



Equal Pay Reviews and Job Evaluation

Guidance for Scotland's Colleges

Foreword

‘Promoting Excellence’, the Scottish Government’s response to the Review of Scotland’s Colleges, contained a key recommendation to develop a sectoral approach to equal pay audits. Scotland’s Colleges and Close the Gap have developed the following guidance, with significant helpful support from Nancy Kelly of Unison Scotland.

This Equal Pay Audit guidance, for the incorporated colleges of further education in Scotland, is based on recently revised guidance published by Equality and Human Rights Commission. This guidance is intended to assist colleges to continue to identify and address gender pay gaps.

Barriers to men and women’s participation in stereotypically gendered occupations, and to women achieving the most senior posts, means that gender issues are of importance to colleges as employers. In addition, as learning providers, colleges have a role in ensuring that gender issues are addressed through learning and employment opportunities offered through the curriculum. Action on all of the causes underpinning the pay gap therefore has the potential to drive excellence in service delivery and to meet the needs of learners as they move into the workplace.

The Gender Equality Duty, soon to be consolidated into a single public sector equalities duty, places a requirement on large public sector employers to be proactive in addressing the gender pay gap. In Scotland, there is an additional requirement to consider the need to include an objective on equal pay in their gender equality scheme and to produce an equal pay statement. This guidance is designed to assist colleges to meet both the legislative requirements around equal pay and, as good employers, to embrace the equalities agenda.

Scotland’s Colleges and Close the Gap recognise the importance of college managers, staff and unions working together to achieve pay equality on a planned, affordable and financially sustainable basis.



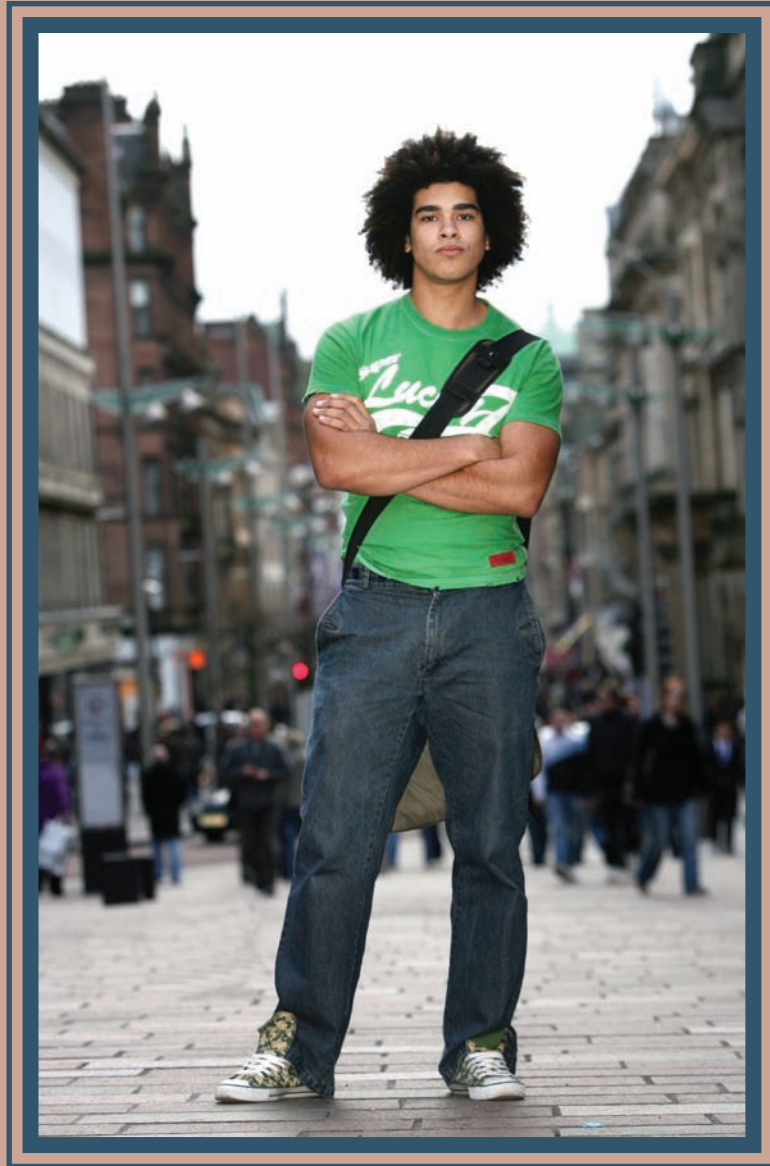
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1. Introduction

What is this guidance for?

