

Equality and
Human Rights
Commission

Scotland
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Ontario Pay Equity Commission Conference 5 November 2008 The UK Equal Pay Scene

Muriel Robison

Equality and Human Rights Commission
Great Britain

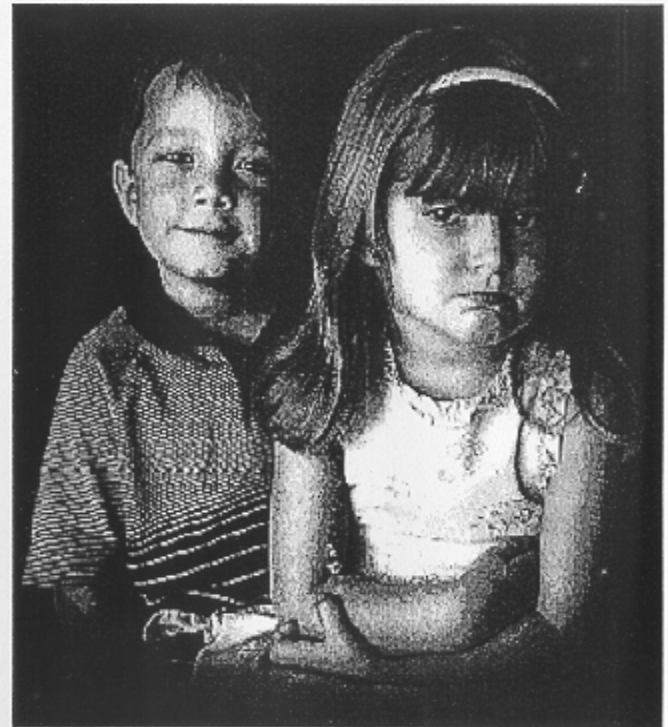


EQUAL
OPPORTUNITIES
COMMISSION

**Prepare your
daughter for working life.**

**Give her less pocket
money than your son.**

After 29 years of equal pay law, women's
wages are still 20% lower than men's



Equal Opportunities Commission

St Stephens House, 279 Bath Street, Glasgow, G2 4JL, www.eoc.org.uk

Equality and Human Rights Commission

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- Established October 2007
- Equal Opportunities Commission
- Commission for Racial Equality
- Disability Rights Commission
- With extended remit to cover sexual orientation, age and religion or belief discrimination
- And Human Rights

Equal Opportunities Commission

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- Established in Britain 1975
- To promote gender and pay equality
- Oversee the operation of the Sex Discrimination Act 1975
- And the Equal Pay Act 1970
- And seek to enforce the Act by supporting individuals to take claims in the courts

Equal Pay Act 1970

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- Britain joins the “Common Market” (now European Union) in 1972
- Equal Pay Act 1970 designed to implement European obligations requiring equal pay for equal work
- Set out in Article 119 of the Treaty of Rome
- Five year lead in time
- Coming into force in 1975 with SDA

