

Technical guide for the implementation of **Remuneration Audits** gender-sensitive

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SECRETARÍA DE ESTADO
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1. REGULATION

Organic Law 3/2007 of 22 March 2007 on effective equality between women and men

"Article 5. Equal treatment and equal opportunities in access to employment, vocational training and promotion, and working conditions.

The principle of equal treatment and equal opportunities for women and men, applicable in the field of private and public employment, must be guaranteed, under the terms laid down in the applicable regulations, in access to employment, including self-employment, vocational training, career advancement, working conditions, including pay and dismissal, and membership of and involvement in trade unions and employers' organisations, or any organisation whose members carry on a particular profession, including the benefits granted by such organisations.

A difference of treatment based on a characteristic related to sex must not constitute discrimination in access to employment, including the necessary training, where, by reason of the nature of the particular occupational activities or the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

"Article 6. Direct and indirect discrimination.

1. Direct sex discrimination must be taken to mean any situation in which a person is, has been or would be treated less favourably on grounds of sex than another person in a comparable situation.
2. Indirect sex discrimination is deemed to occur where an apparently neutral provision, criterion or practice puts persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice can be objectively justified by a legitimate aim and the means of achieving that aim are necessary and appropriate.
3. In any case, any order to discriminate, directly or indirectly, on the grounds of sex is deemed to be discriminatory.

"Article 46. Concept and content of company equality plans.

1. Company equality plans are an ordered set of measures, adopted after a diagnosis of the situation, aimed at achieving equal treatment and opportunities between women and men in the company and eliminating sex discrimination.

Equality plans must set out the specific equality objectives to be achieved, the strategies and practices to be adopted for their attainment, as well as the establishment of effective systems for monitoring and evaluating the objectives set.

2. Equality plans must contain an ordered set of assessable measures aimed at removing obstacles that prevent or hinder the effective equality of women and men. A prior

diagnosis must be made, negotiated, where appropriate, with the legal representatives of the workers, which must include at least the following matters:

- a. Selection and recruitment process.
- b. Professional classification.
- c. Training.
- d. Professional promotion.
- e. Working conditions, including an equal pay audit.
- f. Co-responsible exercise of the rights of personal, family and working life.
- g. Under-representation of women.
- h. Remuneration.
- i. Prevention of sexual and gender-based harassment.

The diagnosis will be carried out within the negotiating committee of the Equality Plan, for which the company management will provide all the data and information necessary to prepare it in relation to the matters listed in this section, as well as the data from the Register regulated in Article 28, section 2 of the Workers' Statute.

3. Equality plans must cover the whole of an undertaking, without prejudice to the establishment of appropriate special actions in respect of certain workplaces.
4. A Register of Equality Plans for Companies is created, as part of the Registers of collective labour agreements and agreements under the General Directorate of Labour of the Ministry of Labour, Migration and Social Security and the Labour Authorities of the Autonomous Communities.
5. Companies are obliged to register their equality plans in the register.
6. The diagnosis, contents, subjects, room audits, monitoring and evaluation systems of the equality plans, as well as the Register of Equality Plans, with regard to their constitution, characteristics and conditions for registration and access, will be developed by regulations.

“Second transitional provision. *Gradual application of Articles 45 and 46 is established in the wording of Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation.*

For the application of the provisions of Article 45(2) and Article 46(2)(4)(5)(6) of this Organic Law, in the wording of Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation:

Companies with 150 to 250 employees have a period of one year to approve equality plans.

Companies with 100 to 150 employees will have a period of two years to approve equality plans.

Companies with 50 to 100 employees will have a period of three years to approve equality plans.

These transitional periods must be calculated from the publication of Royal Decree-Law 6/2019, of 1 March, in the "Official State Gazette".

Royal Decree 901/2020, of 13 October, which regulates equality plans and the equality plans and their registration and amending Royal Decree 713/2010, of 28 May, on the registration and deposit of collective bargaining agreements and collective labour agreements

"Article 7. Situation diagnosis.

1. The result of the process of data collection and compilation of which the diagnosis consists, as the first phase of drawing up the equality plan, is aimed at identifying and estimating the magnitude, through quantitative and qualitative indicators, of the inequalities, differences, disadvantages, difficulties and obstacles that exist or may exist in the company to achieve effective equality between women and men. This diagnosis will make it possible to obtain the information needed to design and establish the evaluable measures to be adopted, the priority in their implementation and the criteria necessary to evaluate compliance.

A summary of this analysis and its main conclusions and proposals must be included in a report that will form part of the equality plan.

To this end, the diagnosis must cover at least the following subjects:

- a. Selection and recruitment process.
 - b. Professional classification.
 - c. Training.
 - d. Professional promotion.
 - e. Working conditions, including an equal pay audit in accordance with the provisions of Royal Decree 902/2020, of 13 October, on equal pay for women and men.
 - f. Co-responsible exercise of the rights of personal, family and working life.
 - g. Under-representation of women.
 - h. Remuneration.
 - i. Prevention of sexual and gender-based harassment.
2. The diagnosis should extend to all jobs and workplaces in the company, identifying the extent to which equal treatment and opportunities for women and men are integrated into its general management system, and analysing the effects on women and men of all the activities of the technical and production processes, the organisation of work and the conditions under which it is performed. This includes the provision of regular work, whether or not at a distance, in external workplaces or through the use of temporary workers, and the occupational risk prevention conditions under which it is performed.

