



TAKE ACTION TO END UNEQUAL PAY

- EMPOWER MEMBERS ON EQUAL PAY
- CHECK EQUAL PAY IN YOUR WORKPLACE
- ORGANISE FOR AN EQUAL PAY AUDIT
- NEGOTIATE FOR AN EQUALITY IMPACT ASSESSMENT
- NEGOTIATE FOR UNION EQUALITY REPS' RIGHTS



Unite the Union

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PAY UP!

Equal Pay for women



Unite Action plan For Equal Pay



Ford Sewing Machinists 40 years of struggle for Equal Pay

1968
Ford Sewing Machinists
meet Barbara Castle



1968



2008



2008

2008
Ford Sewing Machinists
and National Women's Committee
meet with Harriet Harman



On the occasion of the 40th Anniversary of the
Equal Pay Struggle of Ford Sewing Machinists 1968-2008



Transport & General Worker's Union 1922-2007
Unite the Union T&G Section 2007-2009



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Ending pay inequality is one of the key priorities for Unite as we campaign industrially, politically and organise to achieve equal pay and eliminate gender pay gap. It is essential that Unite reps understand equal pay is a collective bargaining issue and where we have trade union recognition, progress needs to be made at the negotiating table.

The historical undervaluing of "women's work" needs to be challenged and we must do all we can collectively to challenge pay injustice. The gender pay gap of today also leads to pension inequalities in the future and this is why it's vital we are at the forefront of the trade union campaign on these issues.

This Unite guide sets out our union's policy and action points for all workplace reps and anyone in Unite who is responsible for negotiating pay. The action pack has been produced to help you negotiate with employers and I would urge you to make full use of the document.

Achieving equal pay is essential. Working together we can make a difference, close the gender pay gap and ensure that workers do not continue to suffer pay discrimination. Time to take action!

Alison Spencer-Scragg
National Officer for Equalities - Women

It was in 1888 that the trade union movement first agreed to organise for equal pay. The right to equal pay only became law in 1970, and in the 21st century, we are still struggling for pay justice. All the major advances in equal pay have been achieved by trade unions - the Ford equal pay struggle led to the Equal Pay Act and the long running Speech Therapists case and the Trico women's strike also made a big difference - all are a proud part of the history of Unite. We have researched the pay gap between men and women long enough. Now is the time to close it. The pay gap in trade union organised workplaces is smaller than where there is no union, but we can do more.

Please use this action pack to play your part.



TRICO

Women Assembly Workers

Won their equal pay demand



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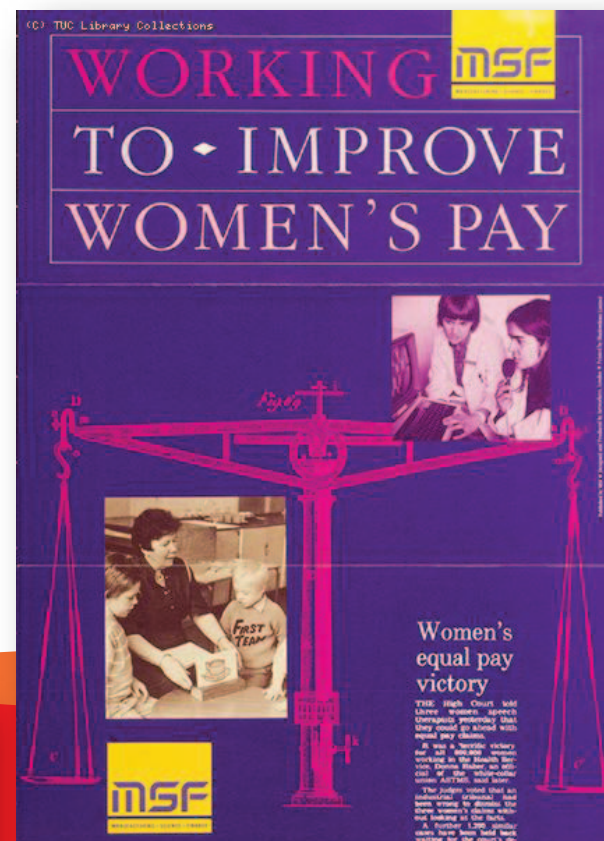
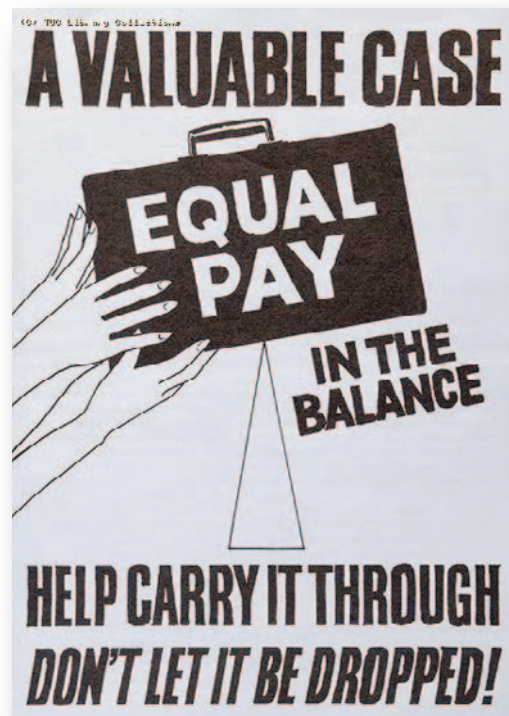


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Speech Therapists

25 years of struggle for Equal Pay



Pam Enderby Victorious Campaigner

The speech therapists claims were made in 1985 and were resolved 15 years later.

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Unite Action Plan

PAYUP! CHECKING EQUAL PAY IN YOUR WORKPLACE

Introduction

For decades trade unions have made great strides in advancing equal pay for women. Their struggle has narrowed the pay gap between men and women workers over the years, and led to many achievements including the Equal Pay Act 1970, Gender Pay Gap Reporting, now part of the Equality Act 2010, Equal Pay Act 1970 in Northern Ireland and Employment Equality Act 1998-2015 in the Republic of Ireland. All these achievements are under threat from underlying systematic inequalities and the cost of living crisis. Under this pressure the pay gap has increased.

Despite progress in women's pay since the 1970's, men still earn on average around 15 per cent more than women¹. They earn around 10 per cent more than women full-time workers and 30 per cent more than women part-time workers. The gender pay gap is worse in the private sector than in the public sector. Black and Asian ethnic minority women, disabled women, younger and older women, lesbian and trans+ women and those with caring responsibilities are faced with double discrimination which can also adversely affect pay.

Work done by many women is undervalued, and Unite reps need to be aware that equal pay rights apply to jobs that make equal demands on men and women workers. This means that they do not need to be doing the same job to use equal pay law.

Unite has been and will continue to be at the forefront of this struggle until this pay inequality, a direct result of sex discrimination, is eliminated. Our campaign is for:

- stronger equal pay law
- mandatory Equal Pay Audits
- transparency in pay systems
- statutory rights for Union Equality Reps to support action on equal pay
- enhanced maternity/parental/carers rights so that women do not lose out when they have a baby/are fulfilling their caring responsibilities.

Women deserve equal pay at work and in retirement, and as Union Reps by addressing

unequal pay you can organise to deal with other pay inequalities between workers and for fair pay for all.

Since 1970, except for a couple of years, the gender pay gap has steadily fallen each year. However, for the first time due to the unequal impact of COVID-19 pandemic on earnings and government's inaction, the pay gap increased, and by 0.5 per cent.

In 2021, more women than men were furloughed, this was the opposite in 2020. This increase was more pronounced among full-time workers where the hourly pay gap went up by 0.9 per cent.

Women's Budget Group analysis² shows that women made up 72 per cent of all part-time workers in 2021. This "part-time pay penalty" is one of the biggest contributors to the gender pay gap followed by occupational and sectoral segregation.

Since companies with more than 250 employees must report their gender pay gap, Unite reps need to ensure that the pay gap is effectively monitored so that action can be carried out to close it. Please refer to pages 26-29 of the guide on how to progress.

FIRST STEPS TO EQUAL PAY

Pay inequality should be challenged, whether equal pay issues are identified, or a gender pay gap. How does your workplace measure up?

