

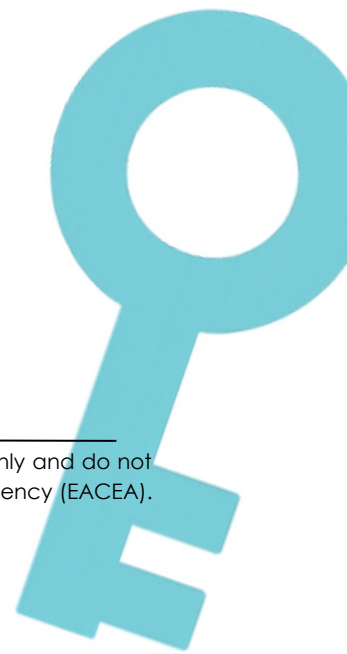


Unlock Equality

UnlockEquality: Level up your workplace

3. EU Legislation on GR Systems: Recruitment, Pay, Task Assignment & Promotion

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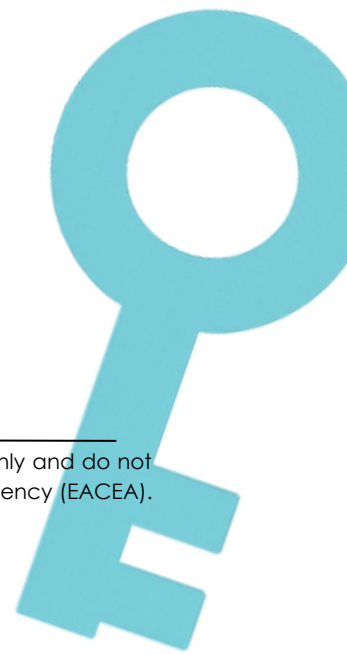


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3.1 Recruitment Practices

3.1.1.1 Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

Directive 2006/54/EC consolidates and reinforces EU legislation on gender equality in employment. It explicitly prohibits both direct and indirect discrimination on grounds of sex throughout the employment lifecycle, including recruitment, selection, interview procedures, and hiring decisions. The Directive also addresses harassment, sexual harassment, and discriminatory practices linked to pregnancy and maternity.

3.1.1.2 Connection to Organisational Recruitment Policies

This Directive directly supports and requires the following recruitment practices:

- Gender-neutral job descriptions
The prohibition of indirect discrimination obliges employers to avoid gender-coded language that may discourage applicants of a particular sex.
- Mixed-gender and inclusive interview panels
Ensures balanced decision-making and reduces structural bias in recruitment outcomes.
- Standardised, bias-free interview questions
Aligns with the principle of equal treatment by ensuring all candidates are assessed against the same criteria.
- Prohibition of questions on pregnancy, family planning, or caregiving
Explicitly protected under the Directive, as such questions constitute discrimination related to pregnancy or maternity.
- Equal access to employment opportunities
Recruitment procedures must not create structural barriers that disadvantage women or men at any stage of selection.

Organisational recruitment policies should therefore explicitly reference gender equality, prohibit discriminatory questioning, and require inclusive language and panel composition.

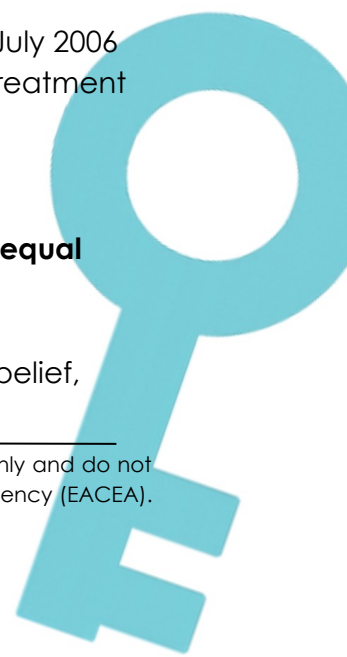
3.1.1.3 Official EU Reference

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0054>

3.1.2 .1 Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

Directive 2000/78/EC establishes a comprehensive framework prohibiting discrimination in employment on grounds of sexual orientation, religion or belief,



disability, and age. It applies explicitly to recruitment, selection criteria, interview conditions, and access to employment.

