

# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

## Good Negotiation Practice and Talking to Employers About Equal Pay

### Where to Start?

Good negotiations begin with a well organised workplace, where the union membership know their rights and are determining the issues reps are negotiating on. If the bargaining issues are owned by the membership and the wider workforce, reps will be in a much stronger position to negotiate a good deal for employees.

The best way to determine how others feel is to start a conversation about it.

Disciplining someone for talking about equal pay is against the law.

Don't assume that your colleagues know their rights and entitlements in relation to equal pay. Sharing the information you have collected by asking the questions in Section 4 will help you talk to colleagues and help them realise any injustice. Be proactive - don't wait for others to come to you.

Remember an employer has a vested interest in tackling equal pay issues because resolving cases through the courts can be a lengthy and costly process.

A letter (or email) can outline what it is that members want and citing the arguments why an employer should meet that demand. The information you have gleaned from surveying members and from the questions you have asked of your employer will inform the content of the letter. Members will need to think about and discuss how to approach this letter and subsequent negotiations.



### Suggested Wording

Here's some suggested wording for starting negotiations with the employer on equal pay.

# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

Dear Employer,

Our union branch has resolved to pursue a local campaign to end unequal pay in our workplace.

Despite the Equal Pay Act being in existence for over 50 years, women in our workplace are still paid less than men [insert evidence for this].

Pay discrimination can be bad for the organisation's reputation, bad for staff morale, and could also mean that our workplace is potentially liable to equal pay and discrimination claims at employment tribunals or in the courts.

We therefore request that an Equal Pay Audit be conducted [or an existing audit be reviewed] to help scrutinise pay rates and jobs, to identify pay gaps and measures to close them, and specifically to agree to:

- operate a transparent pay system, based on objective criteria and free from sex bias or discrimination on other grounds including race, age and disability;
- check for any gender and other pay gaps in the workforce/specific work areas;
- take action to implement equal pay for equal work in practice;
- provide paid release for union equal pay and equality training; and to
- provide facilities and paid release for union representatives involved in the negotiations.

Once the audit has been conducted, we would like to jointly analyse the results and formulate an agreed action plan to tackle the identified issues. That plan should include monitoring, implementation and review processes.

We formally request the carrying out of an equal pay review of all staff within the next [insert number] months.

I trust that you will consider this request and look forward to discussing this with you at the earliest opportunity.

Yours sincerely etc.

## During the Negotiations

During the negotiations representatives need to:

**Ensure that you don't go into the negotiation meetings on your own**

# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

Even if you are the only representative in the workplace, find others to accompany you. They don't have to be formal reps, but they can take responsibility for different roles within the meetings, present different bits of information or provide member updates on progress. Seek volunteers at your branch meetings.

## Take notes

Make sure that you write down what your employer is saying in the negotiation so that you can refer back to it later. You don't need to write down everything word for word, but it helps to have a record of what has been discussed and agreed so that you can come back to it later if something unexpected happens, or just to update your union members on progress.

## Agree the bottom line

Agree as a branch (or group), what your bottom line is and what you are prepared to do to achieve it.

## Forewarn your colleagues about the things your employer might do to undermine you and/or the collective group

Tell them what kind of questions they might be asked, or what incentives they might be promised if they agree not to pursue the claim for equal pay. Think of this as an inoculation. This will strengthen the group and build trust in your ability to negotiate for the group.

## Make sure workers know that the Equality Act 2010 states that an employer cannot prevent employees sharing and discussing rates of pay in relation to protected characteristics

You cannot be disciplined for talking about Equal Pay. If you are a trade union representative you have additional protection under the Trade Union and Labour Relations Act.

## Meet in advance

# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

Meet in advance of negotiations with the other members who are going into the meeting with you to plan who will say what, and how you will approach specific issues. After the negotiations, come back to discuss and review progress and consider what you need to do next.