1. **Are there more women than men in lower grade jobs?**
2. **If you have a job evaluation scheme, is it more than 5 years old?**
3. **Do men and women have equal access to bonus, overtime, pension other plus payments?**
4. **Are part-time workers paid fairly when compared on an hourly basis?**
5. **Have you carried out an Equal Pay Audit in your workplace?**

Please use EP1 on page 14 to help you find out if you have equal pay issues in your workplace.

Please note that it is important to be vigilant and carry out regular equal pay audits.

¹ Office for National Statistics (ONS) - Gender pay gap in the UK: 2022
www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2022

² Women's Budget Group - The Gender Pay Gap in the UK briefing 2021 - wbg.org.uk/wp-content/uploads/2021/11/Gender-Pay-Gap-briefing.pdf

WHY WE NEED TO CONDUCT EQUAL PAY AUDITS?

Despite having equal pay legislation for over 50 years, there is still a gender pay gap of 15.4 per cent between men and women workers.

The pay gap is worse for part-time workers but full-time women workers suffer a pay gap too.

- ▶ Women full-time workers suffer a pay gap of 8.3 per cent
- ▶ Women part-time workers suffer a pay gap of 33 per cent
- ▶ Over a lifetime, on average a woman loses over £400,000 in gross earnings

Equal pay is an important trade union issue and Unite strongly believes that we must tackle this inequality and tackle it now.

Reasons for Unequal Pay

There have been many studies setting out reasons why women workers continue to lose out on pay. The following are some of the main reasons:

- ▶ Sex discrimination
- ▶ Gender Job segregation – men and women concentrated in different jobs
- ▶ Lower paid jobs from a young age – concentration of young women in lower paid jobs
- ▶ Caring responsibilities affecting women's choices and opportunities
- ▶ Complicated equal pay legislation
- ▶ Lack of transparency in pay systems for implementing equal pay
- ▶ Social and economic policy measures which have not kept pace with women's changing role in the labour market

Unite has often found that women are segregated in the workplace both in the type of work that they do and by remaining on the lower grades. Many Officers and Unite Reps have found that Equal Pay

Audits have been very effective in finding out if there is unequal pay between men and women in the workplace, identifying the reasons for the discrepancies and using the information to negotiate for equal pay.

The information in this Action Pack will assist all Unite Reps including Union Equality Reps, in negotiating with the employer to find out what the situation is in the workplace, how to go about tackling unequal pay between men and women and ensuring that pay systems are transparent.

ARGUMENTS TO THE EMPLOYER FOR CONDUCTING AN EQUAL PAY AUDIT

Conducting an equal pay audit will assist the employer in ensuring they are not in breach of the Equality Act 2010 and that they are treating women and men equally and fairly in the workplace. Also, the Equality and Human Rights Commission (EHRC) recommends that the most effective way to eliminate discrimination is to carry out an equal pay audit.

There are 5 strong arguments for equal pay that can be made:

- 1) UNEQUAL PAY IS UNLAWFUL IN THE UK AND IRELAND** – Under the Equality Act 2010 employers must give equal treatment to men and women in the same or similar employment. The employer can therefore be taken to Employment Tribunal if women and men in like work, work that is rated as equivalent or doing work of equal value are not treated equally.

In Northern Ireland Equal Pay Act (Northern Ireland) 1970 provide for equal pay for like work, work rated as equivalent or work of equal value.

In the Republic of Ireland, the Employment Equality Acts 1998–2015 provides for equal pay for the same, similar or work of equal value.

- 2) RECRUITMENT AND RETENTION** – Women are more likely to apply for and stay in a job where they receive good pay on the same terms and conditions as men doing like work, work that is rated as equivalent or work of equal value.

they are using all the talents and skills of a diverse workforce.

Larger workplaces can also use information from the employer's Gender Pay Gap Reporting³

- 3) EMPLOYER OF CHOICE** – Women will choose to be in a workplace where they are valued and the organisation will have a positive image for its customers, clients and the community.
- 4) USING THE INFORMATION TO IMPROVE THE ORGANISATION** – Employers can use the information from the pay review to improve procedures and practices to eliminate discrimination and ensure

- 5) WORKING WITH THE UNION TO BUILD CONFIDENCE AND TRUST** – Conducting the pay audit, working jointly with the union and addressing any issues will assist in building trust and confidence in the pay grading system and avoid costly and lengthy equal pay claims.

EXAMPLES OF HOW EQUAL PAY AUDITS CAN MAKE A DIFFERENCE

- 1. Pay audits were carried out in the food and drink industry, which resulted in major improvements for women members.**

Food Distribution Company

During the course of a pay audit, it was discovered that 85 people (90% women) were doing a job where the pay rate varied between £10 - £26. After negotiations, the Company agreed to equalise pay on the grade over a period of time.

Finance

An equal pay audit revealed some pay anomalies at senior levels, but the major issue was the concentration of women in the lower grades and their under-representation in senior management. After negotiations, an action plan was drawn up in which included a commitment to carry out regular equal pay audits, regular monitoring of starting salaries and managerial guidelines on equal pay.

Chilled Food Company

12 canteen workers (women) were found to be paid at a rate that was not even included on the pay scale. Following negotiation, this situation was rectified and they received an extra £1.86 per hour pay rise and £550 back pay.

³ Search and compare gender pay gap data - <https://gender-pay-gap.service.gov.uk/>

2. Conducting job evaluation schemes have proved to be a successful way of improving equality in the pay structure.

Cleaning Company

Although tribunal claims for equal pay were lodged, the company agreed to do a job evaluation. In agreement with the union, ACAS trained all the representatives involved in drawing up the scheme and the Company also agreed to paid release for the Union Reps and other members (mainly women) to go on an assertiveness and confidence-building course to assist with job descriptions and understanding equal pay and equal value.

Using a job evaluation scheme tailor made for their workplace, the women workers benefited enormously in their pay rate. Job evaluation schemes which have not been specifically designed for a particular workplace tend to undervalue work done by women.

3. Even a basic look at the job content, rather than the job title can result in women being put on a higher pay scale.

Metal Factory

An Officer went into a Company where there were predominantly women workers and found that the vast majority of line workers (women), who were doing a skilled job of putting together the components, were on a lower grade than the man who moved the finished product from their area to another area.

The comparators were chosen and the women's job titles changed and the grades were increased.

Print

The Union took the employer to the tribunal when in comparing table hands' jobs (women) with guillotine operators' jobs (men), found that the women were on the bottom grade and the men on the top grade. In a settlement at the tribunal it was agreed to conduct a job evaluation exercise. The women's jobs were found to be of equal value.

4. Campaigns covering whole industries on low pay and equal pay can result in improved pay for women.

Local Government

A commitment was won by the Union from the Ministry of Defence and the Universities for equal pay for work of equal value, covering 220,000 employees.

Contract Cleaning Company

Fifteen women, all union members, working on the evening shift, won equal pay and over £5.50 an hour after discovering their male colleagues were being paid more than them. They found that the men on the day shift were paid £9.80 an hour, £1.50 more than they were getting and called in the Union. The company settled before the case got to the industrial tribunal.

5. Negotiating for equality for part-time workers invariably improves pay for women.

Local Government

Union negotiated Single Status agreements in local government gave an 8.4% increase for 400,000 women part-time workers in 1999.

Bookstore

After a part-time member had put in a claim for equal pay with her full-time colleagues, the Company initially argued that there were differences between the role and responsibilities of part-time and full-time employees. The Company then effectively conceded the argument by equalising full-time and part-time rates as part of the annual pay review. A settlement for the member was agreed days before the tribunal hearing and the agreement committed the Company and the Union to tackling all equal opportunities issues through negotiation.

6. Equal pay audits can identify unequal pay among other workers

Transport

The Company signed an agreement with the Union to have an annual equal pay audit "health check" of overall basic pay and earnings; have an in-depth 3-yearly equal pay audit; continue monitoring of equality and pay; equality proof recruitment, promotion, progression, training and other HR processes as well as develop the audit in relation to race, disability and age.