The analysis must also extend to all hierarchical levels of the company and its professional classification system, including data disaggregated by sex for the different groups, categories, levels and posts, their evaluation and their pay, as well as the different selection, recruitment, promotion and advancement processes.

3. The specific criteria set out in the Annex must be taken into account in drawing up the diagnosis.

"Article 8. Minimum content of equality plans.

1. Company equality plans are an ordered set of measures, adopted after a diagnosis of the situation, aimed at achieving equal treatment and opportunities between women and men in the company and eliminating sex discrimination.
2. Equality plans must be structured as follows and must have at least the following content:
 - a. Determination of the parties to the agreement.
 - b. Personal, territorial and temporal scope.
 - c. Report on the company's situation diagnosis, or in the case referred to in Article 2.6, a diagnostic report on each of the companies in the group.
 - d. Pay Audits conditions, including equal pay audits in accordance with the provisions of Royal Decree 902/2020, of 13 October, on equal pay for women and men.
 - e. Definition of qualitative and quantitative objectives of the equality plan.
 - f. Description of specific measures, timeframe for their implementation and prioritisation, as well as the design of indicators to determine the evolution of each measure.
 - g. Identification of the means and resources, both material and human, necessary for the implementation, monitoring and evaluation of each of the measures and objectives.
 - h. Calendar of actions for the implementation, monitoring and evaluation of the measures of the equality plan.
 - i. Monitoring, evaluation and periodic review system.
 - j. Composition and functioning of the committee or joint body in charge of the monitoring, evaluation and periodic review of the equality plans.
 - k. Modification procedure, including the procedure for resolving possible discrepancies that may arise in the application, monitoring, evaluation or review, as long as the legal or conventional regulations do not require their adaptation.
3. The equality plan will contain the measures that are necessary by virtue of the results of the diagnosis, and may incorporate those relating to matters not listed in Article 46.2 of Organic Law 3/2007, of 22 March, such as gender violence, non-sexist language and communication or others, identifying all the objectives and assessable measures for each objective set to eliminate possible inequalities and any direct or indirect sex discrimination within the company.
4. In any case, the equality measures contained in the equality plan must respond to the real situation of the individual company as reflected in the diagnosis and must contribute to achieving real equality between women and men in that company.

"ANNEX. Applicable provisions for the preparation of the diagnosis.

[...]

3. Job classification, pay and pay audits

The information contained in this section must be disaggregated by sex, as set out in paragraph 1 of this Annex.

- a. The diagnosis must include a description of the systems and criteria for the assessment of jobs, tasks, functions, and the systems and/or criteria for professional classification used by professional groups and/or categories, analysing the possible existence of gender bias and direct and indirect discrimination between women and men, in accordance with the provisions of Article 22 of the Workers' Statute.

Likewise, the diagnosis will analyse the distribution of the workforce according to the system or criterion used for professional classification used in the company.

- b. In order to carry out the pay diagnosis, the company must provide all real data disaggregated by sex, relating both to the basic wage and to supplements, as well as to each and every one of the remaining wage and non-wage items, differentiating wage payments from non-wage payments, as well as their nature and origin, cross-referenced in turn by groups, professional categories, position, type of working day, type of contract and duration, as well as any other indicator that is considered appropriate for the wage analysis.
- c. The diagnosis must contain both the data referred to in the previous section *and their analysis, in order to assess the existence and type of pay inequalities, indicating their possible origin.*

In addition, the criteria on the basis of which the different salary concepts are established must be analysed and included in the diagnosis.

The wage and salary items referred to in this paragraph refer to each and every payment, without exclusion, including payments in kind and whatever their nature and origin.

The pay register and pay audit must also form part of this diagnosis [...].

Royal Decree 902/2020, of 13 October, on equal pay for women and men women and men

"Article 3. Principle of pay transparency.

1. In order to ensure the effective application of the principle of equal treatment and non-discrimination in pay between women and men, companies and collective agreements must integrate and apply the principle of pay transparency, understood as that which, when applied to the different aspects that determine the pay of workers and its different elements, makes it possible to obtain sufficient and meaningful information on the amount payable.
2. The principle of pay transparency is aimed at identifying any direct or indirect discrimination, particularly those due to incorrect assessments

of workplaces. This is the case when work of equal value within the meaning of the following Articles is paid at a lower rate without this difference being objectively justified by a legitimate aim and without the means of achieving this aim being appropriate and necessary.

3. The principle of pay transparency must be applied, at least, through the instruments regulated in this Royal Decree: the pay registers, pay audit, job evaluation system of the professional classification contained in the company, the applicable collective bargaining agreement and the workers' right to information

"Article 4. The obligation of equal pay for work of equal value.

