

Job evaluation: considerations and risks



booklet

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Job evaluation: *considerations and risks*

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About this booklet

This booklet focuses on the preparation period before embarking on job evaluation. It aims to help you answer the following questions:

- **what** is job evaluation?
- **why** should you consider carrying out job evaluation in your workplace?
- **how** do you prepare for job evaluation?

Acas advocates that organisations have defensible grading structures free from sex discrimination.

We take a close look at the key issues you need to address before deciding whether job evaluation is right for your organisation.

Acas advisers have extensive experience and knowledge of building job evaluation schemes. They can help you consider these issues and associated risks.

Having worked through all the issues you might decide:

- not to undertake job evaluation
- to put job evaluation ‘on hold’ until a more appropriate time
- to carry out job evaluation as soon as possible.

The booklet also explains how **analytical job evaluation** works in practice and discusses in more detail the use of factor plans. Non-analytical job evaluation schemes such as ‘paired comparisons’ or ‘job ranking’ do not provide a defence against equal value claims and are not included in this guide.

For further information or guidance relating to anything raised in this booklet. Please contact the Acas Helpline 0300 123 1100 (Open Monday – Friday 8am-8pm & Saturday 9am-1pm), or visit www.acas.org.uk.

WARNING:

Job evaluation is a complex process involving risk.

You must:

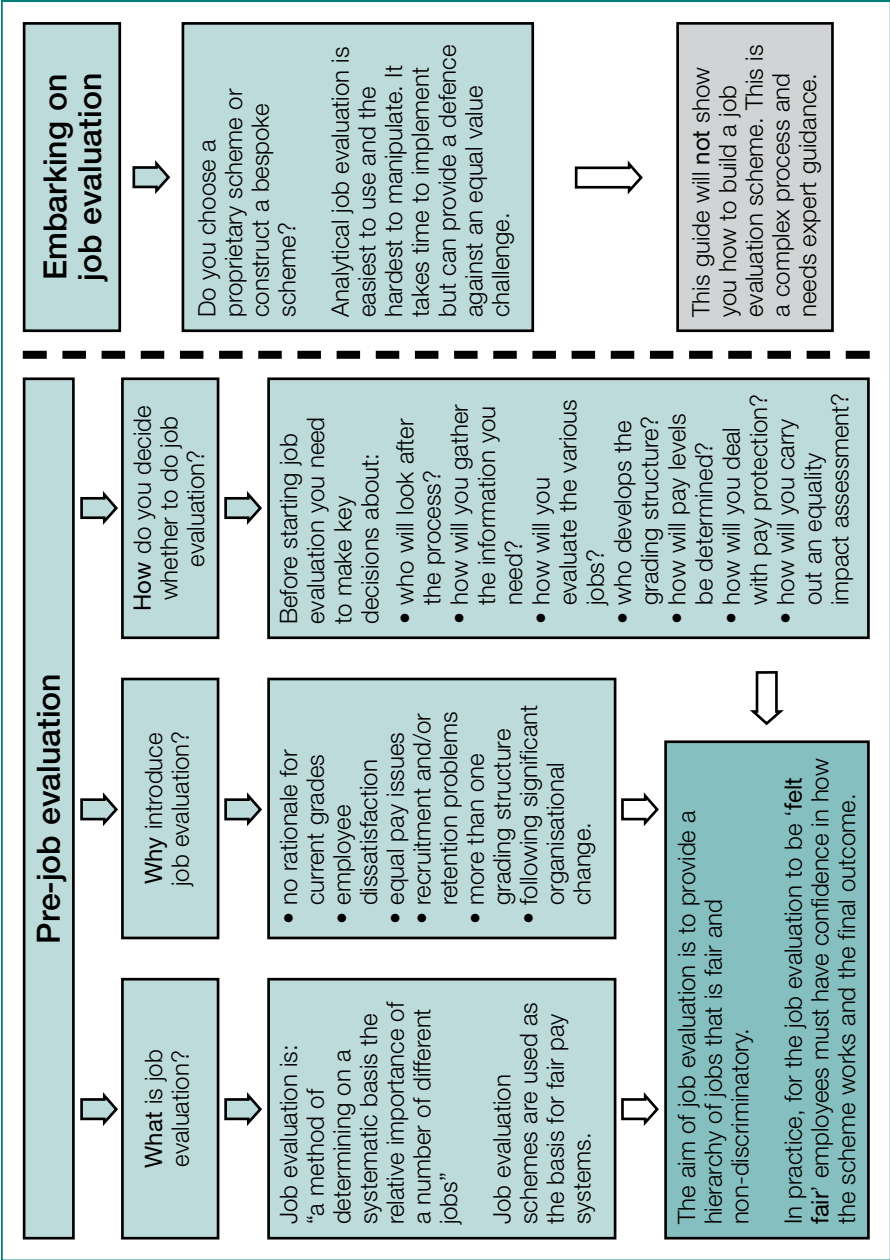
- assess the levels of risk to your organisation
- seek expert knowledge of how to build a job evaluation scheme
- carry out a gender equality impact assessment of any job evaluation scheme and its implementation.