NHS

The Company's job evaluation scheme was designed to ensure all jobs were evaluated fairly without any bias but the Union found that discretionary pay points in nursing were awarded in a way that seemed to discriminate against black and Asian ethnic minority staff. Now the union is involved at every stage of decision making and implementation.

7. Negotiating on equal pay can lead to formal joint working

Car industry

Audits have taken place at a car manufacturing plant every year after the union approached the company with the idea. Managers and Union Reps were trained together. The site has now an Equal Pay Review Committee including Union Reps supported by the union Officer.

Health

National negotiations led to setting up of a joint Knowledge and Skills Framework to make sure the union was involved at all stages of pay auditing and that there is joint training, joint leads on job evaluation and joint reviews.

How to carry out an Equal Pay Audit

PREPARING FOR AN EQUAL PAY AUDIT

Step by step guide to conducting an Equal Pay Audit in your workplace

Step 1

Look at the 'Unite pre-audit questionnaire on equal pay' [EP1] and from your knowledge, complete the form.

If you are not sure of any of the answers, contact your local Officer and Regional Women's and Equalities Officer for assistance.

Step 2

If ANY of the answers to the 'Unite pre-audit questionnaire' are 'NO' then go to next stage.

If ALL of the answers are 'YES' then continue to monitor all policies and practices for equal pay on a regular basis. To be certain that there are no equal pay issues, you may want to continue to the next stage.

Step 3

Using the information in 'Arguments to the employer for conducting an equal pay audit' and the EHRC Code of Practice, negotiate with the employer to conduct a joint equal pay audit in your workplace.

If the employer AGREES then go to next stage.

If the employer DOES NOT AGREE to an equal pay audit, you can still go to the next stage, but may need to use the 'ACAS Code of Practice on disclosure of information to trade unions for collective bargaining purposes'.

Carrying out an Equal Pay Audit

Step 4

Use the 'Unite individual worker details form for equal pay audit' [EP2] and 'Unite collective workers details form for equal pay audit' [EP3] as a guide to finding out as much information as you can about each worker's pay, grade and benefits. Note: you may wish to do this one department/section at a time.

Analysing the information to check for patterns of Unequal Pay

Step 5

Using the 'Unite checklist for analysing an equal pay audit' [EP4] and 'Unite checklist for looking for the potential causes of the gender pay gap in the workplace' [EP5] look for any patterns of unequal pay between men and women and find out if there are any reasons for this, other than gender.

Taking action to close the gender pay gap

Step 6

Using the evidence gathered, arrange a meeting with the employer to negotiate how the pay inequality between women and men will be addressed, both in relation to individual cases and group cases. This should be done through your normal negotiating channels, which may include your local Officer. You may also find it helpful to involve your Regional Women's and Equalities Officer.

Step 7

If the employer agrees to negotiate with you to address unequal pay, so that the pay rate of the women workers is brought up to those of the men (which may include back pay), then continue to monitor and evaluate and put policies and practices in place to avoid similar problems in the future.

If the employer DOES NOT AGREE to address the problems, then go to the next stage.

Step 8

Use the 'Unite guide to checking for equal pay for men and women performing "like work" "[EP6] and/or the 'Unite guide to checking for equal pay for men and women performing work of "equal value" '[EP7]. Your local Officer and Regional Women's and Equalities Officer can assist.

If you find evidence which you think may be Sex, Race, Disability, Sexual Orientation and Trans+ Identity or Part-time worker discrimination, you may also wish to look into using the Equality Act 2010 for discrimination in these areas.

UNITE REVIEW OF PAY SYSTEM AS PART OF EQUAL PAY AUDIT

Using EP1 and EP3 Unite worker details forms

Unite recommends that a review of the pay system should be undertaken as the next step. By conducting a pay system review, the Union and the employer will be able to use this information to find out any gender pay issues in the workplace. The employer should be encouraged to initiate and cooperate with the pay system review and the equal pay audit as they will then be in a position to know whether or not they are in breach of the Equality Act 2010 and good equal pay practice.

Unite Action Plan

We recognise that all workplaces are different, not least in terms of size. Unite Reps may find it useful to collate information and conduct a pay system review on a department/section basis. Unite Reps will need to find out as much of the following details as they can on the relevant workers. Some of the information can be obtained directly from the employer. Other information may need to be collected by the union. EP1 and EP3 individual and collective worker details forms can help with this.

Information collected should cover:

- ▶ Gender
- ▶ Job Title
- ▶ Grade / pay bands
- ▶ Race
- ▶ Disability
- ▶ Sexual Orientation
- ▶ Trans+ Identity
- ▶ Part-time or full-time, agency or temporary worker
- ▶ Basic Pay
- ▶ Starting pay on appointment
- ▶ Performance Ratings and performance related pay
- ▶ Any other elements of remuneration including overtime, bonuses, piece-work, profit share etc.

Refer to EP2 Unite Individual Worker Details Form and EP3 Unite Collective Worker Details Form for an Equal Pay Audit.

Note: It may not always be possible to get all the details, so do not worry if there are some gaps. Make sure women workers as well as men workers are encouraged to be involved.

EP1
UNITE PRE-AUDIT QUESTIONNAIRE ON EQUAL PAY

COMPANY/ORGANISATION _____

If you do not know the answers to any of these questions then please contact your Officer for assistance and the Regional Women’s and Equalities Officer

1. Is there a jointly negotiated policy on equal pay?	Yes	No
2. Has the equal pay policy been communicated to everyone in the workplace?	Yes	No
3. Is there someone responsible for the implementation of the policy? If 'yes', please give name/title	Yes	No
4. Has an equal pay audit been carried out to establish whether there is a gender pay gap, in line with the EHRC Code of Practice on Equal Pay? If 'yes', have steps been taken to close the gender pay gap? Has the employer reported the gender pay gap as required by law?	Yes	No
5. Is there a single job evaluation system that covers all employees, to determine who is performing equal work? If 'yes' how long ago was this undertaken?	Yes	No
6. Was the union involved in the job evaluation?	Yes	No

If the answer to all of these questions is 'YES' then the key steps have been taken by the employer to address the question of equal pay. [Note: The Union should continue to be involved in monitoring and reviewing all aspects of the pay system for inequalities].

'No' answers to any questions, but particularly 4 and 5 indicate that more needs to be done to find out if there is a gender pay issue in the workplace. An equal pay audit will help to determine whether there is a gender pay gap.

If you do not know the answers to any of these questions then please contact your Officer for assistance and the Regional Women’s and Equalities Officer.

EP2
MODEL EMPLOYER/UNITE REVIEW OF PAY SYSTEMS

EMPLOYEE DETAILS FORM

DEPARTMENT/SECTION:		
EMPLOYEE NAME		
Man	Woman	Gender identity (as defined)
JOB TITLE		
GRADE/Pay Band		
RACE	Black Asian White	
AGE BAND 16-25 (A) 25-55 (B) 55+ (C)	A B C	
DISABILITY	YES/NO	
LGBT+	YES/NO	
PART TIME OR FULL TIME AGENCY OR TEMPORARY		
BASIC WEEKLY PAY		
BASIC HOURLY PAY		
IS PAY RELATED TO PERFORMANCE RATINGS?		
ACCESS TO OVERTIME How regular?	YES/NO Daily/Weekly/Monthly/less often	
ACCESS TO BONUSES/ PROFIT SHARE How regular?	YES/NO Daily/Weekly/Monthly/less often	
ACCESS TO PENSIONS		
YES/NO		

**EP3
CHECKLIST
Workplace practices that can be unlawful**

- ▶ Different rates of pay for men and women
- ▶ Different shifts for men and women
- ▶ Black and Asian ethnic minority workers on the night shift
- ▶ Job segregation for disabled workers
- ▶ Effective policies and lack of support for LGBT+ workers
- ▶ Seniority or last-in, first-out indirect discrimination

UNITE PAY AND EQUALITY AUDIT OF CURRENT WORKFORCE

The following is an example of a basic form which could be used to conduct an equality audit to get a picture of the workplace and identify potential discriminatory practices and issues to address.

