

Gender Pay Gap: Six months gone; another six to go

In the know

The start of October heralded the six month mark since the all important Gender Pay Gap snapshot date – the date on which large employers had to take a live record of their pay data. The requirement to publish a report of that data within a year means employers have six months left to carry out their analysis.

New Pay Reporting Requirement

- In an attempt to increase transparency around the pay practices of large employers, the Government introduced a duty on them to analyse the differences in various elements of pay earned by their male and female employees and allow the analysis to be viewed by members of the public. This was done via the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017;
- To do this, a date of 5th April 2017 was set as the “snapshot date”. This was the date on which employers had to collect the data containing male and female earnings. Employers have a year to analyse that data and report certain prescribed figures, such as the difference between male and female hourly pay and bonus payments, which will show any gender pay gap in their organisation. Reports must be published by 4th April 2018;
- The duty applies to organisations with 250 or more employees. Importantly, the term ‘employee’ has been drafted widely and will include both those who the employer may class as falling into the category of ‘worker’ and also some who they consider to be self-employed;
- Public sector organisations must work to a slightly varied timescale; the snapshot date was 31st March 2017 and data must be published by 30th March 2018.

Half Way Point

- The Government has recently revealed that only 88 of the approximately 9000 affected employers have published their data so far at the half way point;
- Whilst there are currently just less than six months remaining in which employers can publish data on their gender pay gap, it is important employers do not get caught out by the April 2018 deadline;

- Those who have not yet begun to analyse the data taken on 5th April (or 31st March in the public sector) should start to do so soon;
- The Government is hopeful that the public nature of the reporting is likely to be impetus enough for employers to comply. The possibility of ‘naming and shaming’ employers who have not complied has not yet been ruled out. Ministers are, at this half way stage, calling for even more enforcement action against employers who fail to report by the deadline.

Croner Tips

- **Whilst some companies (the BBC, for example) were hit with negative press after reporting on their gender pay gap, employers should see the duty as an opportunity to ensure that there is no potential equal pay issue in their organisation;**
- **Upon analysis, the data may show a pay gap, however, this does not necessarily mean the reason for it is discriminatory. If other valid reasons are the cause, these can be noted in the voluntary commentary that can accompany the results;**
- **Don't forget to publish the data on your website too. It must be put on there in addition to being uploaded to the bespoke public Government website.**

The content of this briefing is correct at the time of publishing.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this article