II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 10 February 1975

on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women

(75/117/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, an in particular Article 100 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament (1) ;

Having regard to the Opinion of the Economic and Social Committee (2) ;

Whereas implementation of the principle that men and women should receive equal pay contained in Article 119 of the Treaty is an integral part of the establishment and functioning of the common market ;

Whereas it is primarily the responsibility of the Member States to ensure the application of this principle by means of appropriate laws, regulations and administrative provisions ;

Whereas the Council resolution of 21 January 1974 (3) concerning a social action programme, aimed at making it possible to harmonize living and working conditions while the improvement is being maintained and at achieving a balanced social and economic development of the Community, recognized that priority should be given to action taken on behalf of women as regards access to employment and vocational training and advancement, and as regards working conditions, including pay ;

Whereas it is desirable to reinforce the basic laws by standards aimed at facilitating the pratical application of the principle of equality in such a way that all employees in the Community can be protected in these matters ;

Whereas differences continue to exist in the various Member States despite the efforts made to apply the resolution of the conference of the Member States of 30 December 1961 on equal pay for men and women and whereas, therefore, the national provisions should be approximated as regards application of the principle of equal pay,

HAS ADOPTED THIS DIRECTIVE :

Article 1

The principle of equal pay for men and women outlined in Article 119 of the Treaty, hereinafter called 'principle of equal pay', means, for the same work or for work to which equal value is attributed, the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration.

In particular, where a job classification system is used for determining pay, it must be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

(1) OJ No C 55, 13. 5. 1974, p. 43.
(2) OJ No C 88, 26. 7. 1974, p. 7.
(3) OJ No C 13, 12. 2. 1974, p. 1.