1. The principle of equal pay for work of equal value in the terms set out in Article 28.1 of the Workers' Statute binds all companies, regardless of the number of employees, and all collective agreements and collective bargaining agreements.
2. One job is of equal value to another when the nature of the functions or tasks actually performed, the educational, professional or training conditions required for their performance, the factors strictly related to their performance and the working conditions under which they are actually carried out, are equivalent.
 - a. The nature of the functions or tasks is understood to be the essential content of the employment relationship, both in terms of the provisions of the law or the collective agreement and in terms of the actual nature of the activity performed.
 - b. Educational conditions are understood to be those which correspond to regulated qualifications and are related to the development of the activity.
 - c. Professional and training conditions are understood to be those that may serve to accredit the qualification of the worker, including experience or non-standard training, provided that it is related to the development of the activity.
 - d. Working conditions and strictly job-related factors are understood to be those other than the above that are relevant to the performance of the activity.
3. For these purposes, the following may be relevant, among other factors and conditions, including but not limited to: hardship and difficulty, awkward postures, repetitive movements, dexterity, thoroughness, isolation, economic and welfare-related responsibility, polyvalence or extensive definition of duties, social, care and attention, conflict resolution skills or organisational capacity, insofar as they meet the requirements of adequacy, completeness and objectivity referred to in the following section in relation to the job they assess.
4. Proper job evaluation requires the application of the criteria of adequacy, completeness and objectivity. Adequacy implies that the relevant factors in the assessment should be those that are related to the activity and that are actually present in it, including the necessary training. Completeness implies that, in order to establish whether equal value is present, all the conditions that make the job unique must be taken into account, without any of them being made invisible or undervalued. Objectivity implies that there must be clear mechanisms in place that identify the factors that have been taken into account in the setting of a particular payment and that do not depend on social factors or valuations that reflect gender stereotypes.

"Article 5. General rules on the pay register.

1. In accordance with Article 28.2 of the Workers' Statute, all companies must keep a pay register for their entire workforce, including management and senior management. The aim of this register is to ensure transparency in the configuration of pay, in an accurate and up-to-date manner, and adequate access to the payroll information of companies, irrespective of their size, through the documented compilation of average and disaggregated data.
2. The pay register must include the average values of salaries, salary supplements and non-wage payments of the workforce disaggregated by sex and distributed in accordance with the provisions of Article 28.2 of the Workers' Statute.

To this end, the arithmetic means and median of what is actually received for each of these items in each occupational group, occupational category, level, post or any other applicable classification system must be established in the pay register of each company, suitably broken down by sex. In turn, this information must be broken down according to the nature of the payment, including basic salaries, each of the allowances and each of the non-wage payments, specifying each payment separately

[...]».

"Article 6. Pay register of companies with a pay audit.

Companies that carry out pay audits under the terms established in the following section of this chapter must have a pay register with the following peculiarities with respect to Article 5.2:

- a. The register must also show the arithmetic averages and medians of the groupings of jobs of equal value in the company, in accordance with the results of the job evaluation described in Articles 4 and 8.1(a) even if they belong to different sections of the professional classification, broken down by sex and disaggregated in accordance with the provisions of Article 5.2 above".
- b. The register must include the justification referred to in Article 28.3 of the Workers' Statute, when the arithmetical mean or median of the total pay in the undertaking of workers of one sex is at least 25 per cent higher than that of the other sex.

"Article 7. The concept of a pay audit.

1. Companies that draw up an equality plan must include a retroactive audit, in accordance with Article 46.2(e) of Organic Law 3/2007, of 22 March, for the effective equality of women and men, after the negotiation required for such equality plans. The purpose of the pay audit is to obtain the information necessary to verify whether the company's pay system complies, in a transversal and comprehensive manner, with the effective application of the principle of equality between women and men in terms of payment. It should also make it possible to identify needs to avoid, correct and prevent obstacles and difficulties that exist or may arise in order to guarantee equal pay, and to ensure the consistency and monitoring of this pay system.
2. The pay audit must be for the duration of the equality plan of which it forms part, unless a shorter period is determined in said plan.

"Article 8. Content of the pay audit.

1. The pay audit entails the following obligations for the company:
 - a. Diagnosis of the pay situation in the company. Diagnosis requires:
 - 1.º Job evaluation, taking into account the provisions of Article 4, both in relation to the pay system and the promotion system. The purpose of job evaluation is to make an overall estimate of all the factors that are or may be present in a job, taking into account their impact and allowing a numerical value or score to be assigned to the job. The assessment factors must be considered objectively and must be necessarily and strictly linked to the performance of the work. The evaluation must relate to each of the tasks and functions of each job in the company, give confidence in its performance and be appropriate to the sector of activity, type of organisation of the company and other characteristics which may be significant for this purpose, regardless of the type of employment contract under which the positions are to be filled.
 - 2.º The relevance of other factors triggering the pay gap, as well as possible deficiencies or inequalities that may be observed in the design or use of reconciliation and co-responsibility measures in the company, or the difficulties that workers may encounter in their professional or economic promotion as a result of other factors such as discretionary company actions in terms of mobility or unjustified availability requirements.
 - b. Establishment of an action plan for the correction of pay inequalities, with determination of objectives, specific actions, timetable and person or persons responsible for its implementation and monitoring. The action plan must contain a system for monitoring and implementing improvements based on the results obtained.
2. For the purposes of job evaluation, those analytical systems that ensure compliance with the objectives and requirements set out in this Article, and specifically the criteria described in Article 4, must apply.