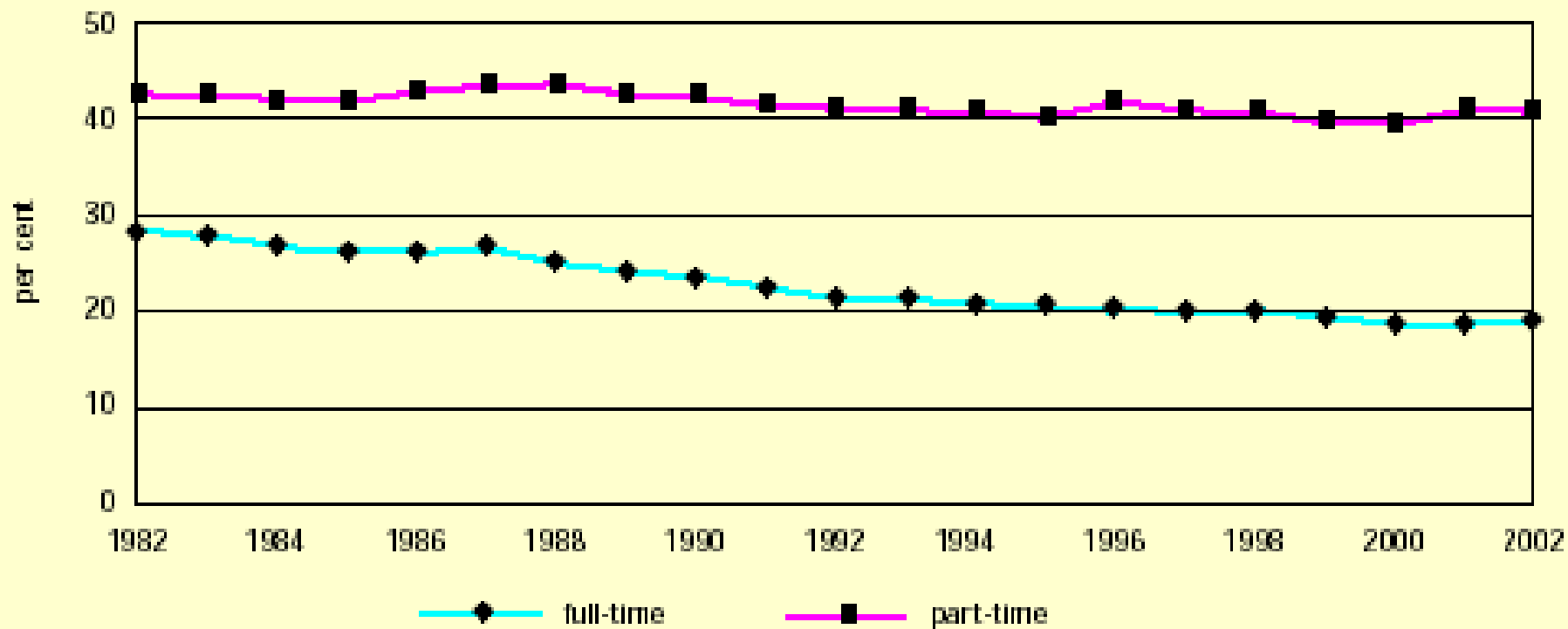
The Equality Clause

- “Equality clause” implied into every contract of employment
- Where a woman is employed on
 - Like work
 - Work of equal value
 - Work rated as equivalent
- With a male comparator working in the “same employment”
- Unless the employer has a material factor defence

Enforcing the Act

- Where an individual believes that there is a breach of the equality clause
- She can pursue a claim in the employment tribunal
- And claim equal terms and conditions with her male comparator
- And seek back pay of up to five years
- Support from EOC or unions