APPROXIMATE NUMBER OF WORKERS										
Grade/ Pay Band	Men	Women	Gender Identity (as defined)	BAEM	Disabled Workers	LGBT+	Aged e.g. 25 and Under	Aged e.g. 50+	Part-Time percentage Women	Total
Total										
%										

An equality audit needs to include relevant information for your workplace. Therefore, you may need to add columns to include e.g. Migrant Workers and/or Agency Workers.

**EP4
UNITE CHECKLIST FOR ANALYSING AN EQUAL PAY AUDIT**

Using the information you now have from the ‘Unite individual worker details form for equal pay audit’ [EP2] and ‘Unite collective workers details form for equal pay audit’ [EP3], carry out a review of the pay systems as part of the equal pay audit, to check if any of the following statements are correct:

- On average, earnings for women are lower than men in each grade/pay band
- YES /NO
- On average, there are more women than men in the lower grade jobs
- YES/NO
- On average, there are more men than women in the higher grades
- YES/NO
- On average, women remain longer in the same grade than men
- YES/NO
- On average, the starting pay on appointment for women is lower than men on appointment
- YES/NO
- Men and women doing the same or similar job are not on the same pay (Refer to EP6, Unite guide to checking for equal pay for men and women performing “like work”)
- YES/NO
- Men and women doing different but equally demanding jobs are not on the same pay (Refer to EP7, Unite guide to checking for equal pay for men and women performing work of “equal value”)
- YES/NO
- It is mostly men who have access to overtime and bonuses
- YES/NO
- On average, overtime and bonus pay for women is lower than men in each grade/pay band
- YES / NO
- There are big differences in pay in different departments
- YES/NO
- There are people on the same grade who are getting different levels of pay
- YES/NO
- When you calculate pay on an hourly basis, part- time workers are not getting the same pay as full-time workers
- YES/NO

EP5
UNITE CHECKLIST FOR LOOKING FOR THE POTENTIAL CAUSES OF THE GENDER PAY GAP IN THE WORKPLACE

If you have answered yes to any of the statements in ‘Unite checklist for analysing an equal pay audit’ [EP4], the following may assist you in finding the potential cause(s).

RECRUITMENT AND PROMOTION

Are women recruited at the same salary levels as men?	Yes %	No %
Are women promoted into jobs at the same points as men?	Yes %	No %

RED AND GREEN CIRCLING

What are red and green circling?

Red circling protects the pay of individuals whose job is downgraded following reorganisation/grading review/job evaluation scheme. Green circling phases in upgrading as a result of grading review or restructuring.

Have men and women been equally affected by red circling?	Yes %	No %
Have men and women been equally affected by green circling?	Yes %	No %
Is there a reasonable time period covering red or green circling?	Yes %	No %

SALARY PROGRESSION

Do men and women in the same or similar work, or in the same grade or band, receive equal pay increases?	Yes %	No %
If the pay structure includes increments, do women on average progress at the same rate as men?	Yes %	No %

If there are reasons for progression, do men and women pass through in equal proportions?	Yes %	No %
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PERFORMANCE PAY

Are all groups of workers included in performance pay systems, i.e. part-timers, temporary and casual workers?	Yes %	No %
Have those involved in designing the performance pay system been trained in avoidance of gender bias?	Yes %	No %
Are performance targets/assessments/ ratings/pay regularly monitored by gender and by full/part-time status?	Yes %	No %
Are performance pay schemes checked for their impact on women on maternity leave?	Yes %	No %

ADDITIONAL PAYMENTS AND BENEFITS

On average, do men and women have equal access to additional payments such as overtime and bonuses?	Yes %	No %
Do men and women have equal access to benefits such as company cars, medical insurance, childcare assistance etc.?	Yes %	No %

EP6

UNITE GUIDE TO CHECKING FOR EQUAL PAY FOR MEN AND WOMEN PERFORMING “LIKE WORK”

- Identify all the jobs in the organisation which are being performed by both men and women. These jobs should involve work which is the same or broadly similar.

NOTE: You will need to speak to the workers and ask them to tell you all the elements of their job, whether or not tasks are undertaken on a daily basis. Union training can help with this.

- Calculate the average basic pay and average earnings of (a) the men doing each job and (b) the women doing the same job. Where hours worked are different, for example, when you are comparing part-time workers with full-time workers, calculate the average hourly basic pay and average hourly earnings.
- Compare the average hourly basic pay and hourly earnings of men and women doing the same job.

These comparisons will help to establish whether there is equal pay where men and women are performing “like work” - provided the jobs are the same or broadly similar.

- The employer will need to explain and objectively justify any differences.

NOTE: Make sure you get it in writing. Justifications will need to be made in full for reasons other than gender. Unless this can be done, this indicates that they will not be an equal pay employer and may be vulnerable to equal pay claims from the workforce.

Market Rates

The most common justification is market related pay. Some employers use specific market data to determine the pay levels for some or all employees, often senior managers but also employees in sectors where there is competition for the skills of those employees.

Differences in labour market rates can be an employer’s defence to an equal pay claim, but only where it can be shown:

- That market factors were genuinely taken into account when setting the higher comparator rates, and not simply put forward as a justification for the pay difference afterwards.
- That the market factors are still relevant at the date of any claim; and
- That market factors account for all the pay gap, not just part of it.

PLEASE NOTE: For simplicity, this audit uses averages for pay comparisons. Remember that such average pay statistics may conceal unequal pay between individual women and men. Nor does this simple “like work” check address the possibility of unequal pay between women and men performing different jobs that are, nonetheless, “equal work”.

The employer can only be confident if they determine which women and men in the workplace are performing “equal work” and carry out a full pay audit in line with the EHRC Code of Practice.

NOTE: If you do identify an equal pay legal case, your local Officer and Regional Women’s and Equalities Officer can assist and make sure you contact them.

EP7

CHECKING EQUAL PAY FOR MEN AND WOMEN PERFORMING WORK OF “EQUAL VALUE”

1. Identify the grades of work being carried out by both men and women.
2. Calculate the average basic pay and average earnings of (a) the men in each grade and (b) the women in the same grade. Where hours worked are different, for example, when you are comparing part-time workers with full-time workers, calculate the average hourly basic pay and average hourly earnings.
3. Compare the average hourly basic pay and hourly earnings of men and women in the same grade.

These comparisons will help enable the Union and the Employer to establish if they are paying equal pay for men and women performing “work that is rated as equivalent” and for work of broadly “equal value”.

- Explain and objectively justify any differences. You need to be able to justify any differences in full by the influence of factors other than the sex. Otherwise the findings indicate that they are not an equal pay employer and may be vulnerable to equal pay claims from the workforce.

Remember that statistical comparisons based on averages may conceal unequal pay between individual women and men.

Unite recommends that tailor-made job evaluation schemes, with maximum trade union input, are undertaken to assess and compare the value of different jobs.

NOTE: If you do identify an equal pay legal case, your local Officer and Regional Women’s and Equalities Officer can assist.

Please send in a copy at each stage of the Equal Pay Audit. Thank you.

Name of Employer _____

Unite Rep/s involved (Name/Tel/Email/Address)

Regional Industrial Officer _____

Regional Women's and Equalities Officer

We have approached the employer about conducting an Equal Pay Audit YES ☐ NO ☐

The employer has agreed to carry out a joint Equal Pay Audit YES ☐ NO ☐

Training for union/employer representatives has been arranged YES ☐ NO ☐

The Equal Pay Audit has been carried out YES ☐ NO ☐

The Equal Pay Audit has revealed a gender pay gap YES ☐ NO ☐
If yes, of how much?

The causes of the Gender Pay Gap have been identified YES ☐ NO ☐
If yes, what are the causes?

Action to close the gender pay gap has been agreed YES ☐ NO ☐
If yes, what has been agreed?

Thank you. Please use this Report Back Form to assist you and send it to equality@unitetheuion.org

Unite Action Plan

UNITE MODEL AGREEMENT ON EQUAL PAY

Statement

The Union and the Organisation are committed to equal pay for men and women and equal opportunities in employment.

We recognise that we have a responsibility in relation to equal pay under the Equality Act 2010 and related Code of Practice.

