

Spotlight on equal pay

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Equal pay is a legal obligation. In recent months it has hit the headlines, with Ryanair notably coming under fire for inequality in pay between the sexes.

Why has there been such an emphasis on equal pay recently? Even though equal pay is a legal obligation, it is still clear that many organisations are simply not conforming to the legislation. Women are, despite huge advances in equality in the workplace over the past 30 years, still coming up short when it comes to the pay gap. No longer content to accept the discrimination, women are now voicing their anger over what is a violation of the law, and fundamentally unjust treatment when it comes to the monthly pay packet.

What does equal pay mean?

The Advisory, Conciliation and Arbitration Service ([ACAS](#)) outlines that employers must “Give men and women equal treatment in the terms and conditions of their employment contract if they are employed to do:

- 'Like work' – that is work that is the same or broadly similar;
- work rated as equivalent under a job evaluation study;
- work found to be of equal value in terms of effort, skill or decision making.

Equal pay does not just refer to the basic pay packet. It also covers extras including:

- **Rates for overtime**
- **Bonuses**
- **Hours of work allocated**
- **Access to pension schemes**
- **Annual leave entitlement**

And, it is not just about ensuring men and women are paid the same for the same or similar job, either. It also relates to other groups protected by law, such as people with a disability or from different ethnic backgrounds.

What employees can and cannot discuss regarding pay?

The [Equality Act 2010](#) states it is unlawful for an employer in Great Britain to prevent employees from having discussions to establish if there are differences in pay. However, an employer can require their employees to keep pay rates confidential from people outside of the workplace.

Employers also need to ensure that any discussions about equal pay are protected. No one should be victimised following a request for information about pay for the purpose of making a discrimination claim.

Legal help for employees who think they are not receiving equal pay

The law is there to support individuals who are not receiving equal pay. However, it is a complex area of law and you should speak to one of our employment lawyers for specialist advice.

Generally, you can claim for up to six years of lost earnings, but there are strict time limits. That means it makes sense to get expert legal advice as quickly as possible.

To start with, you do not have to make an official complaint but could speak to your employer informally. If this does not resolve the issue talk to one of our solicitors to discuss the possibility of mediation before deciding whether to take your case to an employment tribunal.

When making a tribunal claim it makes sense to have someone in your corner with a thorough understanding of the law. They can give valuable advice and, depending on what you agree, their fees could be taken from the amount that you win from your employer if your case is successful.

Legal solutions for businesses

For any business, complying with the law around equal pay is essential. Failure can leave your business open to costly litigation as well as seriously affecting your reputation in the eyes of staff, customers, shareholders, and the public.

The laws around equal pay are extremely complex and ever changing. This can leave your business at risk to claims, so it is important to stay up to date with all current legislation.

Seeking expert advice from a specialist employment lawyer can give businesses of all sizes the tools needed to meet all their legal obligations. This can include:

- putting the right policies in place;
- ensuring contracts are robust; and
- delivering appropriate training for staff and managers.

Your legal team can also:

- help you carry out an Equal Pay Questionnaire to establish the situation;
- advise you on the strength of any case and whether it makes business sense to settle a claim before tribunal;
- help you identify your defences; and
- ensure that all the strict timings for evidence are complied with.

If you receive warning of an equal pay claim you should seek legal advice as quickly as possible.

Ignoring it won't make it go away. But be cautious as if you attempt to deal with the situation without taking professional advice, you could say something that is used against you in the future.

We offer businesses a unique [employment and regulatory law package](#), as a way of keeping on top of those urgent and unforeseen legal issues.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