If you lack the expertise to build a fair and non-discriminatory job evaluation scheme you must seek expert advice.

This booklet will **not** show you how to:

- build a job evaluation scheme
- design a gender equality impact assessment
- conduct a pay and grading review.

The guidance in this booklet is not intended as an authoritative statement of current law on equal pay. You should seek advice on the most up-to-date case law with regard to this issue.



What is job *evaluation?*

Job evaluation is 'a method of determining on a systematic basis the relative importance of a number of different jobs'.

Job evaluation has always existed in one form or another. As soon as you have two employees in different grades being paid different wages you have started evaluating the relative importance of the jobs.

Many grading and pay structures have evolved over time and it can be hard for managers to justify why one job is graded higher than another or paid more.

A job evaluation scheme is a way of systematically assessing individual jobs objectively, while avoiding prejudice or discrimination.

Why does job evaluation appear so complex?

Job evaluation involves deciding the relative importance of some or all of the different jobs within an organisation. Working out a systematic method for assessing a wide range of jobs takes time and patience.

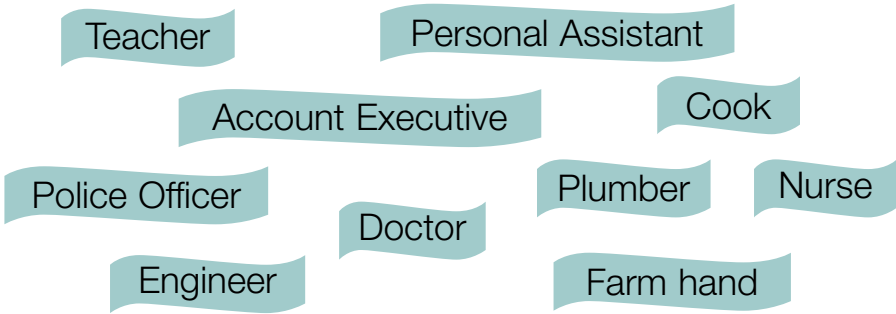
Job evaluation schemes are further complicated by the 'human factor'. Although job evaluation evaluates the job and not the jobholder, employees identify very closely with the jobs that they do.

Deciding the relative importance of jobs within an organisation will inevitably cause anxieties, as well as raise expectations, for those involved. Job evaluation does not determine grades or pay levels, but does produce a hierarchy of jobs that may not mirror everyone's perceptions.

Job evaluation is:	Job evaluation is not:
<ul style="list-style-type: none"> ✓ systematic ✓ consistent ✓ a good basis for a fair pay system ✓ a way of getting a hierarchy of jobs on which to base a grading structure. 	<ul style="list-style-type: none"> ✗ scientific ✗ an exact measurement of duties or tasks performed ✗ a way of judging a job holder's performance ✗ a way of allocating pay rates.

The importance we allocate to a job is often influenced by societal stereotypes as well as individual prejudice. For example, if you asked

ten individuals to rank the importance of the following jobs you would probably get ten different lists:



What is the aim of job evaluation?

The aim of a job evaluation scheme is to provide a hierarchy of jobs that is free from discrimination and ‘felt to be fair’ by your employees.

Although many employees might feel that job evaluation should move them up the ‘pecking order’ at work, in reality jobs can move up, down or stay the same.

To ensure that job evaluation is ‘felt fair’ it is best to:

- involve **employee representatives and communicate** with employees
- be thorough and systematic about **gathering information**
- ensure employees have an **understanding** of the basis on which jobs are to be evaluated
- ensure a **consistent** method of evaluation

- comply with the **law on equal pay** and equal value (see Appendix 1, p21).