3.1.2.1 Connection to Organisational Recruitment Policies

This Directive underpins inclusive recruitment practices beyond gender, directly supporting:

- Clear inclusion statements for LGBTQ+ and gender-diverse applicants
Sexual orientation is a protected ground, requiring explicit non-discrimination assurances in recruitment materials.
- Consistent and objective interview questions
Prevents discriminatory assumptions related to belief, age, disability, or identity.
- Inclusive hiring practices and reasonable accommodation
Recruitment processes must be accessible and fair to candidates with disabilities or diverse needs.
- Intersectional fairness in recruitment panels
While not prescriptive on panel composition, the Directive supports practices that reduce systemic bias through diversity and inclusivity.

Organisations should integrate this Directive into recruitment policies by explicitly prohibiting discrimination on all protected grounds and embedding inclusive statements and safeguards in hiring procedures.

3.1.2.2 Official EU Reference (Multilingual Links)

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

3.2 Pay Equity

3.2.1.1 Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms

This Directive operationalises PAY EQUITY by requiring employers to introduce PAY TRANSPARENCY MEASURES, including: transparency prior to employment (pay/range disclosure), clear and accessible criteria for pay setting and pay progression, workers' rights to pay information, employer pay reporting (where applicable), and corrective mechanisms (joint pay assessments and remedial action) to identify and eliminate unjustified gender pay gaps.

3.2.1.2 Connection to Organisational Policies

Transparent salary bands for all roles

The Directive requires transparency on the "initial pay or its range" for applicants (for example, in a job vacancy notice or prior to interview), which is typically implemented internally through salary bands / pay ranges by grade.

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Annual gender pay audits

The Directive establishes PAY REPORTING and (where certain conditions apply) JOINT PAY ASSESSMENTS to evaluate and monitor pay structures and identify pay gaps. Organisations commonly implement this through an annual audit cycle to ensure continuous compliance and readiness for reporting/assessment obligations.

Documentation explaining salary decisions

The Directive requires employers to have pay structures and criteria that are objective and gender-neutral, enabling justification of pay differences with documented, lawful reasoning (job evaluation/classification criteria; pay-setting criteria; progression criteria).

Monitoring of pay progression over time

The Directive explicitly requires employers to make easily accessible the criteria used to determine pay progression (how workers move to higher pay levels), which necessitates structured tracking across time.

Evidence that unexplained pay gaps were corrected

Where pay reporting reveals a gender pay gap meeting the Directive's trigger conditions and it is not justified by objective, gender-neutral criteria, the Directive provides for a JOINT PAY ASSESSMENT and requires remedial measures to address unjustified differences, including remedying the gap within a defined period.

Policy integration (recommended internal clauses / policy anchors):

Compensation & Benefits Policy: "PAY STRUCTURES SHALL BE OBJECTIVE AND GENDER-NEUTRAL; PAY BANDS PUBLISHED INTERNALLY BY ROLE/GRADE."

Recruitment Policy (Compensation transparency): "JOB ADVERTS / CANDIDATE COMMUNICATIONS SHALL INCLUDE INITIAL PAY OR PAY RANGE."

Pay Governance Procedure: "ANNUAL PAY EQUITY REVIEW (OR MORE FREQUENT WHERE REQUIRED), WITH DOCUMENTED DECISIONS AND MANAGEMENT SIGN-OFF."

Career Progression & Performance Policy: "PAY PROGRESSION CRITERIA SHALL BE PUBLISHED, OBJECTIVE, AND TRACKED."

Corrective Action Protocol: "WHEN AN UNJUSTIFIED PAY GAP IS IDENTIFIED, A REMEDIATION PLAN WITH DEADLINES SHALL BE IMPLEMENTED AND EVIDENCED."