"Third additional provision. Technical guide for the implementation of pays audits. The Women's Institute and for Equal Opportunities, in collaboration with the most representative trade union and employers' organisations, will draw up a technical guide with indications for carrying out equal pay audits.

"Fourth additional provision. Staff in the service of public administrations. The provisions of these regulations must apply to staff in the service of the public administrations, in accordance with the peculiarities established in their specific legislation".

"Sole transitional provision. Gradual application of the Royal Decree to pay audits. The application of the provisions of this Royal Decree to pay audits must follow the same gradual application of equality plans as set out in the second transitional provision of Organic Law 3/2007, of 22 March.

2. SCOPE OF APPLICATION

In accordance with Article 7.1 of Royal Decree 902/2020, of 13 October, on equal pay for women and men, **companies that draw up an equality plan must include a pay audit** in accordance with Article 46.2(e) of Organic Law 3/2007, of 22 March, for the effective equality of women and men (hereinafter LOI). Therefore, all company equality plans, whether mandatory or voluntary, should include the pay audit.

3. THE CONCEPT OF A PAY AUDIT

In accordance with Article 7.1 of Royal Decree 902/2020, of 13 October, the purpose of the pay audit is to obtain the necessary information to verify whether the company's pay system complies, in a transversal and complete manner, with the effective application of the principle of equality between women and men in terms of payment. It must also make it possible to identify needs to avoid, correct and prevent obstacles and difficulties that exist or may arise in order to guarantee equal pay, and to ensure the consistency and monitoring of this pay system.

4. VALIDITY OF THE PAY AUDIT

The pay audit **must be valid for the duration of the equality plan** of which it forms part, unless a shorter term is established therein (Article 7.2 of Royal Decree 902/2020, of 13 October).

5. WHO SHOULD CARRY OUT THE AUDIT

The company is responsible for carrying out the audit.

The equality plan negotiating committee is responsible for drawing up the diagnosis of working conditions, including the negotiated diagnosis of the pay audit, as established in Article 46.2 of the LOI, and for drawing up the action plan.

The results of the audit report will form part of the content of the diagnosis of the equality plan.

Finally, it should be noted that, in the event that a single plan is drawn up for all or part of the companies in a group of companies, it must include information on the diagnoses of the situation of each one, including the pay audit.

6. PREREQUISITES: DRAWING UP OF THE PAY REGISTER AND JOB EVALUATION

Prior to the performance of the pay audit, the company must have drawn up the pay register, in accordance with the provisions of Articles 5 and 6 of Royal Decree 902/2020, of 13 October.

Companies carrying out pay audits will have to draw up a pay register with the following peculiarities with respect to the provisions of Article 5 for all companies:

“The register must also show the arithmetic averages and medians of the groupings of jobs of equal value in the enterprise, in accordance with the results of the job evaluation described in Articles 4 and 8.1.a) even if they belong to different sections of the professional classification, broken down by sex and disaggregated in accordance with the provisions of the aforementioned Article 5.2”.

b. The register must include the justification referred to in Article 28.3 of the Workers' Statute, when the arithmetical mean or median of the total pay in the undertaking of workers of one sex is at least 25 per cent higher than that of the other sex.

The evaluation of posts must be carried out in accordance with the provisions of Articles 4 and 8.1 of Royal Decree 902/2020, of 13 October.

For the elaboration of both instruments of pay transparency, pay register and job evaluation, the following tools can be used, which include the principles regulated in the aforementioned Articles and have been developed by the Ministry of Labour and Social Economy and the Women's Institute of the Ministry of Equality, together with the most representative employers' organisations (CEOE, CEPYME) and trade unions (CCOO and UGT):

- [IR Pay Register Tool!](#)
[User guide](#)
[Example of use](#)
- [Job evaluation tool](#)

The pay audit cannot be carried out if the pay register and job evaluation have not been drawn up beforehand.

7. CONTENT OF THE PAY AUDIT

The pay audit must consist of a diagnosis of the pay situation and an action plan for the correction of pay inequalities.

7.1 Diagnosis of the pay situation

In accordance with Art. 8 of Royal Decree 902/2020, of 13 October, in order to carry out the pay diagnosis, the evaluation of the jobs will be taken into account, on the one hand, in relation to both the pay system and the promotion system and, on the other hand, the relevance of other factors triggering the pay gap. These include possible deficiencies or inequalities in the design or use of reconciliation and co-responsibility measures in the company, and difficulties for professional or economic promotion derived from other factors such as discretionary company actions in terms of mobility or unjustified demands for availability.