The Equality Act 2010 provides for equal pay between women and men in the same or similar employment by giving a woman the right to equality in the terms of her contract of employment where she is employed on:

- ▶ like work to that of a man or
- ▶ work rated as equivalent to that of a man or
- ▶ work of equal value to that of a man, hereafter referred to as equal work

We agree that it is in our Organisation's interest and good business practice that pay is awarded fairly and equitably.

We recognise that in order to achieve equal pay for employees doing equal work we should operate a pay system, which is transparent, based on objective criteria, and free from sex bias. Where unequal pay is identified, we will seek to remedy discrimination by increasing the pay of underpaid employee(s) to that of the higher paid comparator.

Action to implement policy

In order to put our commitment to equal pay into practice we will work with the Union to:

- ▶ examine our existing and future pay practices (including additional pay elements), in line with the EHRC Reviewing or Auditing Pay in the Code of Practice. All our employees will be covered, including those in non-standard employment and those who are absent on pregnancy and maternity leave

- ▶ carry out regular monitoring of the impact of our practices, including race, disability, sexual orientation, trans+ identity, and age, as well as gender
- ▶ inform employees of how these practices work and how their own pay is arrived at
- ▶ provide training and guidance for managers and supervisory staff involved in decisions about pay and benefits
- ▶ discuss and agree the equal pay policy with the trade union(s)
- ▶ ensure that part-time workers are not treated any less favourably due to working time
- ▶ ensure that this equal pay policy will cover all workers, including temporary workers, agency workers and homeworkers

We will through the above actions avoid unfair discrimination and reward fairly the skills, experience and potential of all staff and thereby increase efficiency, productivity, competitiveness and job satisfaction, which will enhance the Organisation's reputation and image.

Particular emphasis will be placed on the following:

Job Evaluation

Job evaluation is vital in ensuring equal pay for work of equal value. The job evaluation system will be regularly reviewed and maintained to ensure that the system remains fair and effective. Job evaluation will be conducted on a joint basis and in keeping with good practice and equal pay principles and will ensure that women are not being indirectly discriminated against and wrongly graded leading to lower rates of pay. Job evaluation should lead to a fair assessment of the skills and demands of all workers and, in particular, tackle traditional assumptions made about the work that many women undertake.

Recruitment and Selection

The criteria, which determine recruitment starting pay, will be clear and transparent.

Regular monitoring will take place and if it is found that women are being appointed at a lower pay scale, we will examine our recruitment and promotion records.

We will take a look at our qualification requirements to see if they adversely affect women and are necessary for the post.

Our records will be checked to find out if women are being paid at the same rate as their male predecessors and contemporaries in similar posts.

We will support positive action in line with the Equality Act 2010.

Promotion

The criteria to determine promotion will be clear and transparent.

Pay to reward service will be monitored to ensure that women have access to all levels of pay increments. It is recognised that enhanced pay due to length of service may disadvantage some women.

Promotion opportunities will be widely publicised and candidates will be selected according to their skills and ability, relating to the needs of the job. A person's sex will have no bearing on whether or not they are selected for promotion.

Our records will be checked to find out if women are being promoted in equal proportions to men and if it is found that there is a disparity, action will be taken to address the issue.

We will support positive action in line with the Equality Act 2010.

Training

Those involved in the pay grading structure assessment will be trained in ensuring that grades and pay are not gender biased and that the criteria for assessing grades are based on the job content.

We will ensure that the training needs of all staff are regularly assessed and that men

and women have equal access to training. Training should be delivered in working time, and in family-friendly hours. If it is found that lack of training is a factor in under-representation of women in particular grades, we will ensure that these training needs are met.

We will support positive action in line with the Equality Act 2010.

Benefits and Services

All benefits for doing a particular job will be the same for men and women and are taken into account when evaluating equal pay.

Those with access to pensions, sick pay and share options, etc will be regularly monitored to ensure that there is no direct or indirect discrimination against women. Access to bonus pay, shift payments and overtime will be checked to ensure that men and women have equal access to this work.

REPRESENTING MEMBERS ON EQUAL PAY

Unequal Pay is UNLAWFUL

Unite is committed to tackling unequal pay and closing the gender pay gap between men and women's pay through carrying out Equal Pay Audits in all workplaces and negotiating for equal pay. Equal pay is a trade union issue and Unite reps need to make sure that women's work is valued and they receive the equal pay to men that they deserve. Individual women and men members may also have equal pay issues that require union representation.

Equal pay is a legal right. Negotiators and representatives must always ensure this legal right is protected. Where negotiations or representation on equal pay is taking place, it is essential that you inform your Regional Officer and Regional Women's and Equalities Officer and that before any settlement is recommended legal advice is obtained.

EQUAL PAY LAW

This section refers to the law on equal pay between women and men which applies in England, Scotland, Wales, Northern Ireland and the Republic of Ireland. The overall framework of the law comes from European law which all EU countries must comply with. Pay discrimination on other grounds is referred to on page 8 and also dealt with in a separate guide.

England, Scotland, Wales : The Equality Act 2010 and in Northern Ireland the Equal Pay Act (NI) 1970⁴ provide for equal pay between men and women who do:

- ▶ Like work – the same or broadly similar work
- ▶ Work that is rated as equivalent – eg. in a job evaluation scheme
- ▶ Work of equal value – in terms of the demands made

Equal Pay is automatically included in your contract of employment, ensuring women's contractual terms are no less favourable than men's – this is known as a "sex equality clause".

In the Republic of Ireland the Employment Equality Act 1998-2015 provides for equal pay for like work. Like work is defined as work that is:

- ▶ the same
- ▶ similar or
- ▶ work of equal value

It is a term of everyone's contract of employment that there is an entitlement to equal pay.

Equal pay law covers comparisons between the pay of men and women. It cannot be used to tackle unequal pay faced by men compared with men, or women compared with women. The law applies equally to men and women of all ages.

The Equality Act 2010 and Equal Pay Act (NI) make it unlawful to discriminate between men and women in pay and other

terms of their contracts of employment, such as:

- ▶ piecework, overtime and shift payments
- ▶ output and bonus payments
- ▶ holidays and leave entitlements
- ▶ free accommodation
- ▶ sick pay
- ▶ performance-related pay
- ▶ occupational pension benefits
- ▶ access to mobile phones, social benefits etc.

In practice any term which is in the man's contract but missing from the woman's is to be treated as if it is in her contract. (This applies equally to men).

The Equality Act 2010 and Equal Pay Act (NI) apply to:

All employees

- Full-time or part-time contracts
- Contract workers
- Trainees
- Apprentices
- Homeworkers

The equal pay question and reply procedure

A woman is entitled to write to her employer asking for information that will help her establish whether she is getting equal pay and if not, what the reasons for the pay difference are. There is a standard question and answer form that can be used for this purpose, which is available from the Equal Pay Portal: Bringing a claim⁵.

Comparators

Equality Act 2010 covering England, Scotland and Wales and the Equal Pay (NI) Act state:

To take an equal pay case forward the woman needs to find a man to compare her pay with (or vice versa). The comparator needs to be employed by the same or an associated employer or work in another organisation with common terms. Also, a previous job-holder can be a comparator.

⁴ as amended by the Sex Discrimination (Northern Ireland) Order 1976, the Equal Pay (Amendment) Regulations (Northern Ireland) 1984, the Employment (Northern Ireland) Order 2003 and the Equal Pay Act 1970 (Amendment) Regulations (Northern Ireland) 2004

⁵ <https://www.equalpayportal.co.uk/for-workers/#:~:text=To%20make%20a%20claim%20of,before%20you%20complete%20the%20form.>

The Employment Equality Act in the Republic of Ireland states: The comparator for the purposes of equal pay claims need no longer be employed in the same place as the claimant.

Protection against victimisation

The Equality Act 2010 and Equal Pay Act (NI) and the Employment Equality Act 1998-2008 in Republic of Ireland, protect individuals from victimisation for bringing an equal pay claim or for giving evidence or information in connection with the claim.

The Equality Act 2010 covering England, Scotland and Wales also protects individuals from victimisation when they discuss their pay with one another to find out if there might be pay discrimination, even if their employment contract requires them not to.

Pay secrecy

Section 77 of the Equality Act 2010 makes pay secrecy clauses in employment contracts unenforceable if it is used to try to stop people talking about their pay in order to identify discrimination.

