

Equal Pay Day 2016

November 2016

Equal pay day falls today, 10 November 2016, only one day later than last year. This means that women stop earning relative to men today.

The Equal Pay Act was brought in 46 years ago, but it is reported that there remains a 13.9% gap for full time workers. There are ongoing attempts to address the discrepancy, but this is a battle women thought they had won in 1970. Unfortunately, with so many reasons for the gap in the first instance, there was never going to be an instant panacea.

The [Equality Act 2010](#) repealed and replaced the Equal Pay Act 1970. It states that "the long-term objective of reducing inequality between men's and women's terms of work is always to be regarded as a legitimate aim", which simply confirmed the existing case law position.

Of more interest, the 2010 Act contains a power for the government to introduce regulations to require private and voluntary sector employers, with at least 250 employees, to collect and publish information about their gender pay gap.

The former coalition government had hoped to see a voluntary approach to publication of such data which would make regulations unnecessary. The failure of that approach led to the provision within the [Small Business, Enterprise and Employment Act 2015](#), which required the government to make regulations compelling publication by 26 March 2016. Sadly, the deadline was missed. Further consultation followed and it was originally expected that the regulations would come into force on 1 October 2016. However, in July 2016, the [Government Equalities Office](#) confirmed that this timescale has slipped.

Although the Order bringing the relevant provision of 2010 Act into force has now been made, it is envisaged that following the response to the second consultation, the regulations will be laid before Parliament in Autumn 2016, and will commence in April 2017.

If this is the case, it is likely that the first "relevant date" under the regulations would remain as 30 April 2017, meaning that the first gender pay gap reports will be due by April 2018. Further annual reports will follow.

This would be an encouraging step forward in seeking to bridge the gap. In future years, we would hope that [Equal Pay Day](#) falls well into December before eventually becoming obsolete.

It is worth noting that part-time male workers get paid less on average than part-time female workers. The gap is - 6.5%. This has widened considerably since the early 2000s and could be because women in higher-paid roles are more likely to seek part-time work, while their male counterparts in such roles tend to work full-time. Arguably this is testament to the family friendly rights introduced to better juggle the work/life balance.



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