3.2.1.3 Official EU Reference

Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (Text with EEA relevance)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32023L0970>

3.3 Task Allocation

3.3.1.1 Treaty on the Functioning of the European Union (TFEU) — Article 157 (ex Article 141 TEC): Equal pay for male and female workers for equal work or work of equal value

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Article 157 TFEU is the EU Treaty-level legal foundation for EQUAL PAY FOR EQUAL WORK OR WORK OF EQUAL VALUE. It defines “pay” broadly (salary and all consideration, in cash or in kind) and requires Member States to ensure the principle is applied, making equal pay a core compliance obligation for employers and public authorities.

3.3.1.2 Connection to Organisational Policies

Article 157 TFEU supports your Pay Equity checkpoint by establishing the non-negotiable baseline that organisational pay systems must meet:

Transparent salary bands for all roles

While Article 157 does not prescribe “salary bands” as a tool, the obligation to ensure equal pay strongly supports adopting structured pay frameworks (bands/grades) to prevent arbitrary or discriminatory differences and to demonstrate objective consistency.

Annual gender pay audits

Article 157 sets the outcome requirement (equal pay). Regular pay audits are a standard governance mechanism to evidence ongoing conformity with that requirement.

Documentation explaining salary decisions

Because “pay” is broadly defined, organisations need documented rationales covering base pay and variable components to prove that differences are linked to objective, role-related factors rather than sex-based discrimination.

Monitoring of pay progression over time

Equal pay obligations apply not only at hiring but throughout the employment relationship; therefore, progression, increments, promotions, and variable pay must be monitored to ensure equal treatment in practice.

Evidence that unexplained pay gaps were corrected

Where unjustified gaps are found, Article 157 implies a duty to correct to restore compliance with equal pay for equal work/equal value. (The operational enforcement mechanisms are then detailed in instruments such as Directive (EU) 2023/970.)

3.3.1.3 Official EU Reference (Multilingual Links)

Consolidated version of the Treaty on the Functioning of the European Union
PART THREE - UNION POLICIES AND INTERNAL ACTIONS

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:12016E157>

3.3.2 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

This Directive prohibits DIRECT AND INDIRECT DISCRIMINATION ON GROUNDS OF SEX across the employment relationship, including WORKING CONDITIONS and ACCESS TO PROMOTION. In practice, “working conditions” covers how opportunities, responsibilities, and day-to-day work are organised and assigned. Unequal access to

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high-visibility work, or systematic channelling of women and men into stereotyped tasks, can therefore create unlawful discriminatory barriers and unequal career progression outcomes.

3.3.2 .1 Connection to Organisational Policies

The Directive supports your Task Allocation checkpoint by requiring that task distribution is managed as a fairness and equal treatment issue (not merely an operational issue):

Equal access to strategic and visible tasks

Policy should require objective, role-relevant criteria for assigning high-profile work (client presentations, leadership of projects, external representation, strategic committees). If these opportunities are disproportionately allocated by gender, it can constitute discriminatory practice in WORKING CONDITIONS and can also distort PROMOTION pathways.

Women not confined to administrative or supportive roles

Policy should prohibit “role channeling” (for example, consistently assigning women meeting minutes, organising, internal coordination, and men client-facing or technical ownership). This is a practical control to prevent patterns that function as indirect discrimination in working conditions and career development.

Men encouraged and welcomed into care-based/front-facing tasks

Policy should explicitly remove stigma around men undertaking roles that involve care, relationship management, front office, or support functions, and ensure that such assignments are valued and assessed fairly (so that men are not discouraged and women are not overburdened). This aligns with equal treatment in the distribution of duties and opportunities.

Rotation of repetitive tasks (note-taking, organising events, “invisible work”)

Policy should introduce a transparent rotation system and tracking, ensuring repetitive or low-visibility tasks are distributed fairly across genders and seniority levels, unless there is a documented objective operational reason. This is a demonstrable compliance control for fair working conditions.

3.3.2 .1 Official EU Reference links

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0054>

3.3.3.1 European Institute for Gender Equality (EIGE) — Gender Equality Glossary & Thesaurus (Work-related concepts underpinning workplace segregation): “Division of labour”, “Horizontal segregation”, “Vertical segregation”

EIGE’s guidance defines the mechanisms that typically drive gender-stereotyped task allocation:

Division of labour: how tasks are allocated and structured, strongly linked to gender stereotypes and care work.