Equal pay

Employers must give men and women equal treatment in the terms and conditions of their employment contract if they are employed on:

- ‘like work’ – work that is the same or broadly similar
- work rated as equivalent under a job evaluation study, or
- work found to be of equal value.

A woman is employed on ‘like work’ with a man if her work is of the same or a broadly similar nature. See Appendix 1 for more information on equal value.

Why should you consider undertaking job evaluation?

Employers carry out job evaluation because of:

- **lack of rationale** for current grades
- **organisational change** has led to new job design
- too many **job rates** – some organisations have dozens of ‘spot rates’ for their workers – or too few job rates
- issues over **equal pay** and equal value – see box opposite
- problems with **recruitment and retention** of employees
- **employee dissatisfaction** with the way jobs are graded
- **stereotyping** – by, for example, the undervaluing of jobs done by women.

Some employers only realise that they have a problem with outdated grading structures when they are faced with grievances or equal pay claims from their employees.

What does job evaluation involve?

Making a success of any job evaluation scheme will involve:

- **commitment:**
 - of senior management
 - of time and resources
 - to implement the outcomes

Other benefits of job evaluation
 Job evaluation requires you to take a close look at the jobs your employees do. This can help you to:

- ✓ know exactly what duties each job holder carries out
- ✓ understand training needs for individual jobs
- ✓ improve job design
- ✓ identify health and safety hazards
- ✓ encourage dialogue between managers and employees and improve levels of trust.

- **transparency:** employees must understand the processes and procedures of the scheme
- **thoroughness:** you need to ensure job descriptions are factual and objective and constructed in a consistent manner
- **cost:** you will need to be able to pay for any new grading structure, so think it through.

Analytical job evaluation is more likely to be successful if these challenges are addressed (see p15 for more details).

Scenario

Job evaluation and new technology: typical issues for an employer to assess

A private sector organisation employs 300 people covering 75 different jobs including administration and fundraising.

The problem

New computer software and telephone systems have changed the nature of the work involved in maintaining databases and other systems. The existing grading system is out of line with the responsibilities of employees. Employees now feel that the grading structure is unfair.

The options for the company

- They can do nothing – but employees may leave, raise grievances or ask for pay increases.
- They might compare jobs and try to regroup them into more sensible grades. This is likely to be subjective and there will be no way of justifying decisions under equal pay legislation.
- Carry out analytical job evaluation for all 75 jobs.

The way forward

They should consider the issues listed in the following table and talk to an expert to help them analyse the risks and benefits.

What issues will my organisation need to consider before we decide on job evaluation?

Once you start the process you will need expert help to identify the considerations and risks. The following table shows some issues you will have to address.

	Issue:	Considerations/risks:
1	What jobs should we include?	<ul style="list-style-type: none"> • If the coverage of the scheme is narrow employees outside the scheme may raise equal pay claims. • If you include all jobs in your organisation (an integrated scheme) you may cause employee unrest where none currently exists. • Can your business meet the financial cost of a new grading and pay structure for the jobs you propose to cover?
2	Who should we involve?	<ul style="list-style-type: none"> • You will have to put together a group to oversee the whole project. It must have decision makers with the right authority and drive. • You will need to form a job evaluation committee to build the scheme and evaluate the jobs. You will have to guard against members being: <ul style="list-style-type: none"> – self-interested – non-participative – indiscreet. • How will trade unions and/or employee representatives be involved?

Scenario

The scope of a job evaluation scheme: an employer's assessment of risk

An organisation in the voluntary sector employs over 500 people. Jobs include both 'white collar' and 'blue collar' workers.

The problem

Following a transfer of undertakings the organisation has been formed out of three smaller organisations that have merged into one.

This means it has different pay rates for similar jobs that are thought to be of equal value. The employer wants to undertake job evaluation to sort out this issue of equal pay.

The options

- Do nothing – but risk employees making equal pay claims against you.
- Confine job evaluation to the specific jobs that most concern you – but risk challenges from other employees who also feel their jobs are unfairly valued.
- Do job evaluation for all jobs – but risk paying a high financial price for introducing a new grading and pay system.

The outcome

The organisation considered the key issues listed in this table and talked to an expert. They decided to carry out job evaluation for the whole workforce but negotiated a phased introduction of the new grading and pay structure.

