

Equal pay and the law

By law, men and women must get equal pay for doing 'equal work'. This is work that equal pay law classes as the same, similar, equivalent or of equal value.

This means someone must not get less pay compared to someone who is both:

- the other sex to them
- doing equal work for the same employer or an 'associated' employer

Employers are 'associated' if any of the following apply:

- one of them has control over the other
- both are controlled by another organisation – for example a parent company
- a single organisation is able to set the terms and conditions for both

Equal pay law applies to pay and contractual terms and conditions, including:

- basic salary
- basic wages
- pension
- working hours
- annual leave allowance
- holiday pay
- overtime pay
- redundancy pay
- sick pay
- performance-related pay, for example a bonus that's in the employment contract
- benefits, for example gym membership or a company car

Equal pay law is covered by the:

- Equality Act 2010
- [Equality and Human Rights Commission \(EHRC\) Statutory Code of Practice on equal pay](#)

Who has a right to equal pay

Equal pay applies to:

- employees
- workers
- apprentices
- agency workers
- full-time, part-time or temporary contracts

- self-employed people who are hired to personally do the work

What counts as equal work

By law, 'equal work' counts as either:

- 'like work' – work where the job and skills are the same or similar
- 'work rated as equivalent' – work that's found to be equivalent, usually using a job evaluation process. This could be because the level of skill, responsibility and effort needed to do the work are equivalent
- 'work of equal value' – work that is not similar but is of equal value. This could be because the level of skill, training, responsibility or demands of the working conditions are of equal value

Some jobs can be classed as equal work, even if the roles seem different. For example, a clerical job and a warehouse job might be classed as equal work.

When differences in pay might be allowed

Differences in pay and other terms and conditions might be allowed in some circumstances. For example, someone might get paid more than someone of the other sex who does similar work. This could be because:

- they're better qualified, if their skills are crucial to the job and hard to recruit
- of where they are located – for example, in London where the cost of living is higher
- they do different shifts, and the employer has a good reason to pay one shift more than another shift

Getting paid more must have nothing to do with someone's sex.

If any circumstances only account for part of the difference in pay, someone might still have an equal pay case.

Every case depends on the individual circumstances. This can be a complex area so it's best to:

- [get legal advice](#)
- check the [EHRC statutory code of practice on equal pay](#)

Example of paying someone more for similar work

A woman who is better qualified and skilled might get paid more than a man doing similar work. If there's an equal pay case, the employer might have to prove, for example, that the woman's qualifications and skills are crucial for the job, and that they had difficulties hiring and keeping people in the job now done by the woman. But getting paid more must have nothing to do with their sex.

Equal pay and other forms of discrimination

By law, employers must not pay an employee less, or give them terms and conditions that put them at a disadvantage, because of disability, race, religion or belief, sexual orientation or another 'protected characteristic'.

Part-time workers

Part-time employees and workers are entitled to the same rates of pay as people who do the job full time.

By law, part-time employees and workers are protected from being treated less favourably than a full-time 'comparator'.

[Find out more about part-time workers' rights](#)

Paying part-time workers less than full-time workers could also be indirect sex discrimination. This is because generally more women than men work part time.

Indirect sex discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of their sex.

[Find out more about indirect discrimination](#)

Gender pay gap reporting

Equal pay and gender pay gap reporting are not the same thing.

The 'gender pay gap' is the difference in average earnings between women and men. Employers with more than 250 staff must report their organisation's gender pay gap.

[Find out more about gender pay gap reporting](#)

If you think there's an equal pay issue

Employers can prevent many equal pay issues by being clear and open with staff about pay and contractual terms and conditions.

Employees should talk to their employer to try and resolve the issue if they feel they're not getting equal pay.

Find out more about:

- [employers – handling and preventing equal pay issues](#)
- [employees – what to do if you're not getting equal pay](#)