Therefore, in order to draw up the pay assessment, the information gathered by the negotiating committee regarding the assessment of the equality plan must be used as a starting point, in accordance with Annex to Royal Decree 901/2020, of 13 October, in order to detect those matters or factors that may directly or indirectly cause differences between women's and men's salaries.

It is necessary to quantify where and to what extent differences between women's and men's salaries are occurring, have data disaggregated by sex and to draw up all the statistical tables that allow for a comparative analysis of those salaries.

This can be done as follows:



Verify the following aspects in relation to the **pay register and job evaluation** that had to be drawn up beforehand:

- Check whether the pay register has been carried out using the tool of the Ministry of Labour and Social Economy and the Ministry of Equality or, if not, whether the tool used complies with the provisions of Articles 5 and 6 of Royal Decree 902/2020, of 13 October.
- Check that the Legal Representation of Workers' Representatives (RLT) has been consulted before the register is drawn up.
- Verify that the pay register has been made according to the company's professional classification and jobs of equal value.
- Verify that the pay items included in the pay register are those included in the applicable collective bargaining agreement or agreements, and whether or not there is a clear and precise definition of what each wage item pays.

- Verify that the average and median of the amounts actually received as basic salary, of each of the salary supplements and of each of the non-wage payments, by sex and group according to the professional classification applicable to the company, as well as by job positions of equal value, have been calculated.
- Analyse whether there is a report that justifies the wage difference referred to in Article 6 of Royal Decree 902/2020, of 13 October, when the arithmetic mean or median of the total wage of workers of one sex is at least 25% higher than that of the other sex. It will also be analysed whether there is a report in the event that this difference occurs in relation to any of the following items: basic salary, each of the salary supplements and each of the non-wage payments.
- Verify whether the number of workers shown in the pay register coincides with the same number of recipients included in the AEAT form 190 for the same reference period and check that the amounts shown in the pay register are the same as those indicated in the aforementioned declaration.
- Review the accounts of the General Accounting Plan to check that there are no other payments than those shown in the payroll.
- Check whether the right of access to the pay register has been exercised by the LTR or the workforce. If it has been exercised, check how the communication has been made.
- Verify whether the job evaluation tool approved by ministerial order of the Ministry of Labour and Social Economy and the Ministry of Equality has been used or, if it has not been used, whether the procedure used is an analytical system that ensures compliance with the provisions of Arts. 4 and 8 of RD 902/2020, of 13 October.

STEP

2

Compare the data from the pay register obtained from each group in accordance with the company's professional classification using the information obtained from the register compiled according to the job evaluation and carry out the following checks:

- Analyse the reasons why, for jobs of equal value, pay is different and what type of pay gap is found, job by job, as well as the causes and concepts that give rise to it.
- If the arithmetic means or median pay in one or some of the occupational groups or categories considered to be of equal value for one sex is significantly higher than for the other (need not be as much as 25%), the reasons for these differences must be investigated:
 - Analyse in which occupational categories or groups and positions of equal value these differences occur.
 - Analyse in which wage items these differences occur.
 - Determine the causes of these differences and whether they are justified or due to possible wage discrimination.
- Check in relation to each of the following elements whether or not they affect the entire workforce equally and, if not, analyse to what extent they may be contributing to the gender pay gap:
 - If there is pay in kind (company car, parking space, meal vouchers, life insurance, health care, pension plans, housing, delivery of shares, delivery of company products at a lower price, scholarships, personal computer equipment,

childcare vouchers, etc.). For example, review insurance policies for the use of company vehicles and that the use of these vehicles, if not justified as necessary for the development of the activity, should appear as pay in kind.

- If there are discretionary salary items that do not correspond to the functions of the post. E.g.: availability bonus.
- If there are any bonuses or social benefits to which only certain people have access or which require a permanent contract, full-time work or a certain length of service in the company.
- If there are wage supplements that may affect women and men differently. E.g.: availability bonus, night-time bonus, hazard bonus, liability bonus, productivity bonus, etc.
- Whether bonus or incentive schemes are in place.
- If work is carried out by objectives.
- Whether there are incentives or social benefits conditional on the co-responsible exercise of personal, family and working life rights.
- If there are groups or professional categories to which the collective bargaining agreement does not apply in terms of pay, analyse to what extent this exclusion may affect the pay gap between men and women in the company.
- The correlation between the allowances paid and the duties performed must be checked.

STEP

3

Analyse the **promotion system(s)** and carry out the following checks:

- Check whether the procedure for promotion is regulated by the collective agreement or other collective bargaining agreement. If regulated:
 - Check that all professional categories or groups are affected by this procedure. If not, analyse:
 - Which categories, groups or occupations are not affected by the agreed procedure, and whether the weight of women and men is similar in these categories, groups or occupations.
 - What criteria govern the promotion of those who are not affected by the general promotion system.
 - Whether women workers in the company are promoted in the same proportion as men in each of the different promotion systems used in the company.
- In the promotion system used or most used:
 - Check whether seniority is a requirement or criterion for promotion. If it is, analyse whether this criterion has a different impact on women and men in the project.
 - Observe whether any of the following factors are directly or indirectly linked to advocacy processes:
 - Geographical mobility.