Pay transparency

The Equality Act 2010 requires public sector organisations to consider gender equality within their workplaces as part of the Equality Duty and to publish relevant gender equality data. The Specific Duties under the Equality Duty are a devolved matter in Scotland and in Ireland it is covered under Section 75 of the Northern Ireland Act 1998.

Currently there is no requirement for private and voluntary sector employers to produce and publish information on any gender pay gap in their organisation.

The Labour government had included section 78 in the Equality Act 2010, requiring private and voluntary sector employers with at least 250 employees to publish

information relating to the gender pay gap. However, the Coalition Government decided not to bring in section 78. Instead in 2011 it introduced a voluntary framework called Think, Act, Report. Although they stated that if this voluntary approach failed to deliver the government may implement section 78 after 2013, at the earliest. Yet, despite the fact that the voluntary approach to equal pay audits and transparency did not work, it took another six years before the Conservative government introduced **mandatory gender pay gap reporting**⁶.

The Regulations require all employers with over 250 employees to annually report on their gender pay gap. They must publish this information on their own website and on a government website. The Regulations does not require employers to explain the gender pay gap or to take action. Unite reps can negotiate to ensure that employers publish a narrative and an action plan to close the gender pay gap in their organisation. The data published by the employer and greater transparency should provide Unite reps with more useful information to negotiate for policies and agreements to eliminate the gender pay gap. For more information please refer to Gender pay gap reporting: guidance for employers - www.gov.uk/government/collections/gender-pay-gap-reporting Search and compare gender pay gap data - gender-pay-gap.service.gov.uk/

Time limits for equal pay claims and compensation

To take an equal pay claim to an Employment Tribunal under the Equality Act 2010, and to an Industrial Tribunal under the Equal Pay (NI) Act, a woman (or man) needs to lodge an equal pay claim within six months of leaving the job OR for previous terms, within 6 months of when new terms start. This is called the “qualifying period”.

Back pay can be awarded up to a maximum of six years in England, Wales and Northern Ireland (five years in Scotland) from the date that proceedings were filed with a tribunal. In addition, the tribunal may award interest on the award of compensation. With up to five or six years worth of back pay being awarded, the interest element of any award is likely to be considerable. Compensation for injury to feelings is not available in equal pay/equality of terms cases.

The Employment Equality Act in the Republic of Ireland states that a complaint of discrimination or harassment must be made within the 6-month time limit from the last act of discrimination. The 6-month time limit can be extended up to 12 months by the Director of the Equality Tribunal “for reasonable cause”.

Equality Impact Assessments

As the name suggests, Equality Impact Assessments analyse the future impact of proposed changes in pay, terms and conditions, or services. This marks them out from equal pay audits, for example, that take a snapshot of the present.

Equality Impact Assessments are of use in any public sector organisation to anticipate the impact of changes in terms of equality for all groups with the protected characteristics as outlined in the Equality Act 2010.

Under the Equality Duty, public authorities do not have a formal requirement to conduct an Equality Impact Assessments (the draft Scottish specific duties require Equality Impact Assessments and the Welsh duties require appropriate arrangements to be made for the

assessment of impact). But an Equality Impact Assessments is viewed by the Equality and Human Rights Commission (EHRC) as an effective way for organisations to check that they are complying with their general equality duties – their “due regard” to equality. Critically, this assessment of the future impact of decisions must be made before the decision is taken, not retrospectively.

Amongst its guidance on Equality Impact Assessments, the EHRC advises that assessments need input from a range of groups, including trade unions, and that they should be briefed and kept informed about the Equality Impact Assessments.

Unite Reps can use Equality Impact Assessments to assess the impact of policies, procedures or any other decision that affect the gender pay gap, for example cuts and pay freezes. Accurate information about the actual and likely impact of decisions by public sector employers is vital for Unite Reps in negotiating on equal pay.

Unite Reps need to check existing equality policies and equality schemes and whether there is a commitment to undertake a formal Equality Impact Assessments. Reps also need to make sure the union is fully involved and consulted throughout the process and that action is taken to tackle any negative impact of decisions on women’s pay.

Unite has produced a short guide on how members with the support of their reps can submit a grievance for equal pay by using Equality Impact Assessment. You can find this by clicking on this link <https://www.unitetheunion.org/media/3382/action-on-covid-19-equalities-booklet.pdf>

⁶ Gender pay gap reporting: guidance for employers - www.gov.uk/government/publications/gender-pay-gap-reporting-guidance-for-employers

BARGAINING FOR EQUAL PAY Unite Equal Pay Negotiators Checklist

Unite Reps need to ensure the employer makes a commitment to equal pay for equal work and to the action needed to implement this commitment. Resolving equal pay cases can be a lengthy and costly process which should provide an incentive for employers to tackle unequal pay through negotiations rather than through the courts.

Unite aims to ensure employer commitment to equal pay:

- ▶ work with Unite to conduct an Equal Pay Audit to help scrutinise more openly pay rates and jobs, to identify pay gaps and measures to close them; and specifically to agree to:
- ▶ operate a transparent pay system, based on objective criteria and free from sex bias and discrimination on other grounds including race, age, disability, sexual orientation and trans+ identity
- ▶ check for any gender pay gap in the workforce/specific work areas
- ▶ agree action to implement equal pay for equal work in practice
- ▶ provide paid release for Unite equal pay and equality training
- ▶ provide facilities and paid release for union equality representatives

Unite Reps need to ensure:

- ▶ equal pay is on the bargaining agenda – see suggested wording below:
“The company/organisation and the Union are committed to equal pay for equal work between women and men as set out in Equal Pay law, and to operating a pay system which is transparent, based on objective criteria and free from sex bias and discrimination on other grounds including race, age, disability, sexual orientation and trans+ identity. The company/organisation will:
 - 1) check for any gender pay gap in the workforce/specific work areas ☐
 - 2) work with the Union over the next year to conduct an Equal Pay Audit ☐
 - 3) agree action to implement equal pay for equal work in practice ☐
 - 4) provide paid release for union equal pay and equality training ☐
 - 5) provide facilities and paid release for union equality representatives ☐
- ▶ a negotiated joint agreement on equal pay (refer to Unite Model Agreement on Equal Pay in this pack)
- ▶ training for all employees, particularly for managers and personnel staff
- ▶ job criteria do not disadvantage women, such as over-emphasis of physical strength rather than stamina; under-emphasis on caring skills
- ▶ women are not discriminated against and are encouraged to apply for jobs at higher grades and jobs traditionally considered as “men’s work” and ensuring criteria such as length of service do not disadvantage women, particularly where they have to balance work and caring
- ▶ women have equal access to benefits, services and pay enhancements
- ▶ grading and pay systems are transparent
- ▶ job titles reflect the job actually being done, and that members are part of the process by listing all aspects of their work
- ▶ in conducting a job evaluation, all jobs are at the right grade and pay levels

- ▶ public sector organisations: publish sufficient information to show the general duty has been complied with; use procurement to tackle the gender pay gap in the private sector; make reduction of the gender pay gap an objective; carry out regular Equal Pay Audits
- ▶ private sector employers take action on closing the pay gap, using the requirement for gender pay gap analysis and reporting

Some important safeguards on equal pay

Unite Reps should make sure that they are consulted and involved throughout the Equal Pay Audit process. The Equal Pay Audit must be repeated on a regular basis to determine the extent to which the objectives have been achieved. It is vital that if a pay audit is planned in your workplace you should contact your Officer and/or Regional Women’s and Equalities Officer.

Unite Reps need to remember that the primary objective in negotiations on equal pay should be to level up the pay of the lower paid to that of their higher paid comparators. Where a group of workers is found to have been underpaid, you must also consider the issue of back pay. When negotiating on the issue of equal pay, any proposed pay and re-grading agreement should be in line with the union’s objectives and strategy. Before Unite Reps make any recommendation to members it is crucial that they obtain advice from their Officer and/or Regional Women’s and Equalities Officer.

Where the employer’s final offer is less than full equalisation up of pay (including back pay where appropriate), then it is essential you obtain advice from your Officer and/or Regional Women’s and Equalities Officer. Members have legal rights which have to be protected, and full involvement of all the affected members must be ensured, as well as provision of full information and independent legal advice.

