

This Week in Employment Law

Gender Pay Gap Reporting May Be Extended

A recent parliamentary inquiry by the Business, Energy and Industrial Strategy (BEIS) Committee into the effectiveness of the gender pay gap reporting system has recommended several areas for improvement. We take a closer look at these recommendations and how they could impact employers below:

- Requiring companies with 50 or more employees to report on their gender pay gap. This is a big change to the current rules which apply only to those with 250 employees or more.
- Making it a mandatory for employers to include a narrative explanation for any pay disparity within their reports, including an action plan of how to tackle this.
- Altering the reporting requirements to include figures on partner remuneration.
- Increasing the ability to fine employers who fail to comply by granting the Equalities and Human Rights Commission (EHRC) specific enforcement powers.
- Improving the guidance for employers on calculating their gender pay gap to ensure the data of the highest earners is always captured.

Worker Who Won ‘Crucifix Case’ Claims Victimisation

A British Airways worker, who made a claim in 2013 regarding her employer’s refusal to allow her to wear crucifix necklace at work, has now accused her employer of victimisation. Nadia Eweida claims she has been treated unfairly since making the claim, including being given a warning for refusing to provide cover for another employee.

Did you know?

Workers must not be subjected to unfair treatment for making a complaint under the Equality Act 2010: this is known as victimisation. In the earlier case, the European Court of Human Rights declared that the employer’s rules breached Eweida’s human rights.

Maternity Season: Be Aware of Entitlements When on Leave

Statistics show that autumn is the most popular season to give birth. Together with rights to maternity leave, maternity pay, keeping in touch days and the right to return to work, there are several other rights that women on maternity leave have which may be lesser known.

Did you know?

During a redundancy exercise, women on maternity leave must not be forgotten. They should be given the opportunity to take part in consultation even though they are not in work. If selected for redundancy, they must be offered suitable alternative work, without interview, in favour of other employees. Failure to do this may be sex discrimination.

HMRC to Continue with SCCS in Care Sector

HMRC have told employers signed up to the Social Care Compliance Scheme (SCCS) that they must continue with their self-review, despite the Court of Appeal decision on sleep ins and national minimum wage (NMW). However, it has not been clear on its stance on sleep ins as part of the review which has left employers in a state of confusion.

Did you know?

The SCCS was set up to alleviate the burden of sleep in payments for care employers after case law determined NMW was payable for all sleep in hours. The continuance of the scheme had been called into question after the Court of Appeal overturned this.

Equal pay continues to be a hot topic for employers and it would appear that more will be done to increase the transparency around equal pay practices in the future. The 24 Hour Advisory Service can help with questions on equal pay and your own gender pay gap obligations.

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