



Equal Pay Act 1970

Key Facts

- The Equal Pay Act makes it unlawful for employers to discriminate between women and men in terms of their pay and conditions where they are doing the same or similar work; work rated as equivalent; or work of equal value.
- The Equal Pay Act applies to pay or benefits provided by the contract of employment.
- The Government has introduced a package of measures in recent years to improve the way equal pay legislation works.

Next steps

- The Women and Work Commission considered how the gender pay and opportunities gap can be tackled, including looking at how equal pay legislation works. The final report and recommendations were published in February 2006 and a report highlighting how Government is taking forward the recommendations was published in September 2006.
- In 2005, the Government announced an independently conducted Equalities Review to investigate the causes of persistent discrimination in society and make practical recommendations for changes to public policy and inform the modernisation of our equality legislation. The interim report was published in March 2006. In parallel to this, at the time the Communities and Local Government's Women and Equality Unit led a Discrimination Law Review, the aim of which was to consider the opportunity for creating a clearer and more streamlined equality legislation framework. Following responses to the consultation on the Equality Bill green paper, which concluded in September 2007, the Government is carefully considering the responses and will publish its response in due course.

Frequently asked questions

Q1. I think that I am being paid less than my colleagues (of the same sex) – does the EPA apply in these circumstances?

No. The Act applies to both men and women, but in order to bring a claim, a person must compare themselves with an actual person of the opposite sex (their 'comparator'). The EPA does not allow for same sex comparisons because the purpose of the Act is to eliminate sex discrimination in terms of pay and contracts of employment. An employer can only pay a man more than a woman for doing equal work if there is a genuine and material reason for doing so, which is not related to sex.

Q2. What legislative changes have the Government made to tackle unequal pay?

The Government has introduced a number of legislative measures to tackle unequal pay including:

- An Equal Pay Questionnaire was introduced in April 2003 to help individuals who believe they may not have received equal pay to request key information from their employers to establish whether this is the case and, if so, the reasons why.
- The Equal Pay Act 1970 (Amendment) Regulations, which came into force in July 2003, lengthen the time limits for bringing cases and for which arrears payments can be made under the Equal Pay Act.
- In October 2004, the Government introduced new tribunal procedures to help simplify 'equal value' cases. The Equal Pay Act was also amended to limit the circumstances in which a tribunal could refuse to consider an equal value claim.

Q3. Equal pay legislation is over 30 years old, but the gender pay gap still persists – what plans are there to review the Equal Pay Act?

The existing legislation has made a vital contribution to reducing the gender pay gap, however, the Equal Pay Act only addresses one aspect of the causes of the gender pay gap – that of unequal pay. It does not tackle issues such as job segregation, differences in education and qualifications, differences in length of work experience and the cultural barriers women face when returning to the labour market.

The Women and Work Commission has made recommendations to the Government in relation to tackling the gender pay gap. The report is available at

http://www.womenandequalityunit.gov.uk/publications/wwc_shaping_fairer_future06.pdf

The Discrimination Law Review, undertaken by Communities and Local Government, examined the current anti-discrimination legislative framework, including the Equal Pay Act 1970, and developed proposals for a more modern, coherent and effective legal framework for tackling discrimination.

Q4. I feel that I am being paid less than my colleagues because I am a man/woman, can you please give me some advice?

Unfortunately we are unable to comment on individual cases. If you feel that you are being discriminated against, we would recommend that you contact the Equality and Human Rights Commission, who provide information and advice on this area. Their details are as follows:

The Equality and Human Rights Commission (EHRC) Helpline
Freepost RRLG-GHUX-CTR
Arndale House,
Arndale Centre,
Manchester M4 3EQ.

Tel: 0845 604 6610

Website: www.equalityandhumanrights.com

Q5. What do I do if I want to make a complaint?

In the first instance it is likely to be in everyone's interest to try and resolve any problems within the workplace using the formal grievance procedure. However, anyone who considers that they have been discriminated against can make a claim. There is no age or length of service requirement to present a claim, and the claimant does not have to work any specified number of hours.

In employment and vocational training claims, there is a formal shift in the burden of proof. It is first up to the claimant to establish facts which could, in the absence of an adequate explanation from the respondent, lead to a conclusion that there had been discrimination. The burden of proof then shifts from the claimant to the respondent to show that there is a non-discriminatory reason for their actions.

If a person has an equal pay complaint, they can use the equal pay questionnaire (available at http://www.womenandequalityunit.gov.uk/pay/update_question.htm) to obtain more information from their employer about differences in their rates of pay and those of someone of the opposite sex who is doing the same work, work rated as equivalent to their own or work of equal value.

There are strict time limits within which a claim must be brought. Equal pay claims must be made to an Employment Tribunal. An application can be made to the Tribunal a) at any time while the applicant is doing the job to which the claim relates; or, b) within 6 months of leaving that job (the time limit for bringing equal pay claims can be extended in limited and specific circumstances).

Q6. Why doesn't the government make pay reviews mandatory?

The Government has adopted a voluntary approach to pay reviews outside the Civil Service. However, we believe it is in a firm's best interest to do pay reviews.

We believe that the best way to achieve lasting change is through working alongside the business community, employers, trade unions and the Equality and Human Rights Commission (EHRC) to promote voluntary equal pay reviews.

The Women and Work Commission considered the case for mandatory equal pay reviews but could not agree. The Commission therefore pointed to a range of other practical measures that employers could take.

The Government is carefully considering responses (which included representations for mandatory equal pay reviews) to the Equality Bill consultation which concluded in September 2007, and will publish its response in due course.

Further information

Further information about equal pay legislation can be found on the Government Equalities Office website: www.equalities.gov.uk/legislation.

Other sources:

Equality and Human Rights Commission (www.equalityhumanrights.com)

Employment Tribunals Service (www.employmenttribunals.gov.uk)

Acas (www.acas.org.uk)

Government Equalities Office
www.equalities.gov.uk
0207 944 4400

