



## Equal pay: Employee guide

### Description

## Introduction

**Equal pay** is a complicated topic. Here is a brief guide simplifying the law.

### **Equal pay does not mean automatic right to the same pay as colleagues**

The first thing to be aware of is that you are not entitled to the same salary as colleagues as a matter of course. There is no automatic right to **equal pay**.

The law protects employees from being discriminated on the grounds of certain protected characteristics including sex, race, disability and age – and there is also equal protection for contractual pay between the sexes. However, if say two men are doing a similar job for an organisation and getting paid differently – and there is no discrimination – it would be very difficult for the man being paid less to seek legal redress.



### **Equal pay between men and women**

Unequal treatment between men and women in terms of pay and conditions of employment is of

course unlawful.

Our equality legislation provides that employers must give men and women **equal pay** if they are employed on equal work being like work, work rated as equivalent or work of equal value. An employer can defend an **equal pay** claim by showing that the difference in contractual terms is due to a material factor which is neither directly nor indirectly sex discriminatory. Material factor examples could include things such as seniority, length of service and past performance.



In many cases employees will be doing different jobs to their colleagues but it might, for instance, be possible in certain cases to argue that the jobs are of equal value.

## What steps should you be taking if you believe you are being underpaid?

If you think you are being underpaid compared to colleagues there are a number of steps to consider.

You could of course ask your colleague who you suspect is earning more than you to disclose their pay. Employment contracts may prohibit employees from discussing their pay with colleagues. However, employers are not able to enforce secrecy clauses if an employee is attempting to find out if they are being paid less than their colleague because of discrimination.



It might be appropriate to raise your pay concerns informally with your manager or human resources.

## Bringing a claim

Before bringing a claim in the employment tribunal or courts for **equal pay**, normally it would be appropriate to raise a [grievance](#) and allow your employer an opportunity to investigate your allegations. You may also be required to follow the Advisory, Conciliation and Arbitration Service ([Acas](#)) early

conciliation process prior to bringing a claim.

Pursuing a claim for **equal pay**/discrimination is not straight forward and you ought to obtain legal advice at the earliest opportunity. There are many issues to consider such as the type of claim to be brought, where to bring the claim and time limits.

This guide is intended for guidance only and should not be relied upon for specific advice.

If you need any advice on **equal pay** or have queries relating to other employment law issues please do not hesitate to [contact](#) me on [020 37971264](tel:02037971264).