## Have some facts and figures ready for discussion that will show the employer that you are well informed and serious about this issue

You can find out how much money your employer made in each financial year by looking at [Companies House](https://www.gov.uk/government/organisations/companies-house) ([www.gov.uk/government/organisations/companies-house](https://www.gov.uk/government/organisations/companies-house)) website. Talk to your union about paying to access more detailed information if needed. You can use this to challenge the employer if they say the organisation can't afford to address the issue. It is also useful to know that the cost of an employment tribunal in England and Wales is free for claimants to lodge a claim (those making a claim against an employer).

Continue dialogue with members. Keep everyone updated on negotiations as much as possible, so that if you reach an impasse, they can be mobilised to put pressure on the employer.

## Ensure that the branch or group is prepared to demonstrate the strength of feeling on this issue

There are many ways to show the employer that you are serious without breaking any rules. There is strength in numbers. One staff member wearing a T-shirt/badge/sticker saying 'Equal Pay' draws a little attention, but everyone doing it forces the employer to notice and can be very powerful.

## Contact the relevant equality and support structures in your union (eg full time or elected officials)

They will be able to provide advice and support for your discussions.

## Agree a timeline for talks and a subsequent timeline for the actions that follow

# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

Don't allow the employer to drag their feet on taking action and make sure staff know when they can expect to hear about progress, so if there isn't any you can mobilise them to put pressure on the employer.

## Send agreed statements of progress with the employer out to staff

This means that you can demonstrate the progress of discussions and ensure the employer is publicly committing to action.

## Detail the final agreement in writing

Take it back to members before signing up to anything. Members should feel they own and have a part to play in the process, they need to agree to any final deal and ensure it meets their expectations.

## Celebrate your successes!

If you get a deal, make sure your union group finds time to enjoy that, and use any event you organise as a springboard for the next campaign you hope to work on.

## What if the Employer Refuses to Engage or Says No to Your Requests?

If the employer refuses your request for information, or refuses to discuss the case for Equal Pay, it is not the end of the line. Your right not to suffer pay discrimination is set out in the Equality Act 2010. Find out where you stand. Talk to your union officials about whether you have a legal case to pursue the claim for equal pay through the tribunal courts. You will also need to build a campaign to get others involved in making and/or supporting the claim for equal pay.

If you work in the public sector, your employer has a duty to ensure that they uphold the Public Sector Equality Duty set out under the Equality Act 2010. The duty requires public authorities to have due regard to the need to:



# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups.

If you work for an organisation that provides a service for a public authority, you can check the local authority procurement contracts for information that supports your negotiation. These are a matter of public record and can be obtained through a FOI (Freedom of Information) [request](http://www.gov.uk/make-a-freedom-of-information-request) ([www.gov.uk/make-a-freedom-of-information-request](http://www.gov.uk/make-a-freedom-of-information-request)). Some public authorities have a charter for private providers that includes expectations or requirements on how they pay their staff.

While the public sector equality duty does not apply to the private sector, all other aspects of the Equality Act 2010 do, including the legal right to equal pay for equal work. You may not have access to the same information available in the public sector, but there are other things you can use to your advantage.

Reputation is extremely important to organisations of any kind and can be damaging to profits if stories about discrimination get out. There are a number of ways you can seek support for an Equal Pay campaign that will put pressure on the employer to return to the negotiating table.

## Local councillors and MPs

Elected officials are there to represent you, so don't be shy about asking for their help. Talk to them about the issue in your workplace and ask them to support you by writing to the employer, or asking questions at council meetings or in parliament.



## Talk to your local community

If you provide a service, do your customers or service users know that you are not being paid fairly? Building support through your customer base, community and faith groups helps to put pressure on the employer to eliminate unfair and unjust practices.



## Pledge of support

Ask local businesses, community and faith groups and employees to put their name to a pledge that supports your campaign. This can be a very simple message on a postcard e.g. "I support Equal Pay for workers at Pretend Ltd". Collect the postcards and deliver them by hand to the employer. The more signatures you collect the greater the impact.



# Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

## Talk to the press



Choose a spokesperson to talk to the press. The spokesperson should be part of the campaign and look and sound like the rest of the group. If the union group is mostly women, a woman should be the spokesperson but men should be good allies and show their support for the women (or vice-versa). Equal pay benefits everyone, not just the affected group. Talk to your union about media or public speaking training and support.