Potential residual risk

Individual employees may lodge employment tribunal claims for equal pay against:

- the phasing-in period
- and/or
- the absence of retrospective payments.

	Issue:	Considerations/risks:
3	How will we collect the information we need on individual jobs?	<ul style="list-style-type: none"> ● This is the critical stage before you start evaluating the jobs. Gathering the information takes time and a great deal of tact and diplomacy. Many organisations recruit or train job analysts to interview job holders and write factual job descriptions. ● Factual job descriptions are usually the best basis for analysing information. Fresh descriptions written for the job evaluation process are more likely to be consistent and up-to-date. ● Questionnaires are a fast way of gathering information – but they can cause problems as they are not as transparent for the job holder as factual job descriptions.
4	How will the evaluation process work?	<ul style="list-style-type: none"> ● Who is going to evaluate the information you have collected? Acas recommends setting up an ‘evaluation panel’ made up of a cross section of job holders and managers. ● Jobs are evaluated by comparing the agreed factual job descriptions against the agreed factor plan and allocating an appropriate level for each factor (see p15 for more information on factor plans). ● You need to be consistent when evaluating posts – employees may try to exaggerate the importance of what they do. ● An evaluator should not evaluate their own post!

	Issue:	Considerations/risks:
5	How will we test that our initial analysis is accurate?	<ul style="list-style-type: none"> • Some organisations use jobs they consider to be correctly graded as ‘benchmarks’ for the jobs being evaluated. However, this often reinforces stereotypes and may perpetuate a discriminatory status quo. • You could use ‘indicative’ jobs to check your evaluation. For example, does the hierarchy of jobs look right and does it ‘feel fair’? If the administrative assistant comes out with a higher score than the personnel manager you might need to think again!
6	How will we apply the outcomes of job evaluation?	<ul style="list-style-type: none"> • Consider the hierarchy of jobs and the points distribution created by the job evaluation process. • Draw the grade lines to create defensible job families. • This process should be undertaken with recognised employee representative bodies where these exist within your organisation.
7	How will we manage appeals?	<ul style="list-style-type: none"> • Appeals against individual job evaluations must be kept separate from your company grievance procedure. • Who is going to hear the appeals and over what timescale? • Agree the criteria for appeals before the job evaluation begins. • Appeals must be made against the grade allocated by the evaluation and not against the scheme.

	Issue:	Considerations/risks:
8	How will we deal with employees who move to a lower grade after evaluation?	<ul style="list-style-type: none"> • Many organisations find it difficult to gain employee commitment to embarking on job evaluation without an element of pay protection. This is often called ‘red circling’ and it means protecting the pay of those employees whose new grade pay rates might be lower than their current rate of pay. • Will red circling leave you vulnerable to equal pay claims? <p>• WARNING: Seek legal advice on current case law relating to pay protection.</p>
9	How will we implement the scheme?	<ul style="list-style-type: none"> • Will you pay employees retrospectively for new pay and grading structures? • Could you implement the scheme in stages to help reduce the costs? • Employees will often view any re-grading as a very sensitive issue. Communication is crucial to the success of the process. How will you make sure it is effective? <p>• WARNING: Seek legal advice on current case law relating to retrospection.</p>
10	How often will we need to re-evaluate jobs?	<ul style="list-style-type: none"> • Re-evaluation of a job should only be triggered by significant and permanent changes to duties. Constant re-evaluations of minor changes to duties will undermine the scheme. • A job evaluation scheme should be relevant for up to 10 years but keep monitoring any changes to jobs.

A job evaluation scheme usually comprises three stages. Acas can help your organisation with:

- **stage 1:** considering the key issues listed in the table above to decide if job evaluation is right for you at this time
- **stage 2:** building a scheme suited to your specific requirements. Other organisations provide proprietary job evaluation schemes
- **stage 3:** chairing job evaluation panels and appeals if you use a joint approach by managers and employees.

Scenario

Failure to consider all the risks at the outset of job evaluation

An organisation in the private sector employs 250 people. The company has just completed job evaluation to rectify pay and grading anomalies among its staff.

The problem

The company's job evaluation committee did not agree the grounds on which appeals could be made against the new grading system. It also failed to set out clearly what information would be given to job holders who made an appeal.

The options

- Provide no information and do not allow appeals – but the job evaluation will be completely undermined.
- Give out information on individual scores/grade lines to anyone who wishes to appeal – but too much information can also erode confidence in the scheme.
- Retrospectively, consult and negotiate the level of information to be provided to appellants.

