Equal pay

By law, men and women must get equal pay for doing 'equal work' (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 opposite sex
- doing equal work for the same employer

Equal pay law applies to pay and terms and conditions of employment, 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 and the Equality and Human Rights Commission (EHRC) statutory code of practice on equal pay.

1. 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 rated as equivalent, usually using a fair job evaluation. 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, it might be possible for someone to be paid more than someone of the opposite sex who does similar work 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 night shifts, and the employer can prove that they can only cover night shifts by paying staff more

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

Example
A woman might get paid more than a man doing similar work because they’re better qualified and skilled for the job. 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 be nothing to do with their 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, and this can be a complex area so it’s best to:

• get legal advice
• check the EHRC statutory code of practice on equal pay

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 their disability, race, religion, sexual orientation or another ‘protected characteristic’.

Find out more about protected characteristics, discrimination and the law.

Gender pay gap reporting

Equal pay and gender pay gap reporting are not the same thing. A gender pay gap is the average difference in pay between men and women, for example across an organisation. Employers with 250 or more employees must publish figures about their gender pay gap.

Find out more about gender pay gap reporting (PDF, 552KB, 37 pages)