Achieving Equal Pay in the Workplace

Your Guide to Changing Policy and Practice

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:

- 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 *(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.

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.