

Preventing equal pay issues

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

To reduce the risk of unequal pay, it's good practice to:

- have an equal pay policy
- have up to date job descriptions that accurately describe the work that staff do
- make sure that men and women who do the same work do not have different job titles
- be consistent when deciding people's pay and contractual terms and conditions, for example have 1 pay structure for the business and limit who can decide on salaries for new staff

[Read about risky practices for equal pay on the Equality and Human Rights Commission \(EHRC\) website.](#)

2. Having an equal pay policy

An equal pay policy can help you be clear and open with staff about your policy on pay and other terms and conditions.

An equal pay policy should say how you:

- will try to achieve equal pay
- will check whether the policy is working
- will deal with any complaints about equal pay
- are committed to resolving any unequal pay issues in your workplace

The policy should be clear and easy for staff to understand. If the workplace has a trade union or employee representatives, you should agree the policy with them.

[Find out about equal pay policies on the EHRC website.](#)

Checking for equal pay issues

You can check for equal pay issues in different ways, depending on how many staff you have.

If you have 50 or more staff

You can check for issues by doing an 'equal pay audit' if you have 50 or more staff.

You can audit the whole workplace, or just one department to start with if it's the first one you've done. You should share the results with staff included in the audit.

To do an equal pay audit, you'll need to:

- check if there are people doing 'equal work' (work that equal pay law classes as the same, similar, equivalent or of equal value)
- carry out job evaluations, where needed, to measure the value of different jobs and identify any that count as 'equal work'

- find out about [job evaluations from EHRC](#)
- gather details on pay and contractual terms and conditions for people doing 'equal work' to see if there are any differences between men and women
- if there are differences, check the reasons for them and if they're legal or illegal – this can be a complex area so it's a good idea to get legal advice
- decide on an action plan – for example, resolving any cases of unequal pay as soon as possible

If the workplace has a trade union or employee representatives, you should consult them when:

- carrying out an equal pay audit
- deciding how to resolve any cases of unequal pay

[Find out how to do an equal pay audit on the EHRC website.](#)

If you have fewer than 50 staff

You can check for equal pay issues by doing an 'equal pay review' if you have fewer than 50 staff. An 'equal pay review' has fewer steps than an 'equal pay audit'.

To do an equal pay review, you'll need to:

- check if there are people doing 'equal work'
- gather details on pay and contractual terms and conditions for people doing 'equal work' to see if there are any differences between men and women
- decide on an action plan - for example, resolving any cases of unequal pay as soon as possible

You should share the results with staff included in the review.

[Find out how to do an equal pay review on the EHRC website.](#)

Risk of legal action against you

If someone feels they are not getting equal pay, they might be able to [make a claim to an employment tribunal](#) for equal pay.

They might also be able to make a claim for sex discrimination, if they feel they were also treated unfairly because of their sex.

To make an equal pay claim, they must compare their pay and contractual terms and conditions against someone else (a 'comparator'). The comparator must:

- be of the opposite sex
- do 'equal work'
- work for the same employer

More than one comparator can be used. A comparator can be someone who currently works for you, or someone who used to.

An employment tribunal judge will consider factors including:

- whether the person making the claim is doing equal work, compared to a comparator
- any differences in pay and contractual terms and conditions between the person making the claim and their comparators
- if you followed the [EHRC statutory code of practice on equal pay](#), for example if you've checked for equal pay issues

If you lose an equal pay claim, you can be forced to carry out an equal pay audit and publish the results. This does not apply to

employers with less than 10 staff, or employers less than 1 year old when the equal pay complaint was made.

Further help and support

If you need help with an equal pay issue you can get:

- [tailored support from Acas](#)
- [legal advice](#)

You can also book [Acas training on equality, diversity and inclusion](#).