The outcome

The employer gave out all the information collected on individual posts and 70 per cent of employees appealed because they had nothing to lose.

Potential residual risk

Confidence in the job evaluation scheme may be seriously undermined with employee dissatisfaction high.

What will be involved in *building a job evaluation scheme?*

This section looks at what building an analytical job evaluation scheme may involve if you decide to go ahead. You will need expert help to do this.

What is analytical job evaluation?

Analytical job evaluation is a method of evaluating jobs by separately appraising individual factors of compensatory characteristics – such as skill, effort, responsibility, and working conditions – and combining the separate evaluations into a single points score for each job.

Each of these characteristics is broken down into ‘factors’ and each factor is further broken down into levels.

Factors are ‘weighted’ according to their importance. You need to take care when weighting each factor. For example, giving physical strength an unjustifiably high weighting may lead to discrimination.

Job descriptions are evaluated against the factor plan to determine which level the job scores under each factor.

Points are awarded for each level. The points for all factor levels are totalled and the total points scored decide a job’s place in the ranking order (see the diagram on p19).

3

4

Analytical job evaluation	
Advantages	Disadvantages
<ul style="list-style-type: none"> ● Clear recognition of a job’s value ● Points values show relative difference between jobs ● Difficult to manipulate the scoring system ● New jobs can easily be evaluated and placed into the hierarchy. 	<ul style="list-style-type: none"> ● It can be difficult to select the right factors and weight them accurately ● It takes time and resources to implement a scheme properly ● The use of points can give the impression of measurement ● Risk of duplication of factors.

What will implementing the scheme involve?

Once all the jobs have been evaluated and placed in rank order, a grading structure can be established. This grading structure needs to be discussed by an appropriate negotiating forum – often involving trade unions and/or employee representatives.

The grading structure will establish the:

- number of grades
- where the grade lines should be drawn in order to give an appropriate span of points
- related pay structure.

The new grading and pay structure will need to be communicated to all employees. If they have been kept informed since the start of the evaluation process and involved in the decision-making they are much more likely to accept the outcomes.

How will we evaluate the gender impact of the scheme?

You will have to consider how any changes to your grading and pay system affect men and women in your organisation. This means looking closely at:

- jobs
- grades
- grade lines

- pay
- pay ranges
- benefits.

Have any of these changed as a result of the job evaluation scheme? If so, you will need to consider how these changes have affected men and women – both overall and within each grade.

There may be areas of concern. For example, will the new pay structure discriminate in favour of your male employees – as in the scenario opposite? Gender imbalance may also be caused by:

- the way the scheme was built
- grade and grade lines
- the span of points for each grade
- the pay span for each grade
- the length of and progression through incremental scales
- payments made in addition to basic pay.

Scenario

Gender equality impact assessment

A public sector organisation employs 700 people. Jobs involve customer delivery, administration and general management.

The organisation introduced a bespoke analytical job evaluation scheme. The scheme produced new grades and grade lines that were accepted by the workforce.

The problem

The pay structure attached to the new system was agreed but not checked for its gender impact. Issues were raised by female staff about differences in pay between men and women.

The options for the employer

- Let the issues raised be tested at employment tribunal.
- Carry out a gender equality impact assessment to establish whether a problem exists and, if so, decide what to do.

The outcome

The employer did not carry out a gender equality impact assessment. The issue was pursued by employees to employment tribunal. The tribunal found:

- the analytical job evaluation scheme used was fair
- the pay system was not fair and the impact of pay progression caused a detriment to female employees.

Potential residual risk

As the employer was forced by the employment tribunal to address the pay issues and remove the detriment, employees may lose confidence in the job evaluation scheme and pay system.

Dealing with appeals

No matter how carefully the job evaluation exercise has been undertaken, there may be individual employees who consider that their job has been wrongly evaluated. You will need to agree an appeal procedure before you start job evaluation. Appeals should be:

- based on the factor plan and the agreed job description
- dealt with separately from the company's normal grievance procedure
- received and heard within an agreed timescale.

Maintenance

Once you have established a scheme you will need to ensure that it is maintained effectively. It may

help to have a job evaluation manual. This can set out the background of the scheme, how it was set up, its results and how it will be kept up to date.

What next?

