

Equal pay: advice for employees

1 . If you are not getting equal pay

By law, men and women must get equal pay for doing 'equal work'. This is work that equal pay law classes as the same, similar, equivalent or of equal value.

You should talk to your employer to try and resolve the issue if you feel you are not getting equal pay compared to someone who is both:

- the opposite sex to you
- doing equal work for the same employer or an 'associated' employer

Employers are 'associated' if any of the following apply:

- one of them has control over the other
- both are controlled by another organisation – for example a parent company
- a single organisation is able to set the terms and conditions for both

[Find out more about equal pay law](#)

Checking for evidence

To help see if there's an equal pay issue, you should check:

- your pay and how it's made up so you can compare it with others – for example, what basic pay, overtime or commission rates you get
- pay and benefits for people of the opposite sex to you doing work you think is 'equal work'

You can ask your employer or manager for information about pay and contractual terms and conditions, if you think you're not getting equal pay.

Raising an issue

It's best to raise an issue informally first by [talking to your employer](#).

Using a question and answer process

If you believe you are not getting equal pay, it can be a good idea to use a question and answer process. This includes sending your employer a statement explaining what happened and asking your employer for more information about your pay or terms and conditions.

This could help to resolve the issue without you having to make a claim to an employment tribunal.

[Find out more about asking questions about equal pay and terms and conditions](#)

If you want it dealt with formally

You can [raise a grievance](#) if:

- raising the problem informally does not work
- you think it's too serious to raise informally

A grievance is where you make a formal complaint to your employer.

If you have any evidence at this stage, it's a good idea to share it with your employer when you raise the issue.

Making an equal pay claim

If you're not able to resolve the problem with your employer, you might be able to [make a claim to an employment tribunal](#) for equal pay.

You might also be able to make a claim for [sex discrimination](#), if you have been treated unfairly because of your sex.

To make an equal pay claim, you'll need to show your pay and conditions are worse than someone else's. This person is called a 'comparator'. The comparator must be someone who is both:

- the opposite sex to you
- doing equal work for the same or an 'associated' employer

More than one comparator can be used. A comparator can be someone who currently works for your employer, or someone who used to.

This is a complex area so it's a good idea to [get legal advice](#).

[Find more advice on equal pay from the Equality and Human Rights Commission \(EHRC\)](#)

2. Asking your employer questions

If you believe your employer has discriminated against you by not paying equal pay, you can use a question and answer process to try and resolve the issue.

To start a question and answer process you should send your employer a statement explaining what happened and why you think that you were discriminated against by not getting equal pay. In the statement you can also ask your employer any questions you might have about what happened.

Sending your employer a statement can help them investigate what happened before answering your questions. Using this process could help you to resolve the issue without having to make a claim to an employment tribunal.

Identify who has better terms and conditions

Identify who is receiving better terms and conditions than you are. These people are called 'comparators'. They must be:

- the opposite sex to you
- doing equal work for the same employer or an 'associated' employer

Employers are 'associated' if any of the following apply:

- one of them has control over the other
- both are controlled by another organisation – for example a parent company
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You could ask others at work about their pay and benefits if it's about equal pay and you think it would help you decide if you've been paid unfairly. For example, you could ask someone of the opposite sex to you who does the same or similar work how much they earn. They're allowed to tell you, but it's up to them to decide if they want to.

If you cannot identify a comparator

If you do not have a comparator, you might be able to make a claim for sex discrimination. You'll need to show you would have received better pay if you were of the opposite sex.

Find out more about:

- [sex discrimination](#)
- [asking your employer questions about discrimination](#)

Explain how they're doing equal work to you

Explain why any comparators are doing equal work to your job. For example, because the job is the same as yours, has been graded as equivalent in a recent job evaluation or both jobs require similar skills.

Ask questions about contractual pay and benefits, not additional payments such as a discretionary bonus pay. For example, you could ask for general information about:

- how much people of the opposite sex to you who do the same or similar work as you earn
- the contractual terms and conditions for people of the opposite sex to you who do the same or similar work as you
- the reason for any differences in pay and terms and conditions, if there are any

Your employer can only give you general information about other people's pay and terms and conditions. They cannot share any personal details about other employees because of data protection law (UK GDPR).

Ask any other relevant questions about pay

You can ask additional questions. For example, you could ask questions about:

- how your employer decides pay rates
- what's in a comparator's job description that could explain any difference in pay
- statistics on the percentage of the workforce who are male or female
- policies, for example on recruitment or equality and diversity

Sending your employer the information and questions

Send the statement to your employer in an email or letter. You can also ask a trade union representative, if you have one, to send it on your behalf. Depending on your situation you could send it to, for example, your line manager, supervisor, or someone in Human Resources.

If your organisation has a policy on discrimination, you should check the policy to see if it says who you need to send your statement to.

Keep a copy of the information you've sent in a safe place.

Tell your employer where to send their answers, for example your home address, your email address or to your trade union representative.

Make it clear that you need a reply from your employer. Set a date for them to reply by. There are strict time limits for making a claim to an employment tribunal so you should consider this when setting a date.

You could also have a conversation with your employer to talk through what happened. If you do, make notes and keep a copy of them.

Deciding your next steps

Your employer should take your request seriously and reply as soon as possible. However there's no law that says they have to answer your questions.

If you feel the problem has not been resolved, you can:

- [raise a formal grievance](#)
- [make a claim to an employment tribunal](#)

If you decide to make a claim to an employment tribunal, your employer might need to provide their response as evidence to the tribunal.

The employment tribunal will look at if, and how, your employer answered questions. This could help the tribunal make a decision on your case.

If you have any questions about equal pay you can [contact the Acas helpline](#).