

Employment Update

Equality and registration of salaries | Draft regulatory texts

12th June 2020

Regarding RDL 6/2019 of 1st March on urgent measures to guarantee equal treatment and opportunities for women and men in employment and the workplace

On the verge of reaching the halfway point in June and in the midst of the "new normality", legislative activity continues to take place even outside of the COVID-19 regulations.

In this regard, last year [RDL 6/2019 of 1st March](#) on urgent measures to guarantee equal treatment and opportunities between women and men in employment and the workplace (RDL 6/2019) was published. This text introduced significant changes in the terms of equality.

Among them, the most important were those related to the obligation that those companies with 50 or more workers were obliged to negotiate and implement an equality plan, as well as the inexcusable duty to have a salary register as a measure to guarantee the principle of transparency in remuneration in all companies (regardless of the size of the workforce).

These changes, which are mostly reflected in the current wording of the Workers' Statute ("WS") and in the OL 3/2007 of 22nd March for effective equality between women and men ("OL 3/2007"), had yet to be implemented in regulations.

In line with all of the above, we would like to inform you that progress is currently being made on the text of two documents, and the scope and importance that the legislator gives to this matter can be seen. Specifically:

1. On the text of the draft RD regulating the equality plans and their registration ("Regulations"), and;
2. On the text of the draft RD regulating the Regulation on equal pay for women and men ("Regulation on equal pay").

Amongst its developments the following stand out:

a. Groups of companies and equality plans:

A single equality plan would be allowed to be negotiated for all those group companies whose diagnosis of the situation showed identical results.

b. Individuals entitled to negotiate the equality plan:

The current wording would make it possible to negotiate with ad hoc committees in cases where workers are not legally represented.

c. Companies obliged to form an Equality Plan:

As noted above, RDL 6/2019 extended the obligation to negotiate and implement an equality plan for companies with 50 or more employees.



According to the current wording of the Regulation, all employees would be taken into account for this purpose, regardless of the type of contract in which they were employed, so that when the threshold of 50 employees was reached, the company would have three months to start negotiating.

In this sense, it is necessary to remember that, according to the Twelfth Transitional Provision of OL 3/2007, companies with 150 or more workers should already have their corresponding equality plans.

Likewise, during this year and until March 2021, those companies with a staff of between 100 and 150 workers should negotiate and approve the equality plan, with companies with 50 to 100 workers having another year (until 7th March 2022) to do so.

d. Remuneration audit:

With regard to equal pay, it seems that not only will companies be obliged to keep a salary register (in force for more than a year) but the new text would also impose a duty to carry out pay audits on all those companies obliged to have an equality plan.

In any case, we insist that all the above is based on texts that are still drafts, so they will be subject to further changes and/or modifications.

Nevertheless, and given that within the Employment Practice of the Firm we have a team specialized in equality and conciliation of work, personal and family life that is constantly being updated, any novelty or question that may arise will be duly informed.

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