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Horizontal segregation: concentration of women and men in different occupations/sectors (the workplace-level analogue is “who gets which type of work”).

Vertical segregation: concentration of women and men in different grades/levels of responsibility and prestige (the workplace-level analogue is “who gets the high-visibility, career-accelerating tasks”).

EIGE also summarises that gender segregation reinforces stereotypes and limits access to certain jobs and responsibilities.

3.3.3.2 Connection to Organisational Policies

EIGE's framework gives you precise policy logic and terminology for “Task Allocation” controls:

Equal access to strategic and visible tasks

This directly addresses VERTICAL SEGREGATION: high-prestige/high-responsibility exposure (presenting to clients, leading strategic workstreams, representing the organisation) must be allocated using objective criteria and monitored to prevent patterned underrepresentation.

Women not confined to administrative or supportive roles

This addresses HORIZONTAL SEGREGATION and DIVISION OF LABOUR: “support/admin” versus “strategic/technical/leadership” task clustering should be treated as a measurable segregation risk within teams, not only across occupations.

Men encouraged and welcomed into care-based/front-facing tasks

This addresses HORIZONTAL SEGREGATION and DIVISION OF LABOUR by actively challenging stereotyping around “women’s work” (care, people-facing support) and ensuring participation is normalised and valued in performance assessment.

Rotation of repetitive tasks (note-taking, organising events)

This is a governance response to gendered DIVISION OF LABOUR. A rota with tracking is an operational control that prevents “invisible work” being systematically carried by one gender or one group.

Policy mechanisms typically derived from this guidance (implementation-ready):

A written Task Allocation Standard (objective criteria; development value considered; transparency).

A rotation protocol for repetitive/invisible tasks (minutes, events, internal coordination).

A quarterly task distribution review (by gender and grade) embedded into HR/management reporting.

A requirement that high-visibility assignments are logged as development opportunities, not ad hoc favours.

3.3.3.3 EU Reference Report 2nd December 2025 (English)

https://eige.europa.eu/publications-resources/publications/gender-equality-index-2025-sharper-data-changing-world?language_content_entity=en

Based on 27 carefully selected indicators, the Gender Equality Index 2025 aligns with major EU gender equality policies and responds directly to policymaker needs. It offers a powerful tool to explore and compare how inequalities affect our lives at work, at home or in public life, and to propel action for a more equal Europe.

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3.4 Promotion & Leadership Development

3.4.1 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

Directive 2006/54/EC requires EQUAL TREATMENT between women and men across the employment lifecycle, including ACCESS TO PROMOTION and VOCATIONAL TRAINING (which includes employer-provided development and advancement pathways). It prohibits both DIRECT and INDIRECT DISCRIMINATION that can arise through unclear criteria, biased decision-making, or unequal access to career-advancing opportunities.

3.4.1.2 Connection to Organisational Policies

This Directive supports your Promotion & Leadership Development checkpoint by turning “fair promotion” into a compliance requirement that must be evidenced through structured processes:

Clear written promotion criteria

To prevent direct/indirect discrimination in access to promotion, organisations should implement WRITTEN, ROLE-BASED PROMOTION CRITERIA, published internally and applied consistently. This reduces discretionary decision-making that can embed bias and unequal outcomes.

Equal access to leadership and professional development

Because the Directive covers access to vocational training and promotion, organisational policy should guarantee EQUAL ELIGIBILITY AND ACCESS to leadership programmes, stretch assignments, secondments, and funded training—supported by transparent selection rules and documented decisions.

Mentoring programmes for under-represented groups

While the Directive is not a “mentoring directive”, mentoring is a widely accepted organisational control to ensure equal access in practice—particularly where underrepresentation indicates structural barriers. A compliant approach is to define mentoring eligibility and selection transparently, and to ensure it is offered fairly and does not exclude any gender.

Balanced promotion panels by gender and expertise

The Directive’s equal treatment principle is strengthened operationally by MIXED-GENDER PROMOTION PANELS and standardised scoring, which reduce bias risk and strengthen defensibility if decisions are challenged.