For advice on potential individual equal pay claims Unite Reps need to contact their Officer and/or Regional Women’s and Equalities Officer.

DID YOU KNOW? UNITE EQUAL PAY FACTS

History

1832 Equal pay is articulated by women who work in Robert Owen’s ‘labour exchange’ in Gray’s Inn, London. These women are supported by male trade unionists, members of the United Trades Association.

Also, women card setters in Scholes and Highton demand equal pay with men.

1833 Unionised women in the Women Power Loom Weavers Association in Glasgow go on strike for equal pay.

1834 The Grand National Consolidated Trades Union (GNCTU) advocates the demand for equal pay. The GNCTU encourages, with some success the formation of ‘Lodges of Industrious Females’.

1888 Clementina Black, Secretary of the Women’s Trade Union League, secures the first successful equal pay resolution at Trades Union Congress.

1904 Equal Pay League is established which becomes the National Federation of Women Teachers in 1906.

1910 Women Chainmakers win the first minimum wage victory, leading to fairer pay for all.

1915 A conference called by the Women’s War Workers Committee, draws up a comprehensive list of demands including pay parity, the rights to training and trade union membership.

1918 The strike of women tramway workers over the offer of an unequal war bonus is the first Equal Pay strike which is initiated, led and ultimately won by women. This results in the government’s decision to establish a special enquiry as to whether the principle of wage equality between men and women should be applied to all industries.

However, Beatrice Webb as a member of the War Cabinet Committee disagrees with the findings of the Committee's report.

1943 The Equal Pay Campaign Committee, open only to women's organisations, is established with Mavis Tate MP as the chair. Other organisations like NALGO, the British Medical Association, the London County Council Staff Association and the Communist Party are permitted to join the Council.

1944 The government establishes a Royal Commission on Equal Pay. The Commission is established for negative reasons - mainly because the government is not prepared to implement a prior vote of the House of Commons to establish equal pay for teachers.

1946 The Royal Commission on Equal Pay concludes that women in certain grades of the civil service might benefit from equal pay.

1955 After mass public campaigning, including demonstrations and petitions, a scheme is introduced to establish equal rates of pay for men and women doing equal work in the non-industrial civil service. However, this is to be achieved gradually over seven years.

1964 The Labour Party Manifesto calls for a charter of Rights for all employees to include 'the right to equal pay for equal work'.

1965 The TUC Congress passes a resolution reaffirming "its support for the principles of equality of treatment and opportunity for women workers in industry, and calls upon the General Council to request the government to implement the promise of 'the right to equal pay for equal work' as set out in the Labour Party election manifesto".

1968 Ford women sewing machinists start their struggle for equal pay which leads to the passing of the Equal Pay Act 1970. An amendment to a motion on equal pay is

passed calling for TUC affiliates to support any union taking strike action for equal pay. The TUC holds a one-day conference on equal pay in November.

1970 The Equal Pay Act, the first legislation in the UK aimed at ending pay discrimination between men and women, makes it illegal to pay women lower rates than men for the same work. It fully comes into force in 1975.

1976 Trico assembly line women workers went on strike. Their dispute highlighted the loopholes in the Equal Pay Act 1970 and re-affirmed that collective action delivers results. Women won equal pay which was successfully negotiated by the union.

1984 The Equal Pay (Amendment) Act allows women to be paid the same as men for work of equal value.

1986 The speech therapists launch an equal value case that takes fifteen years to resolve.

1988 One of the first equal value claims was brought by Julie Hayward, a qualified cook employed by Cammell Laird. Supported by her union, her male comparators and the Equal Opportunities Commission (EOC), she claimed equal pay for work of equal value with several male craft workers. The case went to the House of Lords and she won the right to higher basic pay.

1997 National Statistics begins recording the gender pay gap.

The Single Status Agreement exposes the discriminatory pay policies of local councils and many tried to avoid implementing the agreements on the grounds of cost and complexity.

1999 The Equal Opportunities Commission (EOC) set up an Equal Pay Task Force to explore the issue of unequal pay, take evidence and make recommendations about how to close the gender pay gap.

2001 EOC publishes its Just Pay Report and found that three main factors contribute to the gender pay gap. These are discrimination in pay, occupational segregation and the unequal impact of women's family responsibilities. The EOC's main concern was to focus on that part of the pay gap which is caused by pay discrimination.

2003 It is agreed that all councils in England and Wales should have at least made a start on implementing the Single Status Agreement by 2007.

2006 Women and Work Commission Report, Shaping a Fairer Future, is published and puts in a number of recommendations for change. These include: that local authorities should reduce stereotypical choices for women, particularly in schools. Also that public sector employers should show how they have put the report's recommendations into practice, in particular on actively promoting quality part-time jobs, supporting women returners' development needs, developing career pathways for women working in lower-paid jobs, undertaking an equal pay review and providing paid time off, support and facilities to a network of union equality reps. The report recommends that private sector companies should take action to make the most difference to most women.

2008 Women's No Pay Day, later called Equal Pay Day, is announced by Fawcett Society. On this day, after applying the full-time gender pay gap, women receive their last payslip of the year and start working for free.

2009 The EHRC publishes the results of its inquiry into the pay gap in the finance sector exposing the massive gender gap in this sector. The EHRC Finance Sector Inquiry revealed that this sector has one of the highest overall gender pay gaps in the UK. It found a pay gap of 39% in annual basic pay and 47% when performance

related pay, bonuses and overtime were taken into account. The full time women workers earned up to 55% less than men. Some women receive around 80% less in performance related pay than male colleagues.

2010 The Equality Act 2010 comes into force, bringing together all discrimination legislation including the Equal Pay Act. It gives ministers the power to require firms with 250 or more workers to disclose average pay for male and female staff as of 2013. The Act also bans secrecy clauses in employment contracts that prevent employees from comparing their wages.

2012 Birmingham City Council women workers such as cooks, carers and cleaners won their equal pay case. This landmark victory established the principle that workers can now bring equal pay claims for up to six years after leaving their employment in the Courts, rather than the Employment Tribunal's restrictive six month limitation.

2017 Gender Pay Gap Reporting was introduced as a legal requirement for companies with more than 250 employees to publish and report on figures about their gender pay gap. The government also launched a Returners Programme to boost skills, and close the gender pay gap. It also launched a one-off £1.5m fund for return-to-work projects in 2018.

2018 Thousands of women employed by Glasgow City Council won their equal pay after taking part in what was believed to be the biggest-ever equal pay strike in the UK.

2021 The Supreme Court ruled in favour of 40,000 women workers at Asda supermarket in what is believed to be the biggest legal action in the private sector. The ruling means women shop floors workers can compare their salary with the men in the warehouses. This case can have repercussion for other supermarkets.

2022 Government launched pay transparency pilot in the job application process to break down barriers for women. Participating employers list salary details on job adverts and stop asking about salary history during recruitment.

Pay Gap

It took around three years after the introduction of the Equal Pay Act 1970 to see some reduction in the gender pay gap. During the next three years after that we saw a sharp decline of 6% for full-time women workers and 5% for part-time women workers. After this period for the next seven years the pay gap either stagnated, decreased very little or even marginally increased. It was not until the late 80’s when the Labour government introduced specific measures that improved women’s pay that the gender pay gap started to decrease steadily and significantly every year.

However, since 2010 conservative government’s attacks on women and men workers jobs and pay and the disproportionate effect of the cuts on women, this picture has changed over the years.

Cuts in the public sector has had a massive impact on women since around two thirds of employees in that sector were women. The loss of thousands of women’s jobs in the public, private and the voluntary sectors has meant that narrowing of the pay gap was short lived.

It is more vital than ever to continue the fight against the cuts and to tackle the pay inequality women face. These are women of different age groups, race, living and working in various industries, regions and sectors. The issues are the same and the message is, close the pay gap for good.

Age and equal pay

Women and men enter the labour market at the same level but within 10 years a significant pay gap appears. There has been a stronger narrowing of the full-time gender pay gap for those aged 22-29 since between 1997 and 2022. However, the gap

widens greatly for those in their thirties and peaks for those in their fifties, before narrowing again in the older age groups.