7. CONTENT OF THE PAY AUDIT

- Willingness to travel.
- Time availability beyond the normal working day.
- Analyse the weight of training in promotion processes and, specifically, the weight of each type of training in promotion.
- Examine whether any objective test must be passed in order to be promoted.
 - If yes, analyse whether it is for all posts.
 - If no, check for which ones this test is required.
 - Analyse the extent to which women and men are present in positions where the test is not required and in those where it is.
- Check, when there is a possible internal promotion, whether the entire workforce of the company is informed for the submission of applications.
- Observe whether people working part-time have the same chances of promotion as those working full-time, as well as whether people with a temporary contract have the same chances as those with a permanent contract.
- Review whether there are departments or areas of work where employees are more or less likely to be promoted. If they exist, analyse whether this has different consequences for women and men.
- Check that the persons in charge of the evaluation of staff for promotion are trained in gender equality.

STEP

4

Review **promotions** that have taken place in recent years, disaggregated by gender.

If there has been a gap between women and men, this will be taken into account in the action plan for the correction of pay inequalities.

STEP

5

Analyse the selection and recruitment system(s) and carry out the following checks:

- If there are differences in access to the company in relation to the type of contract used, firstly, to determine whether these differences are fully justified and, secondly, to analyse their impact on the pay gap between women and men.
- If a significant percentage difference is observed between women and men in relation to the type of contract, see:
 - **Whether** there is any wage concept (social, economic or any other kind of benefits) that the contract, collective agreement, or any other agreement applicable in the company, regulates in a differentiated and preferential way for permanent staff versus temporary staff, or for full-time staff versus part-time staff. If so, we must question whether these clauses comply with current regulations, whether the incorporation of these differences for objective reasons is fully justified and what consequences they have on the pay gaps detected between women and men in the workforce.

- If the differences in recruitment are causing directly (through, for example, a lower seniority bonus for those with temporary contracts) or indirectly (through, for example, extra salary concepts for which a permanent position or a certain length of service in the company is required) any difference in pay.
- If there is a significant percentage difference between women and men in relation to seniority that would lead to a reduction in seniority pay for women workers, the question arises:
 - Whether this lower perception of female workers compared to male workers in terms of seniority is due to the fact that they have joined the company more recently, that is to say, due to a change in the company's hiring policy in favour of women or, on the contrary, to other circumstances such as more temporary employment, more part-time work, etc.
 - On the basis of this response, it should be questioned what changes should be made to business policy in relation to access to the company in order to encourage more women to be hired or to increase their job stability.

STEP

6

Analyse the **job classification system** and carry out the following checks:

- See whether there is a significant percentage difference between women and men in relation to occupational classification, and if so, the following question should be addressed:
 - Whether or not the job classification is the result of a gender-sensitive job evaluation process.
- Check whether there are gender pay gaps within the same professional category or in categories of equivalent value. If they exist, the reason for the gap must be investigated:
 - Verify whether different wage levels for the same professional category or group are contemplated in the aforementioned collective agreement or collective bargaining agreement. If so, analyse the reasons for this difference and whether it is in accordance with the regulations in force.

STEP

7

Analyse the **training system(s)** and perform the following checks:

- Analyse whether the company's training plan, if any, is open to all staff. If it is not, consider which departments or professional categories are most targeted.
- Taking into account the distribution of women and men by department or professional category, check whether women workers have the same possibilities of accessing further training as men.
- If there are significant differences between women's and men's participation in the company's training plan, the reasons for these differences, their impact - direct or indirect - on promotion and, ultimately, the possibility of a pay gap must be investigated:
 - If the company has a training plan, the criteria for its elaboration must be analysed or, if it does not have such a plan, the way in which training is managed must be analysed.

- If there are different types of training, it will be analysed in which of these modalities gender differences occur and what consequences they have:
 - It will be analysed whether workers participate equally in voluntary and compulsory training activities.
 - It will be verified whether there is a difference in the participation of male and female workers in relation to the different subjects or training actions.
- Check whether there are differences in participation of women and men in relation to the timing of the training: within working hours, outside working hours or part within and part outside working hours.
 - Check whether training is mostly offered during working hours to ensure that all persons, including those with reduced working hours, are able to attend.
 - If training is provided outside working hours, check whether compensation is always provided for the time spent or only for certain types of training (compulsory, for certain subjects...). If only for some positions, it will be checked whether there are differences between women and men in access to these compensations.
- It will be verified whether priority access is given to female workers to participate in training actions that promote their insertion in male-dominated areas of work.
- It must be verified whether training and capacity-building courses related to management skills are attended by women and men in equal proportions.
- It will be checked whether persons benefiting from a work-life balance measure or reduced working hours have had the same opportunity to access training.

