

# Government Equalities Office: Equal Pay Audits Consultation

Response by Thompsons Solicitors

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## About Thompsons

Thompsons is the most experienced trade union, employment rights and personal injury law firm in the country with 28 offices across the UK. On employment and industrial relations issues, it acts only for trade unions and their members.

Thompsons represents the majority of UK trade unions and advises on the full range of employment rights issues through its specialist employment rights department.

In responding to this consultation we address only those questions directly relevant to our work and experience of advising trade unions and claimants on equal pay claims. In our view, the questions in this consultation are so narrow that it is difficult for claimant representatives to respond to the majority of the questions.

## The consultation

### **Q1. Should the regulations cover anything else? If so, what is this and please explain why the regulations should cover this.**

The question should not be what else should be covered by the regulations, but whether the exemptions are agreed with. The exemptions are so wide, including that they be limited to cases that win at hearing, as to remove the effectiveness of equal pay audits as a tool and mechanism to address the continuing gender pay gap. As a result, we believe they will be rarely used.

Unless there has been an effective audit since the claim was made there is no basis on which to say an audit is not needed.

### **Q2. In order to ensure basic clarity and understanding of what is required, we believe that regulations should set out minimum requirements for the content and form of an equal pay audit while allowing employment tribunals to specify detail such as timing and employee coverage, on a case by case basis. Do you agree with this proposal? If not, please explain your answer?**

We agree that there should be minimum requirements for an audit and with the content suggested. But we repeat the point made above that the scope of the exclusions will effectively mean that audits will be rarely used.

**Q3. When completed, who do you think should sign-off equal pay audits - independent auditors or employment tribunal judges? Why do you think these individuals should be responsible for signing off equal pay audits? If neither of them, what process do you think should be put in place to ensure that equal pay audits comply with the required standards?**

The decision on whether an audit fails to satisfy the requirements should be the decision of a judge because of the civil penalty. The judge can sit with an assessor (a lay expert) if necessary but the task should not be delegated.

**Q4. Do you agree that limited disclosure rather than publication of equal pay audit results is the right approach? If not, why?**

No. We see no point in requiring employers to carry out equal pay audits if they are not also required to publish the results. The result will simply be that audits will not be used. This proposal, along with the extension of the exemptions, make these proposals a very far cry from the "significant stride" described in the Foreword to the consultation.

We have no comment on the remaining questions.

**Further information:**

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