

# Human Resources

## EQUAL PAY

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South Yorkshire  
Fire & Rescue  
WORKING FOR A SAFER  
SOUTH YORKSHIRE

# EQUAL PAY

## INTRODUCTION

1. South Yorkshire Fire and Rescue Service (SYFR) believe that an integral feature of any successful organisation is its ability to identify the need for change and to manage that change whilst taking into account management objectives as well as the aspirations and well being of its employees.
2. SYFR is committed to the principles of equal pay for work of equal value for all of its employees and understands that equal pay between men and women is a legal right under both UK and European law.
3. It is in the interest of the organisation to ensure that it has a fair and just pay system which is transparent and is based on objective criteria that helps in the control of costs.
4. SYFR believes that in eliminating bias in our pay system it is sending a positive message to our employees and the wider community.
5. As a member of the Dignity at Work Partnership<sup>1</sup>, SYFR is committed to promoting a positive working environment where the dignity and respect, to which all employees are entitled, is not undermined. No employee should be treated less favourably on the grounds of race, gender or gender reassignment, disability, sexual orientation, religion or belief, colour, nationality, national or ethnic origin, marital/parental status, family ties, trade union or political belief, hours worked, or any other reason, either directly or indirectly.
6. SYFR recognises that avoiding unfair discrimination will improve morale and enhance efficiency.

## WHAT IS MEANT BY EQUAL PAY?

7. Equal pay is an aspect of sex discrimination law and has been in force for over 30 years. It gives the right for men and women to be paid the same for the same, or equivalent, work. Where men and women are paid at different rates for the same, or similar, work, the employer must prove that there is a reason for it which is not gender related. Equal pay law does not give a right for people of the same gender to be paid equally for the same work.

## LEGISLATION

8. The law on equal pay in the UK is principally contained in the Equal Pay Act 1970, though this has been amended by the Sex Discrimination Act 1975 and subsequently. The law was strengthened by the Equal Pay (Amendment) Regulations 1983 (SI 1983/1974) which introduced the concept of equal pay for work of equal value, and by the Employment Act 2002.
9. Depending on the particular circumstances, a number of other pieces of legislation can give rise to claims related to pay discrimination. They include the:

<sup>1</sup> The Dignity at Work Partnership is a partnership between the Government, Unite (the UK's largest union) and major public and private organisations. For further information on the Partnership, see [www.dignityatwork.org](http://www.dignityatwork.org)

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- Race Relations Act
- Disability Discrimination Act
- Employment Equality (Age) Regulations 2006
- Pensions Act 1995
- The Part-Time (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed-Term employees (Prevention of Less Favourable Treatment) Regulations 2002

10. The principle of equal pay for equal work originated in Europe and can be found within Article 141 (formerly 199) of the Treaty of Rome which provides that men and women should receive equal pay for equal work. UK courts and tribunals must therefore interpret the Equal Pay Act 1970 and other legislation in a way that is consistent with Article 141.

### DEFINITIONS

11. For the purpose of this policy and in line with relevant legislation, pay is defined by Article 141 of the Treaty of Rome as:

“The ordinary basic or minimum wage or salary and any other consideration, whether in cash or kind, which the worker received directly or indirectly, in respect of his/her employment from his/her employer”.

12. Pay, therefore includes pensions, discretionary bonuses and sick pay as well as other additional benefits.

13. The following terms are contained in equal Pay legislation:

- ‘*Like work*’ is defined as work which is the same or broadly similar
- ‘*Work rated as equivalent*’ is defined as work which has achieved the same or a similar number of points under a job evaluation scheme
- ‘*Work of equal value*’ is defined as work which is of broadly equal value when compared under headings such as effort, skill and decisions.

### THE RIGHT TO EQUAL PAY

14. The law gives a woman the right to be paid the same as a man (and vice-versa) for:

- a. like work, or
- b. work rated as equivalent by analytical job evaluation study, or
- c. work of equal value

15. The right applies to employees, and also to anyone with a contract personally to carry out any work or labour.

16. In order to bring a claim before an employment tribunal for breach of the Equal Pay Act, an applicant must be able to find a ‘comparator’. A comparator is a person of the

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opposite gender, working for the same employer, doing like work (or work rated as equivalent, or work of equal value) who is paid more, or has more beneficial terms and conditions of employment, than the person bringing the claim. Unlike other forms of discrimination law, there needs to be an actual comparator, not just a theoretical one.

17. The comparator can be someone working for the employer at the same time, or in the past or the future. Hence, a person can compare themselves with a predecessor or successor in the same job. However, the time limit for bringing a claim in the employment tribunal is six months from the date the applicant ceased to be employed by the employer.

### MAKING AN EQUAL PAY CLAIM

18. Equal pay claims are dealt with by employment tribunals. An employee may bring a claim up to six months after leaving employment.
19. The person bringing the claim must show that, on the face of it, they are being paid less than a person of the opposite gender doing the same work.
20. The tribunal can order the following:
  - a declaration of the claimant's rights
  - equalisation of their contractual terms for the future
  - arrears of pay for up to six years

### THE EMPLOYER

21. To defend a claim, an employer must be able to show:
  - that the person bringing the claim and the comparator are not engaged in 'like work', or
  - that a bona fide and non-discriminatory job evaluation scheme has been conducted and the work is not 'rated as equivalent', or
  - that the work is not of equal value', or
  - that any difference in pay is genuinely due to a material factor or difference other than the difference of gender.
22. The employer has a defence to an equal pay claim if it can show that, although men and women are being paid differently for the same or similar work, the reason is due to a 'genuine material factor'. This genuine material factor must not itself contain any element of sex discrimination. An employer may be able to show the wage differences are a result of skill shortages.

### IMPLEMENTATION

23. South Yorkshire Fire and Rescue will operate a pay system which is transparent, based on objective criteria and free from bias.
24. South Yorkshire Fire and Rescue will:

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- Implement regular equal pay reviews in line with EOC guidance for all staff
- Monitor starting pay for new staff
- Assess and review the findings of the equal pay review and take action where necessary
- Plan and Implement actions
- Provide training and guidance for those involved in determining pay and benefits
- Continue to utilise job evaluation initiatives and benchmarking, and to develop such initiatives throughout the organisation for all staff, where appropriate
- Continue to examine existing and future pay practices for all staff to ensure that they comply with best equal pay practice
- Respond to grievances on equal pay
- Monitor pay statistics regularly

### RESPONSIBILITIES & MONITORING

25. Enquiries about the lack of equal pay should, in the first instance be made to the relevant Head of Service. If however, the member of staff feels that this is inappropriate he/she may contact Human Resources who will deal with the enquiry confidentially. If these informal approaches do not satisfy the employee the employee may submit an Equal Pay Questionnaire to the Human Resources Section.
26. Human Resources will be responsible for areas referred to in point 24 of this policy.

### OTHER RELATED POLICIES

27. This policy applies to all employees of South Yorkshire Fire and Rescue and should be read and used in conjunction with the associated documents listed below:
- Job Evaluation Policy
  - Pay Protection Policy
  - Moving to a Role Based Structure (Station based staff) Information Booklet

***If you require any further guidance on this Policy please contact the Human Resources Function.***