Gender pay gaps, GB, 1982-2002

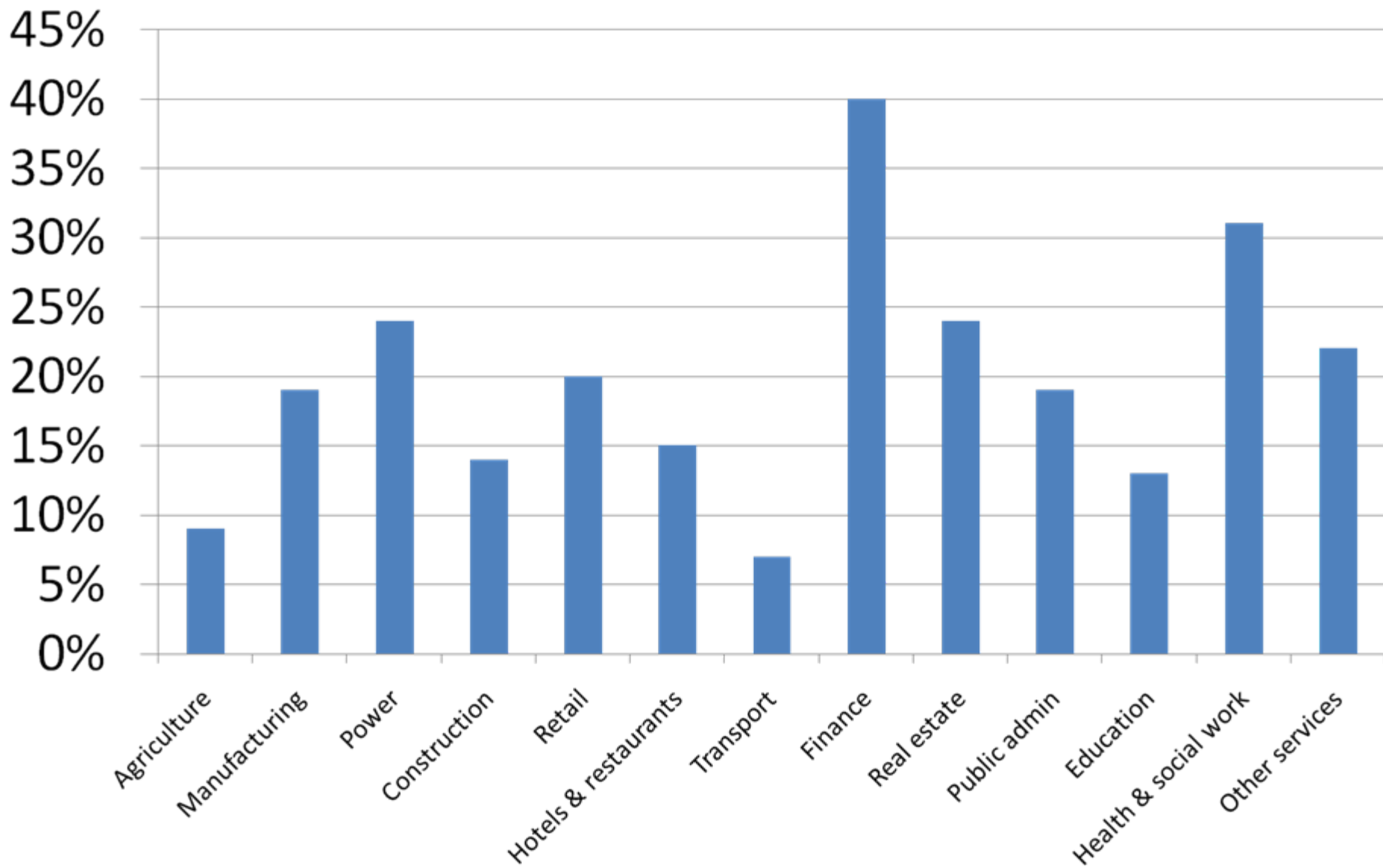


Source: New Earnings Survey, 1982-2002, Office for National Statistics.