Minimum policy evidence expected in practice (audit-ready):

Published promotion criteria and scoring rubric.

Documented promotion decisions (panel scoring + written rationale).

Training access logs (participants by gender and grade).

Panel composition records (gender/expertise balance).

Review mechanism where patterns indicate potential disadvantage.

3.4.1.3 Official EU Reference links

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Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0054>

3.4.2.1 European Commission Communication: “A Union of Equality: Gender Equality Strategy 2020–2025” (COM(2020) 152 final)

The European Commission’s Gender Equality Strategy sets EU policy objectives and actions to advance gender equality, including challenging stereotypes, addressing labour market gaps, and ACHIEVING GENDER BALANCE IN DECISION-MAKING. In organisational terms, this directly supports transparent promotions, equal access to leadership pipelines, and active measures to improve representation in leadership.

3.4.2.2 Connection to Organisational Policies

The Strategy provides a clear policy rationale and direction for the exact controls you are assessing:

Clear written promotion criteria

The Strategy’s focus on structural equality supports internal measures that remove “informal” promotion systems. Organisational policy should require PUBLISHED PROMOTION REQUIREMENTS, defined competency frameworks, and standardised assessment documentation.

Equal access to leadership and professional development

The Strategy’s decision-making objective supports internal leadership pipelines that are open and accessible. Policy controls typically include: transparent eligibility, objective selection, training calendars open to all, and monitoring participation by gender and grade.

Mentoring programmes for under-represented groups

The Strategy’s emphasis on closing persistent gaps supports structured mentoring/sponsorship as a targeted measure to improve access to leadership pathways. Organisational policy should define mentoring as a formal development tool with: clear objectives, transparent selection, and measurable outcomes (progression rates, leadership readiness indicators).

Balanced promotion panels by gender and expertise

Because the Strategy prioritises gender balance in decision-making, organisational governance should require promotion panels to be BALANCED BY GENDER AND EXPERTISE, supported by bias mitigation training and scoring rubrics.

Policy integration (practical internal anchors):

Promotion Policy: “PROMOTION CRITERIA SHALL BE PUBLISHED, ROLE-BASED, AND APPLIED CONSISTENTLY.”

Leadership Development Policy: “EQUAL ACCESS TO LEADERSHIP PROGRAMMES; SELECTION DECISIONS DOCUMENTED.”

Mentoring & Sponsorship Procedure: “PROGRAMMES FOR UNDER-REPRESENTED GROUPS WITH TRANSPARENT ELIGIBILITY AND OUTCOME TRACKING.”

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Promotion Governance Standard: "PANEL COMPOSITION SHALL BE BALANCED BY GENDER AND RELEVANT EXPERTISE; STANDARDISED SCORING REQUIRED."

Monitoring: annual review of promotion outcomes and leadership training participation (by gender/grade), with corrective actions where imbalance is unexplained.

3.4.2.3 Official EU Reference links

A) European Commission webpage (Gender Equality Strategy)

The European Commission adopted the Roadmap for Women's Rights, on 7 March 2025. The Roadmap outlines a long-term vision for achieving gender equality, based on core principles and policy objectives set out in the a Declaration of principles for a gender-equal society (in annex). It aims to uphold and advance women's rights and to address new gender equality challenges, such as technology-facilitated bias, discrimination, and violence. The Roadmap sets an EU political framework for women's rights that will guide our actions in the coming years. It provides a foundation for developing targeted legal and policy measures in the post-2025 Gender Equality Strategy and beyond and for inspiring gender-sensitive policies across other Commission initiatives.

Document Only available in English : https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

Introduction in Latvian:

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_lv

Introduction in Dutch:

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_nl

Introduction in Croatian:

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_hr

Introduction in Danish:

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_da

B) EUR-Lex official text

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A Union of Equality: Gender Equality Strategy 2020-2025

English: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0152>

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3.5 Performance Evaluation

3.5.1.1. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council

Directive 2010/18/EU

This Directive establishes minimum EU-wide rights to PARENTAL LEAVE, PATERNITY LEAVE, CARERS' LEAVE, and the right for eligible workers to REQUEST FLEXIBLE WORKING ARRANGEMENTS (such as remote working, flexible schedules, or reduced hours). It also requires LEGAL PROTECTION so that workers are protected from discrimination and dismissal for applying for or using these rights, and it protects continuity of acquired rights when returning from leave.