This guidance provides information to help Scotland's colleges to analyse their pay policies and practices to ensure that they are fair and equitable and deliver equal pay.

In doing so, this will help them to comply with the Gender Equality Duty (GED) and the specific duty on equal pay. The principles of the Gender Equality Duty are likely to be carried forward into any single equality duty.

This guidance will also help to make sure they are not breaking laws that protect workers from unfair treatment on the grounds of sexual orientation, race and national identity, religion and belief, age, disability, or sex, or gender identity.

Steps that employers should take to deliver equal pay will appear as checklists in blue boxes. Details will be included within each checklist of where you can find further information and support to complete each step.

The Equality and Human Rights Commission have recently refreshed their equal pay review toolkit and this has informed this piece of guidance. The equal pay review toolkit, which has been considerably expanded to give advice on a range of specific circumstances in line with case law, is available at:

<http://www.equalityhumanrights.com/advice-and-guidance/information-for-employers/equal-pay-resources-and-audit-toolkit/>

A small number of hard copies are available from Close the Gap.

Important note

While every effort has been made to ensure that the explanations given here are accurate, only the courts or tribunals can give authoritative interpretations of the law.



2. Equal pay

What is the gender pay gap?

In Scotland women earn 12 per cent less per hour than men when full-time salaries are compared. Women working part-time earn 32 per cent less per hour than men working full-time¹. There are no figures specifically for the college sector, and the following points, examples, and comments are drawn from across the Scottish economy as a whole.

Causes of the pay gap

The gender pay gap is not solely caused by men and women receiving different pay for doing the same or similar jobs, or work of equal value. It is also caused by training and employment practices which impact on women in different ways to men. All of these factors underpinning the pay gap can be addressed, to some degree, by employment policy and practice.

Three main factors causing the gender pay gap are:

- Occupational or job segregation, where women and men do different types of work or women tend to be clustered at more junior grades within organisations;
- Lack of flexibility in working practices which means that women, who tend to do more childcare and care of older people and sick people, find it hard to balance work and family life; and
- Pay structures that have a different impact on women and men. This might, for example, include pay structures that allow employees to negotiate a starting salary.

The causes of the pay gap are considered in more detail in section 3.

¹: Annual Survey for Hours and Earnings (2009)

How the pay gap impacts colleges

The pay gap is not only an issue for employees and their families. Barriers to men and women working in stereotypically ‘male’ and ‘female’ occupations, and to women’s appointment to senior posts, means that employers cannot be assured that they are recruiting the most skilled and talented individuals to specific areas of their institution.

Employers who proactively address gender equality issues reap the benefits of a more productive, loyal, motivated, and innovative workforce, who are more in touch with the needs of their students. Action on equalities, therefore, has the potential to drive excellence in service delivery.

Risks of not addressing the gender pay gap

All of Scotland’s colleges are required to comply with the Gender Equality Duty and also the specific Scottish duty on equal pay. This requires colleges to proactively address the causes of the gender pay gap.

Further Information

To find out what your college is required to do to comply with the specific duty on equal pay in Scotland, which forms part of the Gender Equality Duty, please see the guidance produced by Close the Gap. *Gender Equality Duty: Guidance for Meeting the Specific Duty on Equal Pay* is available from www.closesthegap.org.uk.

Failure to produce an equal pay statement and then to deliver on ambitions to address pay inequality means that compliance action can be taken against individual colleges by the Equality and Human Rights Commission (EHRC), or by third parties, including trade unions and individual employees.

Additionally, the Equality Act (2010) which replaced the Equal Pay Act (1970), makes it unlawful to pay men and women differently for equal work. It is also unlawful to discriminate against employees on the grounds of race, sexual orientation, religion or belief, gender identity, age or disability.