STEP

8

Analyse the **working conditions** and perform the following checks:

- If a significant percentage difference is observed between women and men in relation to the length of the working day:
 - If the data indicate a pay gap in favour of full-time work, it will be checked, firstly, whether this gap is justified and, secondly, whether part-time work affects women more than men.
- If the data indicate a pay gap in favour of shift work or certain shifts, check whether shift work or night shift work is an option for all staff and, if not, whether this affects women and men differently.
- In relation to overtime, the following must be checked:
 - Whether the number of overtime hours worked by women and men is similar.
 - Whether all overtime is voluntary.
 - If there are significant differences between jobs in the performance of overtime. Where they exist, an analysis will be made of which posts are the most overtime-intensive and which are the least.

- In relation to geographical and functional mobility:
 - If there have been situations of functional mobility, analyse whether these are the cases contemplated in Art. 39 of the Workers' Statute, or whether they are substantial modifications of working conditions in accordance with the provisions of Art. 41 of that Statute. In both cases and in a differentiated manner, check the impact they have had on women's and men's salaries.
 - If there have been situations of geographical mobility, check that they have taken place in accordance with the provisions of Art. 40 of the Workers' Statute and analyse the impact they have had on the salaries of women and men.
- If remote working has been implemented in the company, it must be checked:
 - Whether the percentage of women in remote work is proportional to their weight in the workforce.
 - If all people have had the same opportunities for access to telework.
 - If compensation costs for telework have been established, check whether they are equal for all staff. If not, the factors on the basis of which the differences are established will be examined.
- If the company employs people on secondment from a temporary agency, it must be checked:
 - If the number of women relinquished is similar to the number of men.
 - Whether there is functional segregation by sex among the persons assigned. If so, it will be verified which positions are occupied by women and which by men and whether this functional segregation leads to pay gaps.
 - Whether there is functional segregation between permanent and temporary staff. If so, it will be analysed whether this functional segregation generates gender segregation.
 - Whether the salary conditions of seconded staff are equal to those of regular staff.
- If there has been any non-application of the collective bargaining agreement applicable in the company, this must be verified:
 - In the event that it did not affect the entire workforce:
 - It will analyse which sites, activities or jobs were most affected.
 - Check whether the percentage of women affected is similar to the percentage of women in the total workforce.
 - It will be checked which working conditions were not applied and whether subsequent recovery of the working conditions that were not applied was agreed.
- In relation to a possible substantial modification of the working conditions compared to those regulated in Art. 41 of the Workers' Statute, the same questions as in the previous section must be checked.
- In the event of the application of a Temporary Redundancy Plan, the RED Flexibility and Employment Stabilisation Mechanism or a collective redundancy, it must be verified whether the persons affected by these proceedings are proportional to the number of women and men in the workforce.

STEP 9

Analyse the **co-responsible exercise of personal, family and working life rights** and carry out the following checks:

- If women and men do not make equal use of leave or reduced working hours for child or family care, this will be analysed:
 - What impact the exercise of these rights has on career advancement.
 - What impact it has on participation in training actions.
 - What is the impact on pay?
- Analyse how it affects variable pay:
 - The time during which a worker is on suspension of the employment contract due to birth, adoption, fostering or care of a child.
 - The time during which a worker is on leave to care for children or family members.
- In cases of reduced working hours due to child or family care, analyse how the reduction in basic salary, salary and non-wage supplements is carried out and whether the reduction or elimination of some of the items of pay is justified. For example:
 - Check that the transport or punctuality bonus is not subject to reduction.
 - Check that the availability bonus is not reduced if the need for availability is maintained during the reduced working day.
 - Check that meal vouchers are not reduced if the split working day is maintained.

STEP 10

Analyse the information on **female under-representation** and carry out the following checks:

- Whether there are sections or departments in the company with a clear predominance of men or women:
 - It will be analysed whether there are appreciable differences between male and female-dominated departments or sections:
 - Professional development opportunities.
 - Access to information.
 - Professional promotion.
 - Wages.
 - The reasons for this occupational segregation will be examined as well as whether they are justified.
- Whether there are professional categories or groups in the company with a clear predominance of men or women:
 - The consequences of this segregation will be analysed in relation to:
 - Professional development opportunities.
 - Access to information.
 - Professional promotion.
 - Wages.
 - The reasons for the existence of possible vertical segregation must be examined.

7.1.1. Wage report

The pay diagnosis carried out in accordance with the criteria indicated in the previous sections will be included in a report that will serve as the basis for the establishment of the action plan for the correction of the pay inequalities detected.

The results of the diagnosis must be collected one by one and for each section with a quantitative indication and must identify the inequalities, differences, disadvantages, difficulties and obstacles existing or that may come to exist in the company and, where appropriate, whether they may constitute direct or indirect discrimination with regard to achieving effective equality between women and men, and must identify the aspects that are influencing the pay gap.

It should be remembered that pay should not only be equal for jobs where the same tasks are performed, but also between jobs of equal value. In order to analyse pay gaps, consideration must be given to the work actually performed and the concurrence of objectively accredited circumstances that are not linked, directly or indirectly, to the sex of the person, even if they fall into different professional categories or groups.

Discrimination exists when there is no justification for the reasonableness of the pay gap between a predominantly male (higher paid) and a predominantly female (lower paid) category and it is clear from the wording of the collective agreement or the job evaluation procedure that they perform work of substantially equal value.