3.5.1.2 Connection to Organisational Policies

This Directive supports Checkpoint 3.5 (Performance Evaluation) by requiring that performance management does not create penalties for exercising family-related rights, and by reinforcing evaluation models based on outputs rather than “presence”:

Evaluations based on measurable criteria

Because the Directive protects employees who use family-related leave or flexible working, performance systems should be built around OBJECTIVE, ROLE-BASED OUTPUTS (deliverables, quality standards, client outcomes, targets) rather than informal judgments tied to presenteeism. This reduces the risk that employees who use flexibility are indirectly disadvantaged.

No penalties linked to parental obligations

The Directive requires protection from discrimination and dismissal for applying for or taking family-related leave or flexible working arrangements. Organisational policy should therefore state explicitly that RATINGS, BONUSES, PROMOTION RECOMMENDATIONS, AND PERFORMANCE IMPROVEMENT ACTIONS must not be adversely affected by lawful leave-taking or flexible working requests/arrangements.

No reward for “always available” behaviour

Since the Directive enables flexible working and protects those who use it, employers should avoid evaluation criteria that implicitly reward constant availability, after-hours responsiveness, or long-hours culture. Policies should specify that “availability” is not a proxy for performance unless it is a documented essential duty of the role and applied consistently and proportionately.

Practical governance controls implied by the Directive (evidence for auditors)

Written rules that (a) separate performance ratings from schedule/leave arrangements, (b) require managers to document objective performance evidence, and (c) provide an escalation route where an employee believes they were disadvantaged for exercising work-life balance rights.

3.5.1.3 Official EU Reference links (English, Latvian, Dutch, Croatian, Danish)

Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1158>

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3.5.2.1 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

This Directive prohibits DIRECT AND INDIRECT DISCRIMINATION ON GROUNDS OF SEX across employment, including EMPLOYMENT AND WORKING CONDITIONS (INCLUDING DISMISSALS). It defines direct and indirect discrimination and applies the equal-treatment principle to the practical mechanisms that shape employment outcomes, including the criteria and practices used to assess workers.

3.5.2.2 Connection to Organisational Policies

Directive 2006/54/EC supports a bias-free performance evaluation framework by requiring that evaluation criteria and outcomes do not disadvantage employees on grounds of sex (including through stereotyped assumptions):

Evaluations based on measurable criteria

The Directive's prohibition of INDIRECT DISCRIMINATION means "apparently neutral" evaluation criteria that disadvantage one sex (for example, subjective "style" criteria applied unevenly) require objective justification. Organisational policy should therefore mandate STANDARDISED, MEASURABLE PERFORMANCE INDICATORS and documented evidence for ratings.

No penalties linked to parental obligations

Where parental/care patterns disproportionately affect women, penalising flexibility, leave, or caring-related scheduling in evaluations can create discriminatory outcomes. Policy should state that evaluations must focus on ROLE REQUIREMENTS AND OUTPUTS, and that absence/adjusted schedules permitted by law or policy must not be used as negative scoring factors unless objectively tied to essential duties and applied lawfully and consistently.

No bias against women's communication styles

Penalising women for assertiveness (or rewarding men for the same behaviour) is a common expression of sex stereotyping. Under the Directive's equal treatment framework, organisational policy should require: (a) behaviour/competency descriptors that are job-relevant and evidence-based, (b) calibration to detect systematic scoring differences by gender, and (c) an appeal/review route where bias is suspected.

No reward for "always available" behaviour

Overvaluing long-hours "presence" can create indirect sex discrimination if it systematically disadvantages employees with caring responsibilities (often women) and is not necessary for the role. Policy should therefore restrict "availability" as a performance factor to roles where it is an essential requirement, clearly defined, and objectively assessed.