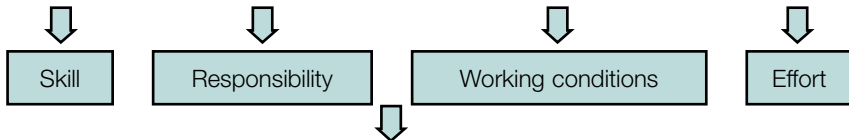
Don't try to go ahead on your own. Speak to an Acas adviser or other job evaluation expert if you wish to consider carrying out job evaluation. They will guide you through the considerations and risks as they may apply in your organisation. Once you have addressed and established the relevance of the key issues you may decide to:

1. install a proprietary 'off the peg' scheme, or
2. build a bespoke scheme tailored to the needs of your organisation.

WARNING: There are dangers in installing a scheme that has been specifically designed for another company. Factors and weightings may not be appropriate to your range of jobs.

Factor plan: the agreed criteria for evaluating the relative importance of a job

A job is made up of the following characteristics:



Each characteristic is broken down into a list of 'factors'. For example:

Each factor must be **weighted** according to its relative importance to the organisation

'Responsibility' might include the following factors:

- safety of others
- contact with others
- supervision of others

A number of levels is then established for each factor.

The Factor 'contacts with others' might contain a number of levels including:

- Level 1: Contacts within or outside the company requiring normal courtesy or tact
- Level 2: Represents the company in internal or external consultations of some complexity
- Level 3: External or internal contacts requiring a high degree of diplomacy and judgement and the ability to influence.

Points are awarded to a job according to the level it is allocated in each factor. The cumulative total of points establishes where the job fits in the hierarchy.

Glossary of *some job evaluation terms*

Analytical: A method of job evaluation which involves assessing the worth of a job by dividing it into factors.

Factors: The main elements or characteristics of a range of jobs which can be defined and assessed. Factors are divided into levels.

Factor levels: A set of agreed criteria to allow the factor to be broken down into elements.

Factor plan: The combined number of factors against which jobs will be evaluated.

Job analyst: A person appointed to list the various tasks and requirements of a job and to prepare job descriptions in a consistent manner and format.

Job description: A factual written account of the purpose, major tasks and main activities carried out by a job holder.

Non-analytical: A method of job evaluation which involves assessing a job as a whole without considering factors separately.

Rank order: The hierarchical relationship of jobs to each other.

Bespoke: A job evaluation scheme devised in-house for an organisation.

Weighting: The process of differentiating between factors to reflect their importance relative to other factors.

Red circling: The term applied to jobs which, as a result of the implementation of a new grading structure, are found to be over paid but where the existing job holders are pay protected for a period of time.

Gender equality impact assessment: A mechanism for determining whether the proposed new grading and pay structure is free from gender discrimination.

Grade Lines: The boundary between one group of jobs and another where a difference in pay rate is applied.

Appendix 1:

Job evaluation and the law – equal pay and work of equal value

The right to equal pay

The Equality Act 2010 provides that a woman has the right to equal pay with a man working for the same employer if the woman is employed:

- on work of the same or broadly similar nature to that of her male comparator; or
- in a job which, although different from that of a man, has been rated as equivalent to the man's job under a job evaluation scheme.

The Equal Pay (Amendment) Regulations 1983 provide for a woman to seek equal pay with a named male comparator in the same employment engaged in dissimilar work on the grounds that the work done, although different, is of equal value in terms of the demands that it makes. Where the two jobs are of equal value, an employer can justify difference in pay only where the variation in basic pay is genuinely due to a material factor which is not the difference of sex.

Claims to the employment tribunal

It is important to remember that the Equality Act 2010 does not give women the right to fair pay. It gives the more limited right for women to have equal pay to men, when all other circumstances are the same or similar.

If a woman considers she is being paid less than a man, she can apply to an employment tribunal. Refer to appendix 2 which outlines important changes to making Employment tribunal claims.

Practical advice on how to handle grievances can be found in *Discipline and grievances at work: the Acas guide* at www.acas.org.uk/publications

As it can be difficult for a woman to know who to compare her salary with, she can use a 'questionnaire' procedure first, which requires an employer to disclose certain information to the employee so both parties can be clear of the facts before any action is taken. You can see more about the questionnaire procedure (and download a sample) at www.gov.uk.

