

# Glossary

## APPENDIX 4

### 1. Equality Act 2010

- 1.1 The Equality Act 2010 was enacted on 8 April 2010 and replaced the Equal Pay Act 1970. It is the primary piece of equal pay legislation in the UK and is concerned with the establishment of equal terms and conditions of employment for employees.
- 1.2 Section 66(1) of the Equality Act 2010 provides that every person's employment contract includes an *equality clause*, by which they are entitled to any term that a comparator of the opposite sex who is in the "same employment" enjoys that they do not or that is more favourable.
- 1.3 For the *equality clause* to bite, 'equal work' needs to be established. This can be done in three ways:
- 1) By a worker establishing that they are doing **like work** with a comparator of the opposite sex (i.e. they are doing the same, or broadly the same, job); or
  - 2) By a worker establishing that they are doing **work rated as equivalent** with that of a comparator of the opposite sex following a job evaluation study (i.e. they are doing different jobs at the same grade); or
  - 3) By a worker establishing that they are doing work of **equal value** to that of a comparator of the opposite sex (i.e. they are doing different jobs, either at different grades or where no job evaluation study has been carried out, but the 'value' of their work is equal).

### 2. Equal Value

- 2.1 An employee can claim work of equal value if they are not employed on **like work** or **work rated as equivalent**, and provided they can show their work is equal to that of a comparator of the opposite sex in terms of the demands made on them by reference to factors such as **effort, skill, and decision-making**. This type of claim is usually brought where an employer has not undertaken a job evaluation study, or where the two jobs in question have different grades under such a study, but there are reasonable grounds for suspecting that the study was based on a system that discriminates because of sex or is otherwise unreliable.

### 3 Job Evaluation

- 3.1 A job evaluation study is a systematic procedure for analysing a group of jobs (as opposed to the individuals undertaking them). The results of the analysis are then used to give each job a numerical score in order to rank them, from the most valuable downwards. They will then be grouped into salary bands and all jobs

within a particular band will be "rated as equivalent" for the purposes of the Equality Act 2010.

A good job evaluation study typically possesses several key characteristics. Here are some important aspects to consider:

- **Validity:** The job evaluation study should accurately and reliably measure the factors that determine the value of different jobs. It should reflect the true distinctions between jobs based on factors such as skill, effort, responsibility, and working conditions.
- **Objectivity:** The evaluation process should be objective and unbiased. It should rely on standardised criteria and methods that are consistently applied to all jobs, regardless of personal characteristics or preferences.
- **Job-relatedness:** The study should focus on evaluating jobs based on their content and requirements, rather than the individuals performing them. It should consider the tasks, skills, knowledge, responsibilities, and qualifications necessary for each job.
- **Comprehensive:** A good job evaluation study should cover a wide range of job factors and dimensions. It should capture the full scope of job requirements and reflect the various aspects that contribute to the job's value.
- **Consistency:** The evaluation process should produce consistent results when applied to similar jobs within an organization. It should minimise subjective judgment and ensure that similar jobs receive similar evaluations and compensation.
- **Non-discriminatory and reliable:** The study should not be based on a system that discriminates because of sex, and it should not be otherwise unreliable.
- **Regular review:** A good job evaluation study should be periodically reviewed and updated to reflect changes in job roles, industry standards, and organisational needs. This ensures its ongoing relevance and effectiveness, and it provides assurance in terms of there being an ongoing application and embedding of the study and its methodology in the organisation.

By incorporating these characteristics, a job evaluation study can provide a solid foundation for fair and equitable compensation practices, supporting organisations in making informed decisions regarding job classification, pay structures, and salary administration. It also provides an employer with a statutory defence to **equal value** claims.