

Employment Update

Order PCI/120/2019, of 31 January, announcing the award of the "Equality in the Company" logo for 2018, and establishing its regulatory bases.

19th February 2019

Last Monday, February 11th, 2019, the Official State Gazette published Order PCI/120/2019 of 31st January, which announces the award of the distinctive "Equality in the Company" for the year 2018, and establishes its regulatory basis.

The following are brief comments on the advantages for companies of obtaining the Distinctive of Equality and the requirements set for 2018:

A.- What is the Distinctive of Equality and what are its main advantages:

I.- It is regulated in article 50 of Organic Law 3/2007, of 22 March, for the effective equality of women and men ("LOI") and is developed by Royal Decree 1615/2009, of 26 October, which regulates the granting and use of the distinctive Equality in the Company as a mark of excellence granted to those companies that stand out in the development and implementation of equality policies and measures, especially in relation to the approval of equality plans.

II.- It is convened annually by the Women's Institute and is valid for three years. The "DIE Network" currently comprises 148 entities.

III.- The main advantage of obtaining it would reside in the fact that it constitutes a valuation criterion for the granting of public subsidies, in accordance with the provisions of article 35 of the LOI, as well as for the award of Public Sector contracts, as provided for in article 127 of Law 9/2017, of 8 November, on Public Sector Contracts.

B.- Specific objectives:

The purpose of Order PCI/120/2019 is to call for the procedure for the awarding of the Equality Distinctive for 2018 and the establishment of the corresponding regulatory bases.

The deadline for submitting applications will be two months from 12 February 2019.

C.- Requisites:

Any entity or company, with public or private capital, that carries out its activity in Spanish territory, may present its candidacy to the Ministry of the Presidency, Relations with the Courts and Equality for the concession of this business award.

Candidate entities or companies must meet the following requirements:

- a) Be registered in the corresponding Social Security system and, when appropriate, to be formally constituted and registered in the corresponding public register.
- b) Be up to date with tax and social security obligations.
- c) Not have been firmly sanctioned in the two or three years prior to the closing date for the submission of candidatures, for serious or very serious infringement, respectively, in matters of



equal opportunities and non-discrimination, in accordance with the provisions of the consolidated text of the Law on Social Order Violations and Sanctions, approved by Royal Legislative Decree 5/2000, of 4 August.

d) Not have been firmly sanctioned in the two or three years preceding the closing date for the submission of applications, for serious or very serious infringement, respectively, of equality and non-discrimination in access to goods and services.

e) To have an explicit commitment to equal opportunities between women and men in working conditions, the organization and internal functioning of the company or entity, and Corporate Social Responsibility.

f) To have implemented an Equality Plan, in those cases in which the company or entity is obliged to do so by legal or conventional imperative. In all other cases, to have implemented an Equality Plan or, failing that, equality policies.

g) To have carried out a monitoring and evaluation balance or report of the Equality Plan or, in its absence, of the measures developed in its equality policies.

D.- Procedure:

The companies or entities must present their candidacy using the standard models that appear as annexes I.A, I.B and I.C that must accompany with the complementary documentation foreseen in article 4 of the Order. The candidatures will be presented through the electronic headquarters of the Ministry of the Presidency, Relations with the Courts and Equality. This office will be accessed through <https://sedempr.gob.es/es>, where the necessary instructions will appear.

Articles 6 and 7 develop the evaluation criteria and the handling of the procedure.

The foregoing comments contain informative aspects and do not constitute professional or legal advice, not necessarily including the opinion of the authors.

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