

# Are you getting equal pay?



Women. Men. Different. Equal.  
Equal Opportunities Commission

Equality and  
Human Rights  
Commission

[equalityhumanrights.com](http://equalityhumanrights.com)

# Are you getting equal pay?

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**Women and men have a right to be paid equally for doing the same job or for doing work of equal value.**

## **Unequal pay usually comes in two forms:**

- 1.** Women being paid less than men for doing the same or a similar job.
- 2.** Women being paid less than men for doing work of equal value. A job of equal value would be a job which is different but which requires the same levels of skill, knowledge, effort and responsibility.

As an employee, you have a right to equal pay regardless of your type of contract. Your right to equal pay covers basic pay, bonuses, overtime, holiday pay, sick pay, performance related pay and occupational pensions.

**You may decide that you are being paid unfairly if:**

- you are appointed on a lower rate of pay than a male colleague doing similar work.
- a male colleague receives a bonus or pay rise which you don't get because you are on maternity leave.
- you realise that you have a different job title and grade to a man doing similar work.
- you find that you have no entitlement to sick pay, holiday pay or pension benefits because you work part-time.
- you are being paid less per hour than a man doing the same work full-time.
- your employer puts employees on individual contracts and tells you not to discuss the details.

Finding out whether you're being paid unequally is difficult. Many people find out by discussing wages with their colleagues.

**In law, to prove an unfair pay gap, you must show:**

- that the person getting more pay than you is of the opposite sex.
- that they are in the same employment.
- that you are doing the same or similar work or a job of equal value or a job that has been rated as equivalent under a job evaluation scheme.
- that your employer can't justify the difference in pay.

**If you think you are being paid unequally, take the following steps:**

Gather information on the person's job that you are comparing your role with.

This information will include:

- job title.
- job description.
- qualifications.
- length of service.
- hours.
- pay.

You can use an equal pay questionnaire (available from the Commission's website) to ask your employer for this information and why you are being paid less.

Your union may be able to assist you with gathering this information.

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*For further information on equal pay, visit the Commission's website, call our helpline, or contact your union.*

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You could take your evidence to your manager or employer, explain that you think you are being paid unfairly compared to a colleague of the opposite sex, and ask them to explain the difference.

There may be a good reason for the pay difference but, if you are not satisfied with the response from your employer, then you may decide to take your complaint to an employment tribunal. You must have followed the statutory grievance procedure. In most cases, the time limit for doing this is within six months of leaving the employer concerned, or of a fundamental change to your contract. The SGP extends your time limit by a further three months. Special rules apply in certain cases.

The law will also protect you if you are treated badly as a result of questioning the fairness of your pay.

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### **Additional information is available from:**

Acas:  
**[www.acas.org.uk](http://www.acas.org.uk)**

Amicus:  
**[www.amicustheunion.org](http://www.amicustheunion.org)**

The Chartered Institute of  
Personnel and Development:  
**[www.cipd.co.uk](http://www.cipd.co.uk)**

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The Equality and Human Rights Commission gives information and advice about age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation.

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This leaflet can be downloaded from our website:  
**[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**

If you require this leaflet in a different format, for example large print, contact our helpline.

This leaflet was originally produced by the Equal Opportunities Commission which, from 1 October 2007, became part of the Equality and Human Rights Commission.

While every effort has been made to ensure that the information in this reprinted publication is correct, the Equality and Human Rights Commission cannot guarantee its current factual or legal accuracy, and cannot take responsibility for any loss arising out of its use.

## Contact us:

You can find out more or get in touch with us via our website at: [www.equalityhumanrights.com](http://www.equalityhumanrights.com) or by contacting our helpline:

**Telephone: 0845 604 6610**

**Textphone: 0845 604 6620**

**Fax: 0845 604 6630**

Mon, Tue, Thur, Fri: 9am–5pm.

Wed: 9am–8pm

Free, confidential advice and information

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary. Calls may be monitored for training and quality purposes. Interpreting service available through Language Line, when you call our helpline.

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