Regional pay gap

In every year between 1998 and 2022, England had the widest full-time gender pay gap and Wales the narrowest and within England, London and the South East had the widest gaps. Northern Ireland has had the narrowest full-time gender pay gap in the UK since 2002.

Public and private sector

The public sector has a narrower pay gap than the private sector for both full-time and part-time women. Finance sector has the highest full-time pay gap. The part-time gender pay gap is substantially worse in service industries.

Estimates are that a woman who has worked full-time ever since leaving full-time education can still expect to be paid 12% less than an equivalent man after 10 years.

At the present rate of progress it will take decades to close the pay gap and 138 years for large employers. Additionally, it will take more than half a century to close the gender pension gap.

It is also important to recognise the impact of a lifetime gender pay gap. Use the Equality Trust tool⁷ to help you calculate it.

1945 For four generations of women born from 1945-54 to those born from 1975-1984, the gender pay gap starts off low and then rises before declining sharply for older women workers. There has been some improvement but it has been at a slow pace. Currently women born in the 1940s will have much higher gender pay gaps than those entering the labour market now.

1959-1973 The gender pay gap grew between the end of WWII and late 1960’s and improved slightly after 1969.

1968 Ford women sewing machinists started their struggle for equal pay because they were being paid 15% less than men for doing the same work.

⁷ equalitytrust.org.uk/equalpay50/calculate-your-potential-lifetime-earnings-loss

“The root problem of women in trade unions is a wages problem. Its solution will directly lead to the solution of others, and will finally banish from industry the old suspicions and prejudices which set men and women in antagonism and retard the growth of labour solidarity.”

Barbara Drake 1920, Women in Trade Unions

YEAR	FULL-TIME PAY GAP	PART-TIME PAY GAP
1970	36%	49%
1971	36%	48%
1972	36%	48%
1973	36%	48%
1974	34%	46%
1975	29%	42%
1976	27%	41%
1977	26%	40%
1978	28%	41%
1979	29%	42%
1980	28%	42%
1981	27%	42%
1982	28%	43%
1983	28%	43%
1984	27%	42%
1985	26%	42%
1986	26%	43%
1987	27%	44%
1988	25%	44%
1989	24%	43%
1990	23%	43%
1991	22%	43%
1992	21%	42%

YEAR	FULL-TIME PAY GAP	PART-TIME PAY GAP
1993	21%	41%
1994	20%	41%
1995	20%	40%
1996	21%	42%
1997	21%	42%
1998	21%	42%
1999	21%	42%
2000	20%	41%
2001	20%	42.5%
2002	20%	43%
2003	19%	41%
2004	18%	40%
2005	17%	38%
2006	18%	37%
2007	17%	36%
2008	17%	47%
2009	16%	35%
2010	16%	35%
2011	15%	34%
2012 The gender pay gap of 18% for all women workers	14.8%	34%
2013 The gender pay gap of 19% for all women workers	15.7%	35%
2014 The gender pay gap of 17.7% for all women workers	14.2%	34.2%
2015 The gender pay gap of 17.7% for all women workers	14.2%	33%

2016 The gender pay gap of 17.5% for all women workers	13.8%	33.3%
2017 The gender pay gap of 17.2% for all women workers	13.7%	33.2%
2018 The gender pay gap of 17.3% for all women workers	13.9%	33.2%
2019 The gender pay gap of 16.3% for all women workers	13%	31.8%
2020 The gender pay gap of 13.9% for all women workers	10.7%	28.4%
2021 The gender pay gap of 14.7% for all women workers	11.7%	30.3%
2022⁸ The gender pay gap of 13.9% for all women workers	11.3%	29%

⁸ Over the COVID-19 pandemic period, earnings estimates were affected by changes in composition of the workforce and the impact of the furlough scheme making interpretation difficult; also data collection disruption and lower response rates mean that, for 2020 and 2021, data were subject to more uncertainty and should be treated with caution.

PROMOTING FAIR PAY FOR ALL

This guide is about organising for equal pay between men and women. Some women also face multiple pay inequalities. These are equality pay gaps faced by:

- ▶ women, parents and carers
- ▶ black and Asian ethnic minority workers
- ▶ young men and young women
- ▶ older workers
- ▶ disabled workers

- ▶ LGBT+ workers
- ▶ Migrant workers
- ▶ Agency workers
- ▶ Ex-offenders
- ▶ Workers without relevant skills/qualifications

The following Fair Pay and Equality Audit Checklist will also assist you in tackling low pay and promoting fair pay for all.

Please also refer to separate Unite equality guides.

FAIR PAY AND EQUALITY AUDIT CHECKLIST

WHAT?	WHY?	DONE?	ACTION NEEDED IN MY WORKPLACE
Carry out an Equality Audit of the workforce using eg. the sample form after this checklist	To highlight eg. concentration of women in lower grades, lack of progression of black workers, lack of disabled workers	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Bargain for Facilities and Paid release for Union Equality Reps and campaign with government for statutory rights for union equality reps	To strengthen the skills, knowledge and capabilities of the union in advancing equality; to ensure the union has specialist equality support and time		
Bargaining for 100% income for family leave and campaigning with government for this as of right	Family friendly policies are a way towards eradicating poverty. Loss of income at this time leads to hardship long-term		
Eliminating unfair wage rates eg. on grounds of age, gender, ethnic origin, nationality	Unequal pay rates are divisive and can be unlawful		

Ensuring the National Minimum Wage is achieved and improved on Campaigning with government for an increase in the National Minimum Wage	Some workers are unlawfully paid below the NMW eg non-unionised workplaces, migrant domestic workers and homeworkers. Eliminating low pay is a win for Equalities		
Training included as a collective bargaining issue Fully funded training with paid time-off and monitoring who receives training for all	Access to training for all, or lack of it, can have a big impact on pay. Part-time, agency and older workers particularly lose out on training		
Negotiating reasonable adjustments without loss of pay and with clear procedures to check this	Disabled workers have the right to reasonable adjustments to get and keep a job. This should not be at the expense of previous pay rates		
Check women’s pay and equality	There is a gender pay gap in most workplaces		
Check black and Asian ethnic minority workers’ pay and equality	BAEM workers are mostly under-represented in higher grades		
Check young men and young women’s pay	Unfair age rates exist in many workplaces		
Check older workers’ pay	Poverty in retirement mean more older workers at work facing discrimination		
Check disabled workers’ pay and equality	Disabled workers are more likely to be low paid		
Check LGBT+ workers’ pay and equality	Discrimination can result in different level of wages and welfare		
Check migrant workers’ pay	Migrant worker Agencies are discriminating, including in basic rates, housing, travel, Tax and NI		
Check agency workers’ pay	A two-tier workforce is bad for everyone		
Check ex-offenders’ pay	Discrimination is unlawful		

USEFUL RESOURCES AND CONTACTS

UNITE PUBLICATIONS

Union Equality Reps Handbook
Race Equality guide for Unite negotiators
Race Forward Action Pack
Disability Equality at Work – Unite
Negotiators Guide

OTHER ORGANISATIONS

TUC – www.tuc.org.uk
Telephone: 020 7636 4030

Equality and Human Rights Commission
(EHRC) – www.equalityhumanrights.com
Telephone: 020 7832 7800

EHRC Code of Practice on equal pay –
<https://tinyurl.com/ycgo8f7l>

EHRC How to implement equal pay –
<https://tinyurl.com/y8xm7sw6>

Equality Commission for Northern Ireland –
<http://www.equalityni.org>
Telephone: 028 90 500 600

Irish Human Rights and Equality
Commission <https://www.ihrec.ie>
Telephone: 00353 (0) 1 8589601

Government Equalities Office
www.gov.uk/government/organisations/government-equalities-office

UNITE CONTACTS

REGIONAL WOMEN'S AND EQUALITIES OFFICERS

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North East, Yorkshire and Humberside
0113 236 4830

West Midlands
0121 553 6051

East Midlands
0116 253 2020

London and Eastern
020 8800 4281

South East
01753 313 820

South West
0117 923 0555

Scotland
0141 404 5424

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Belfast 02890 232 381
Dublin 00353 18734577

Wales
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