Normally, if a woman can prove that she is doing similar work (or work of equal value, or work rated as equivalent), she will succeed and the tribunal will order that her salary and other terms of employment should be increased to match those of the man she is comparing herself with. A tribunal will also award appropriate back pay. However, if the employer can prove that the difference in pay is due to a ‘genuine material factor which is not the difference of sex’ (meaning, in essence, a good reason unconnected to gender) then the equal pay claim will fail. The most common reasons put forward by employers are that a particular man had to be paid more to recruit him, due to market forces, or a man’s pay has been frozen at a higher level following a reorganisation of the business.

Implications for job evaluation

Equal pay law – in particular the equal value regulations – has important implications for job evaluation. Care must be taken that any job evaluation scheme is non-discriminatory in its effects and is linked to a payment system where employees performing work of equal value are rewarded equally, regardless of their sex. When designing a job evaluation scheme it is particularly important to bear in mind that only analytical schemes are likely to be capable of demonstrating an absence of sex bias.

WARNING:

Please note that equal pay case law is constantly developing. You should seek up-to-date advice.

¹ The law applies in the same terms to a man who claims he is entitled to equal pay with a woman comparator. However, the legal rights in question have been described in this Appendix from the female perspective because women are, or allege that they are, the disadvantaged party in the great majority of equal pay cases lodged with the employment tribunal.

Appendix 2: *Important changes to making Employment Tribunal claims*

Previously, an employee could go straight to the tribunal service, but this will change. From 6 April 2014, if an employee is considering making an Employment Tribunal claim against their employer, they should notify Acas that they intend to submit a claim.

Details of how and where to do this are given below.

Acas will, in most circumstances, offer to assist in settling differences between employee and employer. Employers intending to make a counter-claim against an employee must follow a similar procedure.

The process for agreeing settlement is called Early Conciliation. It is handled by experienced Acas conciliators and support officers and is:

- free of charge
- impartial and non-judgmental
- confidential
- independent of the Employment Tribunal service

- offered in addition to existing conciliation services.

Early Conciliation focuses on resolving matters on terms that employee and employer agree.

Early Conciliation may not resolve matters in every claim. When this is the case Acas will issue a certificate that is now required for a claim to be submitted to an Employment Tribunal.

From July 2013, employees have been required to pay a fee to “lodge” a claim at the Employment Tribunal, followed by another fee if the claim progresses to a tribunal hearing. In some cases, other fees may also apply. If a claim is successful, the employee may apply for the costs of the fees to be covered by the employer. Some employees, including those on low incomes, may be exempt from fees.

Remember, when a claim is lodged with a tribunal, Acas will continue to offer conciliation to both sides until the tribunal makes a judgment and, if the claim is successful, a remedy decision (usually financial compensation) has been made.

To find out more about Early
Conciliation, go to
www.acas.org.uk/earlyconciliation

To find out more about Employment
Tribunal fees, go to
[www.justice.gov.uk/tribunals/
employment](http://www.justice.gov.uk/tribunals/employment)

How Acas can help:

job evaluation

How Acas can help: Job evaluation



Understanding what needs to be done



We will work with you to

- Help you decide whether you need to establish a job evaluation scheme and what type of scheme would be suitable
- Build and implement a customised job evaluation scheme for your organisation
- Review an existing job/evaluation/grading scheme to see whether it is fit for purpose
- Chair a job evaluation working group and grading appeal panels
- Develop an appropriate grading structure based on the outcome of the job evaluation exercise.



Learning how to do it



We will tailor training just for you

- Job analysis and writing job descriptions
- Building a factor plan and evaluating jobs
- Sitting as a member of a grading appeal panel.

Acas Training

Our training is carried out by experienced Acas staff who work with businesses every day. They will show you the value to your business of following best practice in employment matters and how to avoid the common pitfalls. We also run special training sessions on new legislation.

Look at the Acas website for up-to-date information about all our training or if you want to book a place online, just go to www.acas.org.uk/training or call the Acas customer services team on 0300 123 1150.

Training sessions are specially designed for smaller companies and our current programme includes:

- Managing discipline and grievances at work
- Managing absence at work
- Employment law update
- HR management for beginners
- Having difficult conversations
- Contracts of employment: how to get it right
- New employment legislation
- Redundancy and restructuring.

We also have free online learning to help you – just go to www.acas.org.uk and click on e-learning to look at the topics covered.

Acas Publications

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