

# Staff Equal Pay Policy

## POLICY STATEMENT:

The Corporation recognises its duty and supports the principle of equality in employment and as part of that principle will ensure that all staff, regardless of their sex, receive equal pay. This will ensure the Corporation complies with UK and European legislation and also demonstrates a duty and belief of fairness for all. The Corporation will follow processes that aim to eliminate any actual or potential discriminatory practices in relation to pay and any sex bias in its pay systems.

## PROCEDURES:

### 1 Scope

Equal pay demonstrates a commitment to fairness and forms part of the benefits of working for the East Kent College Group. Throughout this document, pay is taken to include basic pay, pensions, sickness, additional payments, annual leave and all other contractual payments and benefits.

The Corporation undertakes to ensure that equal pay principles will apply to all employees. To comply with the Equality Act 2010 and other relevant legislation, the College has identified measures to avoid the existence of pay differences between male and female employees.

Where appropriate, the Corporation will adopt appropriate action plans to review its policies and practices and ascertain if they are contributing to any identified pay inequalities.

The corporation will take part in the Gender Pay Gap reporting process by 30<sup>th</sup> March 2018 and every four years thereafter as legally required.

### 2 Equal Pay

2.1 Staff have a right to receive equal pay in their contract of employment where they are employed on

- 'like work'
- work rated as 'equivalent'
- work of 'equal value' (also referred to as equal work)

Please see additional notes and guidance for further information on this terminology.

In order to bring a claim for equal pay under the Equality Act 2010, a claimant must identify an actual comparator of the opposite sex. The comparator must be in the 'same employment' as the claimant. Please see additional notes for guidance on this terminology.

It is in the overall interest of the Corporation, and good business practice, that pay is awarded fairly, equitably and not on an arbitrary basis.

It is recognised that in order to achieve equal pay for employees, the Corporation should operate a pay system which is transparent, based on objective criteria and free from bias.

2.2 In order to achieve and maintain equal pay, the Corporation will:

- Have a transparent pay system, which all staff are informed of in terms of what pay points apply throughout the Colleges and where they are placed on the pay point scale.
- Ensure all part time, temporary and agency workers are covered by the pay policy, and not treated any less favourably.
- Reward fairly and equitably all staff, ensuring no-one is disadvantaged because of career breaks linked to caring responsibilities.

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Approving Body: Policy committee

Stage of approval: Approved

Date of approval: November 2017

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- Evaluate and grade all new posts in accordance with clearly defined processes.
- Benchmark pay on an annual basis.

2.2. A College may legitimately pay comparable staff differently, however they must be able to show that this is due to a "material factor, such as different hours of work, market forces or rewarding productivity and these roles must be taken through the evaluation process, led by the Central HR team to ensure a fair process is applied..

### 3 Key Elements

The Corporation will seek to avoid unfair discrimination and ensure that it awards equal pay, in all aspects of its business, including recruitment and promotion of its employees.

The Corporation has the objectives of eliminating any unfair, unjust or unlawful practices that impact on pay as well as take any appropriate remedial action as and when necessary.

To attain its objectives, key approaches taken by the Corporation will include:

- Providing training for managers and all staff involved in determining pay
- Keeping employees informed about how practices used by the College to determine pay point scales actually work, as well as any monitoring of pay statistics and equal pay reviews undertaken by the College
- Plan and implement actions in consultation with relevant trade union/employee representatives
- Respond to any grievances raised on equal pay issues
- Ensure transparency in determining evaluation criteria for pay point scales
- Evaluation of posts to determine appropriate pay scales
- Monitoring of applications for jobs to determine whether jobs applied for by women are being appointed at lower pay points and to devise remedial action plans if so required

### 4 Complaints

The Corporation will provide a supportive environment for staff who wish to make a claim of pay inequality. Employees should initially raise an equal pay claim through the College's grievance procedure.

A claim for equal pay can be brought at any time during the employment, irrespective of employees' length of service for the Corporation

Any claim for equal pay brought by an employee under the Equality Act 2010 does not prejudice any right they may have to bring a sex discrimination claim under the same Act.

#### Additional Notes and Guidance

##### A. Like Work

There are considerations to be made when determining 'like work'.

It must firstly be established whether the two comparators are employed in work that is the same or of a broadly similar nature. This involves a general consideration of the work and the knowledge and skills needed to do it.

If the work is broadly similar, a second point to be clarified is whether any differences between the individual's work and that done by the comparator are of practical importance having regard to

- The frequency with which any differences occur in practice, and
- The nature and extent of those differences

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It is for the employer to show that there are differences of practical importance in the work actually performed. Differences such as additional duties, level of responsibility, skills, the time at which work is done, qualifications, training and physical effort could be of practical importance.

A difference in workload does not preclude a like work comparison, unless the increased workload represents a difference in responsibility.

The following should be considered to determine whether or not employees are performing like work:

- Comparison of employees at the same grade
- Comparison of jobs above and below grade boundaries
- Occupational banding or zoning
- Looking behind job titles to determine the nature of work; jobs could be like work even when they first seem dissimilar

### **B. Equivalent Work**

Work is rated as equivalent if the employer's job evaluation study gives equal value to their work in terms of the demands made on the employee, by reference to factors such as effort, skills and decision making.

Because the focus is on the demands of the job rather than the nature of the job overall, jobs which may seem to be very different, may be rated as equivalent. The College job evaluation scheme is careful to not be influenced by gender stereotyping or assumptions about work.

### **C. Equal Work**

Equal pay can be claimed if it can be shown that work is of an equal value in terms of the demands made on the individual. The work can be different but regarded as being of equal worth, having regard to the nature of the work performed, the training or skills necessary to do the job, the conditions of work and the decision-making that is part of the role.

The most reliable and objective approach to determining equal value is to use a single job evaluation scheme designed and implemented to take account of equal value considerations and specific job population and should include effort, skills, decision and responsibility. East Kent College has a scheme which fits this appropriately.

Employees can obtain further information about their rights to equal pay from the Equality and Human Rights Commission. The website address is <http://www.equalityhumanrights.com/>

### **D. Gender Pay Gap**

The gender pay gap is the difference in the average pay between women's and men's earnings, expressed as a percentage of men's earnings and can be explained by a number of factors including working hours and type of job.

Whereas equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs or work of equal value. It is unlawful to pay people unequally because they are a man or a woman.