3.5.2.3 Official EU Reference links (English, Latvian, Dutch, Croatian, Danish)

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

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<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0054>

3.6 Recruitment & Retention of Minority Groups

3.6.1. 1 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

This Directive establishes a binding EU framework prohibiting DIRECT AND INDIRECT DISCRIMINATION in employment and occupation on grounds including SEXUAL ORIENTATION (as well as religion or belief, disability, and age). It applies to both public and private sectors and covers ACCESS TO EMPLOYMENT (INCLUDING PROMOTION), VOCATIONAL TRAINING, EMPLOYMENT AND WORKING CONDITIONS (INCLUDING DISMISSALS AND PAY). It also defines HARASSMENT related to protected grounds as a form of discrimination and requires protection against VICTIMISATION (adverse treatment) when an employee raises a complaint or pursues enforcement.

3.6.1.2 Connection to Organisational Policies

This Directive supports your Checkpoint 3.6 requirements as follows:

Support structures for minority gender groups

Because harassment related to protected grounds is treated as discrimination, internal policy must provide robust anti-harassment standards, safe reporting channels, and effective complaint handling. The victimisation protection supports explicit non-retaliation clauses for employees who raise concerns or participate in proceedings. These legal elements justify and strengthen formal support structures (for example, confidential reporting, trained contact persons, and protected escalation routes).

Retention data broken down and monitored

While the Directive is not a “data collection” instrument, it explicitly recognises that indirect discrimination can be evidenced by facts from which discrimination may be presumed, and the text references that indirect discrimination may be established using evidence, including statistical evidence (in national processes). Organisational monitoring of recruitment/retention outcomes by relevant characteristics (where lawful and appropriately safeguarded) is a standard compliance control to detect patterns that could indicate discriminatory barriers.

Equal access to training, development and mobility

The Directive's scope explicitly includes VOCATIONAL TRAINING and access “at all levels of the professional hierarchy, including promotion”. This requires organisational policies to ensure that training, development programmes, secondments, and internal mobility opportunities are advertised transparently, assessed objectively, and made available without discrimination based on sexual orientation.

Important precision for “minority gender groups”: Directive 2000/78/EC explicitly protects SEXUAL ORIENTATION. Many organisations extend their internal non-discrimination coverage to GENDER IDENTITY AND GENDER EXPRESSION as a matter of inclusive practice and risk management (and to align with EU equality practice

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more broadly), but that extension is typically anchored in additional legal sources beyond this Directive.

3.6.1.1 Official EU Reference links

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

3.6.2.1. European Institute for Gender Equality (EIGE) guidance relevant to inclusion of gender-diverse employees (selected official EIGE resources)

(EIGE "Words Matter" toolkit; EIGE Gender Equality Glossary & Thesaurus; and EIGE guidance on gender-sensitive data collection including gender identity.)

EIGE provides operational guidance that helps organisations implement inclusive practice for gender-diverse employees through:

Clear definitions and concepts (for example GENDER IDENTITY, GENDER EXPRESSION, TRANSGENDER).

Practical guidance on GENDER-INCLUSIVE LANGUAGE and communication, explicitly referencing not excluding or discriminating against gender identity and promoting dignity and respect.

Guidance on improving the quality of gender equality data, including best practices for collecting data relating to SEX, GENDER IDENTITY, AND INTERSECTING INEQUALITIES, which supports evidence-based monitoring.

3.6.2.2 Connection to Organisational Policies

EIGE guidance supports your checkpoint controls in a highly practical way:

Support structures for minority gender groups

EIGE's definitions help HR policies specify who is covered and how (gender identity, gender expression, transgender, non-binary), reducing ambiguity and improving consistency in implementation. EIGE's language guidance supports concrete workplace practices that function as "support structures" in day-to-day operations: respectful communication standards (including pronouns), inclusive documentation templates, and internal communication norms that reduce exclusion and stigma.

Retention data broken down and monitored

EIGE's data guidance directly supports the legitimacy and design of monitoring approaches (with appropriate safeguards): how to think about sex and gender identity measurement, and how to incorporate intersectional perspectives so that organisations can detect where retention outcomes improve or deteriorate after inclusion measures (for example, the introduction of trans support groups).