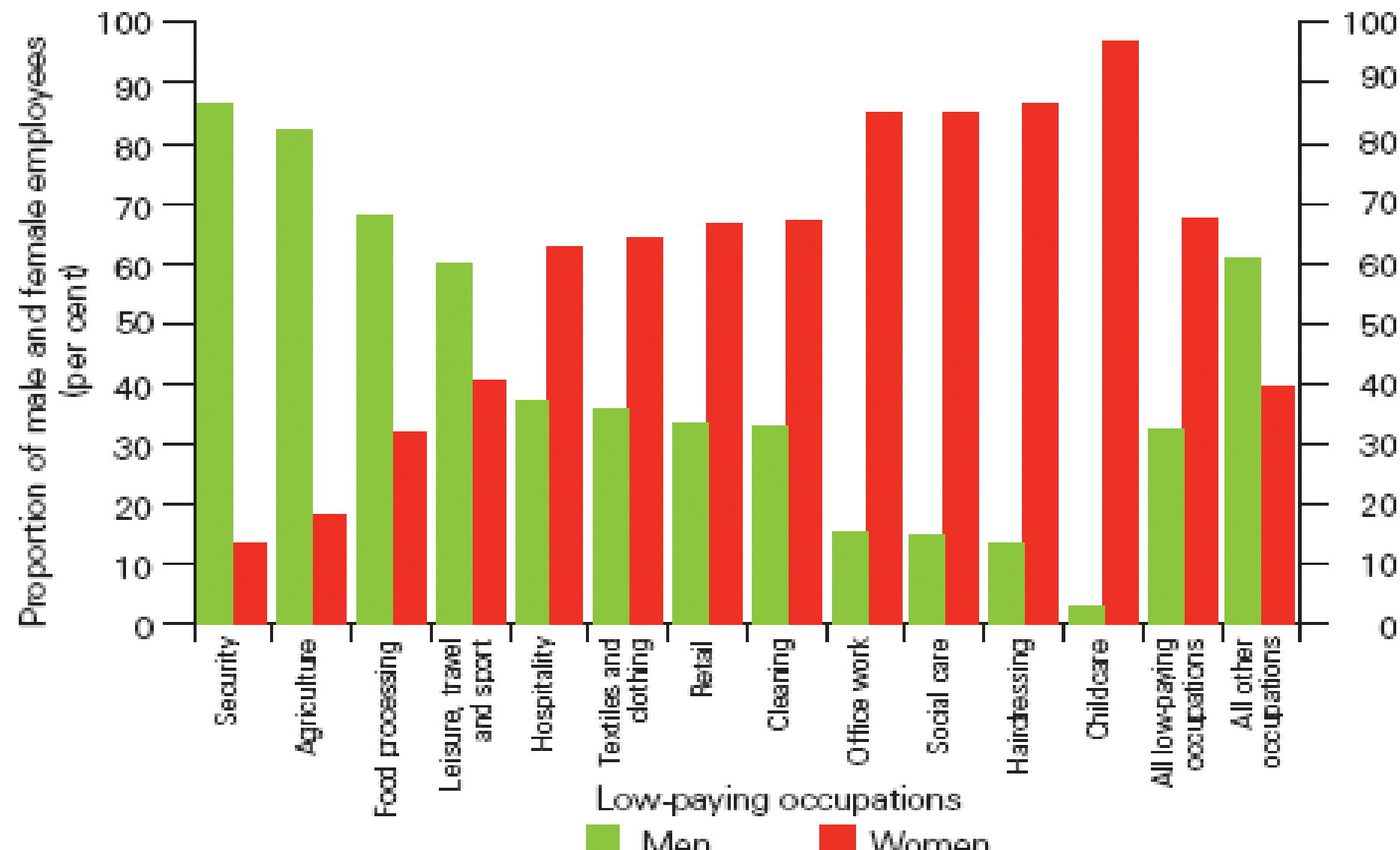
Overall gender pay gaps, UK, April 2007

	Women	Men	Gender pay gap
Hourly earnings			
Full-time	12.40	14.98	17.2%
Part-time	9.65		35.6%
Weekly earnings			
Full-time	462.8	606.1	23.6%
Annual earnings			
Full-time	24.1	33.7	28.6%

Full-time gender pay gap by industry, UK April 2007



Occupational segregation



Deficiencies of the EPA

- Emphasis on challenges by individuals
- Cost and complexity of the law
- Limited scope of comparisons
- Excessive delays in completing cases
- Lack of awareness of the law
- Lack of understanding of “equal value”
- Lack of incentive for employers
- Limited interest by unions

Equal Pay on the EOC's agenda

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- EOC's Equal Pay Task Force established 1999
- identifies the complex causes of unequal pay
 - Occupational segregation
 - Discrimination
 - Unequal burden of family responsibilities
- Recommends mandatory pay audits
- And Code of Practice and Guidance for Employers

Government's response

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- Kingsmill Review reports 2003
- Women and Work Commission reports 2006
- Government's response to Women and Work Commission April 2007

Equal pay moves up the political agenda

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- Agreements in local government and NHS to implement new job evaluation exercises to ensure equal pay for work of equal value
- Delays in implementation
- Result in 100,000 claims being lodged in the employment tribunals
- Employers strongly defend cases
- Massive liability for back pay and future claims

Proposals for the future

- Single Equality Act proposed
- Government's proposals are very limited
- Calls for much more fundamental change
- Collective solutions
- Public sector duties to implement pay equality
- Adjudicatory mechanism