In addition to the reputational risk of being seen as a discriminatory employer, individual colleges could also be at risk of incurring significant financial penalties for delaying action on equal pay.

Tackling equal pay: equal pay reviews

No college wants to be a discriminatory employer and the only way of ensuring that pay practices are fair is to carry out an equal pay review.

An equal pay review is a straightforward way of analysing pay systems to ensure that they comply with the Equality Act and other pieces of discrimination legislation, including the gender equality duty.

The pay review process is described in more detail in section 4.



3. Causes of the pay gap

Understanding the pay gap

The gender pay gap is not only about paying men and women different amounts for exactly the same job, although this is still a reality in some workplaces. Instead, the different experiences of men and women in the labour market contribute to the pay gap.

This section describes how this happens and talks about ways some private sector companies and public sector organisations have tackled factors that underpin their pay gaps.

Discrimination embedded within pay systems

The single largest cause underpinning the pay gap is discrimination embedded within pay systems. It is rare to find employers who discriminate directly and intentionally on grounds of pay, but many employers are unaware of the different impacts that seemingly objective pay provisions have upon men and women.

It is important that colleges critically examine their pay structures to identify the ways in which these affect women and men employees, and take action to address any gaps that cannot be objectively explained.

Case Study

A public sector organisation found that it has an organisational gender pay gap in basic pay of around 19 per cent. When looking at total pay (including overtime and premium-rate payments) the gap was 29 per cent. Within grades the biggest equal work gaps were mainly, but not exclusively, in areas where women were in the majority.

The most extreme example was one area where women's total earnings were on average 40 per cent behind those of men in the same grade. The main reason for the gaps in basic pay was the performance-related pay system which provided limited progression opportunities to most staff. This was exacerbated by a system of almost 40 grades with long incremental scales.

Together these factors were found to work to the disadvantage of women, who tended to have shorter service than men. The main reason for the even greater gaps in total pay was the system of overtime payments: people received multiples of their normal hourly rate for time worked on overtime, so the differential in the pay rates between those at the top of the scale (mainly men) and those at the bottom (who were likely to be women) was increased by the relevant overtime multiplier (for example ‘time and a half’ or ‘double-time’).

Caring responsibilities

Women are more likely than men to have primary caring responsibilities for children, sick relatives, disabled people, or older people. One fifth of women across the whole labour market lose their job, or lose out on pay or promotion, simply for being pregnant.

A lack of flexible working in many workplaces means that women are required to look for part-time work in order to balance their responsibilities. As most part-time work is in low-paid, stereotypically female occupations, this means that many women are underemployed. Equal Opportunities Commission research calculated that 53% of women in the UK working in low paid, part-time jobs work ‘below their potential’. Their skills are being lost to their employer and to the economy.

Employers who place flexible working within their overall HR strategy find that this approach contributes positively to the recruitment, retention and development of their workforce. It is particularly helpful in enabling employers to retain the knowledge and skills of women returning from maternity leave.

The majority of colleges have now implemented some flexible working policies and practices.

The “glass ceiling”

Women tend to work at a more junior grade than men across all occupational sectors.

The glass ceiling is not only responsible for women not reaching boardrooms and senior management level. Women are also disincentivised, by a lack of senior role models, from aspiring to promoted posts at junior grades.

Women can be discouraged from applying for promoted posts by cultures of presenteeism, which wrongly equates long hours with excellence; “old boys networks” which leave women without the access to informal mentoring opportunities that men have; a perceived lack of work-life balance at senior levels; a lack of senior women role models; and recruitment and selection processes that appear to lack transparency.

A range of employers have taken action to increase the diversity of women at senior levels in their organisations. In comparison with other sectors, colleges have excellent representation of women at senior levels, but there are still pockets where improvement is possible.

Those institutions who wish to increase the number of women they have at senior levels may like to consider the ways in which workplace culture, access to informal mentoring or networking opportunities for women, and the ways in which recruitment and selection is managed and implemented may be barriers to progression for women.

