



## FACT SHEET

# Equal Pay - Your Rights

### KEY CONTACT



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The Equality Act 2010 implements the principle that men and women should receive equal pay for equal work.

### EQUAL WORK

Anyone employed under a contract personally to do work is entitled to contractual terms that are as favourable as those of a comparator in the 'same employment' of the other gender, if they are employed on a) equal work that is, like work; b) work rated as equivalent; or c) work of equal value.

### COMPARATOR

A woman bringing an equal pay claim must compare her contractual terms with those of a comparable man. The comparator in an equal pay claim:

- » Must be of the opposite gender to the claimant;
- » Can be a current or previous employee, including a predecessor in the woman's job;
- » Must be (or have been) working 'in the same employment';
- » Must be actual, not hypothetical.

### MATERNITY AND EQUAL PAY

There are also specific provisions aimed at protecting women's pay during pregnancy and maternity leave. A woman who has taken maternity leave must not lose the benefit of any pay rise that she would otherwise have had, in calculating either her maternity pay, or her pay on return to work.

Furthermore, she must not lose out on any bonus that she would otherwise have received during her maternity leave, to the extent that it relates to the period before her maternity leave, any period of compulsory maternity leave, or the period after she returns to work.

## CLAIMS

Equal pay claims are usually brought in an employment tribunal, which can make a declaration of the claimant's rights and require payment of any arrears of pay or damages for breach of a non-pay term. However, in some circumstances a claim can be brought in the civil courts.

We can advise you as to whether you may have an equal pay claim.

Contact us for a free 20-minute consultation where we will discuss your current situation and advise you as to the next steps you should take.



### How Can We Help You?

For more information and to find out how we can help you, please contact us on 0345 646 0406 or email [enquiries@nockolds.co.uk](mailto:enquiries@nockolds.co.uk) and a member of our Team will be in touch.