



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

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Background

Women with disabilities constitute 16% of the total population of women in the European Union, and 60% of the overall population of 100 million persons with disabilities.

Despite this large population of 60 million (equivalent to the population size of Italy), women and girls with disabilities continue to face multiple and intersectional discrimination in all areas of life, including socio-economic disadvantages, low rates of employment and high rates of poverty. On average, figures indicate that:

- 29.5% of women with disabilities in the EU are at risk of poverty and social exclusion compared to 27.5% of men with disabilities (EU-SILC 2018)
- only 48.3% of women with disabilities are in employment in the EU, compared with 53.3% of men with disabilities (EU-SILC 2017)

It should be noted that the economic inactivity rate among women with disabilities is over two thirds of the total population of women of working age (16-64 years of age), and this is the greatest challenge facing women with disabilities.

The status of women and girls with disabilities is thus not only worse than that of women without disabilities, but also worse than that of their male peers. This situation is due to a combination of factors, including **unpaid work and salary gap between women and men**. Women with disabilities face pay inequalities due to stereotypes and biases based on their gender and disability, and because of employment in informal or alternative structures. This is particularly the case of women with disabilities working in sheltered workshops with salaries often below the minimum wage.

Recommendations

As member of the European Women's Lobby, the European Disability Forum agrees that transparency in pay composition will make it easier for women to identify pay discrimination, detect gaps and discrimination and provide the necessary proof that they are being underpaid, to enable them to challenge this through legal redress.

However, to ensure that no woman is left behind, the EU must study the gender pay gap of women with disabilities in relation to both men with disabilities and women without disabilities, and take the necessary measures to eliminate the gap.

The European Disability Forum considers that a legislative initiative on strengthening the principle of equal pay between men and women through pay transparency could have a positive impact on women with disabilities at the condition that:

- Pay transparency obligations must apply to all employers, irrespective of the size of the company/organisations, and types of employment. For instance, it must apply to employers in sheltered workshops in which women with disabilities, especially women with intellectual disabilities may be working, and it must apply to part time work.
- Legislation must introduce an intersectional approach through positive measures and non-discriminatory recruitment practices. Other factors in addition to gender, such as disability, cannot justify a different salary for similar work, in line with the 2000 EU Employment Equal Treatment Directive. As a consequence, disability must be taken into account in pay transparency legislation and policies.
- Pay for part time work must align with full-time pay.
- Information on pay transparency must be available to all women with disabilities in a variety of accessible communication and format, including easy to read and accessible digital documents.
- Legislation must include effective and proportionate penalties for companies and compensation for victims of discrimination. Compensation must be available to all women, irrespective of whether they are under a regime of substituted decision making such as guardianship or curatorship).
- Equality bodies must have access pay reports and be equipped to support complaint of pay inequalities from women with disabilities.

About the European Disability Forum

The European Disability Forum (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in the European Union. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe. We are run by persons with disabilities and their families, and as such represent a strong, united voice of persons with disabilities in Europe. Specific expertise on gender and women's rights issue is provided by EDF Women's Committee. EDF is committed to the women's movement and an active member of the European Women's Lobby.