

NEW REGULATIONS TO REINFORCE EQUAL GENDER TREATMENT AT WORK

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On March 1, 2019, Royal Law Decree 6/2019, referred to urgent measures to ensure equal opportunities and treatment between man and woman at work, introduced new obligations for

Spanish employers, trying to make more effective the equal gender treatment at work.

In this regard, Companies with 50 to 100 employees must approve an Equality Plan before March 8, 2022 (until now, only companies with more than 250 employees needed to have an Equality Plan) with a transition period:

- Companies between 151 and 250 employees: 1 year to adapt: 8 March 2020.
- Companies between 101 and 150 employees: 2 years to adapt: 8 March 2021.
- Companies between 50 to 100 employees: 3 years to adapt: 8 March 2022.

This Royal Decree also established that the diagnosis of the Equality Plan must be negotiated with the workers representatives of the Company. As the diagnosis contains all the qualitative and quantitative data needed to obtain the conclusions regarding the gender situation in the Company, all the information included is quite sensible: gender salary gap very detailed in order to know which kind of remuneration can be producing the gap, training, working time, hiring, etc. New regulation also includes: (i) new matters to be analyzed such as joint responsibility between men and women in relation to family obligation, and (ii) new definitions, like what is gender salary gap, what means work of equal value, etc.

Once the diagnosis is made, employers have to agree with the workers representatives the measures that must be taken to remove possible obstacles detected for getting an equal treatment between man and woman. Therefore, they have to negotiate the measures, the resources granted by the Company and the monitoring during its implementation, in order to approve the equality plan between man and woman. The plan must be registered in the Register of Equality Plans.

The regulation also contains a relevant modification of maternity leave that is extended to both progenitors and more measures that reinforce the labor protection of the staff if they decide to adopt and execute co-responsibility measures.

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