where workers' reps exist
- But note the requirement for agreement on criteria for assessing whether work is of equal value

Key issues:

- What if we don't have workers' reps?
- What does co-operation and agreement mean in each country?





EIGE Guidance & Toolkit

- Suggests all four factors are required: skills, effort, responsibility & working conditions
- Advocates for points factor job evaluation for larger employers
- With sub-factors and appropriate weighting
- And evaluation committees
- Full roll-out likely time consuming and disruptive
- Includes template tools

Categorisation: the options

Points factor job evaluation

- Best practice
- Recommended by EIGE
- Costly / time consuming

Levelling/classification methodology

- Least disruptive / reflects pay
- Can be used in combination with other factors

CLA /CBAs

- Worker rep familiarity
- Subject to change

Mixed approach

- Allows flexibility
- Easier to navigate country differences

Poll

How do you intend to categorise workers for EU PTD?

- 1) Universal approach: points factor job evaluation
- 2) Universal approach: current levels/grades
- 3) Universal approach: current levels/grades + family/function
- 4) Varies by country

Themes from EU Member States

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Drafts and finalised law shows likely divergence – but some key themes

Preference for CBAs / CLAs

- Italy, Netherlands
- Others to follow: Belgium?

Analytical methodologies

- Poland
- Spain
- Portugal

Engagement with workers' reps

- France, Netherlands
- Others to follow?

Time to prepare / engage with workers' reps?

Summary of key considerations

Categorisation: key considerations

Legal

- Alignment to the same work / work of equal value principle in the PTD
- Alignment to requirement under local law
- Existing or proposed methods of classification under CBAs or existing pay audit / reporting legislation
- Worker representative expectations
- Equal pay claim implications

Practical

- Uniform approach / per country approach?
- Alignment to how employers make pay decisions
- Familiarity of approach to employees, and ease of explanation
- Impact of smaller vs larger categories on average gaps and ability to disclose pay in response to requests (smaller categories may risk disclosing individual pay)

Our panelists:

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Upcoming PTD webinars

- **06/10**

Right to information requests – process, scope, timing, response strategy and practical risks

- **20/10**

Transparency in recruitment – salary ranges, pay history bans, etc.

- **10/11**

Worker representatives and employee consultation – role, access to information and engagement strategy

- **24/11**

Reporting and statistics – methodology, data quality, regression analysis, small groups, etc

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