The diagnosis will identify the areas in which it will be necessary to intervene from a gender perspective, such as, for example:

- Existence of pay not subject to collective regulation.
- Individual negotiation of pay.
- Unequal incidence of bonuses and allowances due to occupational segregation.
- Use of subjective criteria for granting non-wage benefits.
- Existence of promotion criteria that generate inequalities between women and men.
- Differences in access to training leading to wage inequalities between women and men, etc.

If the pay diagnosis has been outsourced, the corresponding report must be forwarded to the negotiating committee of the Equality Plan so that it can make the pertinent assessments. The special negotiating body must request any clarifications or corrections it deems necessary.

7.2 Action plan for the correction of pay inequalities

After the pay diagnosis has been carried out, an action plan will be drawn up determining the objectives, specific actions, timetable and person or persons responsible for its implementation and monitoring.

The action plan must include:

7. CONTENT OF THE PAY AUDIT

- ✓ Priority areas for action.
- ✓ Definition of general and specific objectives.
- ✓ Description of specific measures, timeframe for their implementation and prioritisation, as well as the design of indicators to determine the evolution of each measure.
- ✓ Identification of the means and resources, both material and human, necessary for the implementation, monitoring and evaluation of each of the measures and objectives.
- ✓ Calendar of actions for the implementation, monitoring and evaluation of the measures.

The action plan must first include the priority areas for action by defining the general and specific objectives to be achieved in order to ensure the application of the principle of equal pay.

The order and priority of these areas will be determined according to the magnitude of the inequalities, disadvantages, difficulties or obstacles detected in the diagnosis, taking into account the company's resources, the time required for action, the expected impact, etc. In any case, priority will be given to those areas in which discrimination has been detected.

Once the specific objectives have been defined, the concrete measures to be taken to achieve them will be determined. Each measure adopted must respond to the real situation of the company and be defined in a precise, measurable and quantifiable manner, in line with the objective to be achieved.

The following information must be included for each of the measures:

- Description of the measure.
- The objective.
- How it will be implemented.
- Who it is aimed at.
- Who is responsible for implementation and monitoring.
- When it will be developed.
- What resources are needed for implementation.
- Indicators to monitor implementation and evaluate results.

The indicators should provide the necessary information for proper monitoring of the measures. They should be able to provide information on all aspects related to the process of developing and implementing the action plan. For this purpose, it must be taken into account that:

- They are consistent with the general and specific objectives set out in the action plan.
- They are clearly defined.
- They are quantitative and, where not possible, qualitative.
- They are comparable over time.
- They are disaggregated by sex.

The action plan must include a timetable of actions for the implementation of each of the measures included in it, as well as a monitoring and evaluation mechanism to verify the achievement of the objectives set out in the plan, obtain information on the process of implementing the planned measures and detect, where appropriate, obstacles or difficulties in implementation in order to make the necessary adjustments or adopt corrective measures, accordingly.

8. REPORT ON THE RESULTS OF THE PAY AUDIT

The special negotiating body must also draw up a report on the results of the pay audit, which must include, on the one hand, the pay diagnosis and, on the other hand, the action plan. This report will form part of the content of the equality plan in accordance with the provisions of Art. 8(d) of RD 901/2020, of 13 October.

The results report must state the period of validity of the pay audit, which must be the same as that of the equality plan of which it forms part, unless a shorter period is determined in accordance with the provisions of Article 7 of Royal Decree 902/2020, of 13 October.

The information obtained in the pay audit to be included in the report should provide a precise and rigorous picture of the situation of equal pay for women and men in the company. This report aims to summarise the company's initial situation and the aspects to be improved in terms of equal pay for women and men, identifying the measures proposed in the action plan in line with the conclusions drawn.

In particular, the results report will detail:

- Company name.
- Start and end date of the audit.
- Temporal scope of the audit.
- Pay diagnosis:
 - Summary of the data of the pay diagnosis.
 - Main problems and difficulties identified.
- Action plan indicating the measures to be implemented for each area of action. For each measure it must be indicated:
 - Description of the measure.
 - The objective.
 - How it will be implemented.
 - Who it is aimed at.
 - Who is responsible for implementation and monitoring.
 - When it will be developed.
 - What resources are needed for its implementation and quantification of these resources.
 - Indicators to monitor implementation and evaluate results.
- Monitoring and evaluation mechanism, and the body responsible for monitoring and evaluating the measures (which, logically, will be the monitoring committee of the equality plan).
- Validity of the audit.





SUSTAINABLE DEVELOPMENT GOALS

This guide is aligned with the Sustainable Development Goals (SDGs) set by the United Nations in its 2030 Agenda, which aims to achieve true sustainable development globally and to combat climate change, inequality and poverty. Specifically, it contributes to the achievement of objectives 5. Gender Equality and 8. Decent Work and Economic Growth. This guide is co-financed by the European Social Fund under the Operational Programme for Social Inclusion and Social Economy (POISES) 2014 - 2020.



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