Equal access to training, development and mobility

EIGE's intersectional approach to inclusion supports organisational policy requirements to ensure training and mobility pathways are accessible and communicated inclusively, and that participation is tracked so that under-represented gender groups are not excluded in practice (even where rules appear neutral on paper).

3.6.2.4 Official EU Reference links (English,)

EIGE — Gender identity (Glossary & Thesaurus)

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English: https://eige.europa.eu/publications-resources/thesaurus/terms/1049?language_content_entity=en

3.6.3.1. European Commission (2012) — Trans and intersex people: Discrimination on the grounds of sex, gender identity and gender expression (European Commission, Directorate-General for Justice)

This European Commission thematic publication explains that discrimination affecting trans people (gender identity and gender expression) and intersex people (sex-based discrimination) is a complex equality issue, closely linked to how rights, recognition, and (in some contexts) medical/psychological requirements have historically been treated. It provides a consolidated basis for understanding how equality frameworks should address discrimination connected to gender identity/expression and sex characteristics.

3.6.3.2 Connection to Organisational Policies

This reference supports Checkpoint 3.6 Recruitment & Retention of Minority Groups by giving a clear policy rationale for formal organisational controls, not informal good intentions:

Support structures for minority gender groups

The publication's focus on discrimination linked to gender identity/expression and intersex status supports explicit internal policy coverage and practical support mechanisms, for example: named HR focal points, confidential reporting channels, anti-harassment rules explicitly covering gender identity/expression, and written guidance for transition-related workplace support.

Retention data broken down and monitored

Because the publication frames discrimination as systemic and multi-layered, it underpins the organisational need to monitor outcomes (recruitment, turnover, promotion, training access) so patterns can be identified early and addressed. This directly aligns with the "RETENTION DATA BROKEN DOWN AND MONITORED" observation point (implemented lawfully and proportionately, with appropriate safeguards).

Equal access to training, development and mobility

Where discrimination operates through structural barriers, equal access is not achieved by "open doors" alone; policies must ensure development opportunities are advertised transparently, selection criteria are objective, and managers are accountable for equitable participation in training/mobility pathways.


3.6.3.3. Official EU Reference links

Only available in English:

<https://op.europa.eu/en/publication-detail/-/publication/9b338479-c1b5-4d88-a1f8-a248a19466f1>

3.6.4.1 Council of Europe (2015) — Case law of the European Court of Human Rights relating to discrimination on grounds of sexual orientation or gender identity

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This Council of Europe publication provides a structured overview of European Court of Human Rights jurisprudence relevant to sexual orientation and gender identity discrimination. It organises principles and case law around Convention rights (for example, private life, assembly, non-discrimination), showing how these rights have been interpreted and enforced over time.

3.6.4.2 Connection to Organisational Policies

Although ECHR obligations bind states, this case law strongly influences national legal frameworks, regulatory expectations, and employer risk exposure. It supports your Checkpoint 3.6 controls as follows:

Support structures for minority gender groups

ECHR case law reinforces the organisational necessity of protecting dignity and preventing discriminatory treatment connected to sexual orientation or gender identity. This directly supports: anti-harassment rules, complaint-handling procedures, non-retaliation protections, manager training, and safe escalation routes (including for trans employees).

Retention data broken down and monitored

Where discrimination can surface through patterns (hostile environment, exclusion, unequal opportunities), systematic monitoring is a practical governance response. The case-law synthesis supports treating retention outcomes as a key indicator of whether protections are effective in practice, not only in policy wording.

Equal access to training, development and mobility

The publication's article-by-article treatment of rights and non-discrimination principles supports the requirement that career-enhancing opportunities be administered without bias or informal exclusion, including for LGBT and gender-diverse staff.

3.6.4.3 Official EU Reference links (English, only)

English (official): <https://book.coe.int/en/human-rights-and-democracy/6472-case-law-of-the-european-court-of-human-rights-relating-to-discrimination-on-grounds-of-sexual-orientation-or-gender-identity.html>