Case Study

The Scottish Court Service now ensures that every selection board has a gender balance. This is the case even at board level. To ensure that all selection boards comply with legislation and with internal policies it always has a member of HR present on each panel, both for external recruitment and internal selection and promotion. Before selection boards convene, a mock board is set up to allow board members to work together and identify any issues so that they can be ironed out or dealt with before the board is convened for the first applicant.

Six years ago, it was frequently the case that board members would ask questions specifically of women that they wouldn't have asked of a man. This does not happen now, due to the formal, two day programme that all managers have to go through.

Occupational segregation

Women and men tend to work in gender-segregated occupations and sectors. There are many factors which underlie this segregation, including stereotyping about men and women's capabilities and skills, the culture associated with different types of work, access to training courses and apprenticeships in different sectors, as well as the sex of the working people that young people know.

Although job segregation restricts choices for men and women, the jobs which are most likely to be done by women are also those that are associated with low pay and limited possibilities for progression. These are sometimes referred to as the "5 Cs": cleaning, catering, cashiering (retail), clerical work, and caring.

Employers can take forward a number of actions to address job stereotyping within their organisations. Consideration should be given to structural issues such as access to training and progression from one type of work to another, as well as the presentation of recruitment or promotion opportunities. Small changes to the ways jobs and development opportunities are advertised can make a big difference to the quality and quantity of the response.

Case Study

The Women and Work Commission, which reported in 2006, made a number of recommendations on activity to address occupational segregation.

BT sought to increase the gender diversity of participants on their own apprenticeship scheme, and, as part of efforts to make the opportunities more appealing to young women, retitled the scheme "Career Start". The number of young women in the technical sector scheme rose from 8 per cent to 20 per cent, in the space of one year. An increase of young men in the Business Administration scheme was also recorded.

Public sector bodies have emulated this approach. In 2010, Forestry Commission Scotland published adverts in trade publications that explicitly promoted forestry careers to women, and hosted events, targeted at women, that publicised the types of work done by in the sector.

Employers should also carefully consider the possibility that they may be undervaluing jobs that have traditionally been done by women. An analytical job evaluation scheme, free from sex bias, can help employers to evaluate whether specific groups of workers are being underpaid.

4. How to do an equal pay review

Which process?

The Equal Opportunities Commission (now the Equality and Human Rights Commission) developed an equal pay review process that is clear and robust.

It is laid out in the statutory Code of Practice on Equal Pay, which means that it meets the standard for a pay review process that can be used, as part of a defence, at an employment tribunal.

Further information

The Code of Practice on Equal Pay is available from the website of the Equality and Human Rights Commission at:

<http://www.equalityhumanrights.com/advice-and-guidance/information-for-employers/equal-pay-resources-and-audit-toolkit/>

A small number of hard copies are available from Close the Gap.

There are five steps in the EHRC's pay review process:

1	Scoping the review.
2	Identifying jobs involving similar levels of skill, effort, decision-making, and knowledge (work of equal value), and who is doing those jobs.
3	Comparing the pay of women and men doing like work, work rated as equivalent, and work of equal value.
4	Identifying gaps and the reasons that the gaps exist.
5	Eliminating those pay gaps that cannot satisfactorily be explained on grounds other than sex and establishing a policy of continuing pay reviews going forward.

The pay of other protected groups can also be compared, and you may wish to compare the pay of employees who are minority ethnic against the pay of those who are white, or those who are disabled against those who are non-disabled.

The Equality and Human Rights Commission toolkit on equal pay suggests that few organisations are able to carry out a pay audit of the whole workforce on a wide range of protected groups at the first attempt. It speculates that organisations may decide to take a staged approach, perhaps beginning with an audit of men's and women's pay and developing expertise in the audit process before extending the scope in subsequent audits.

The Equality and Human Rights Commission has recently refreshed its equal pay toolkit to include other equality strands. Although, the guidance in this section incorporates this up to date model the Commission's own equal pay toolkit contains a much more detailed account of the five steps and the methods that colleges can usefully use to analyse their pay systems. The Commission's guidance is also updated in line with changes in equal pay law.

STEP ONE

Scoping the review

Planning a pay review carefully and well is extremely important.

This means identifying the groups of workers and employees that your review will cover, along with the data you will require to analyse the pay of your workforce.

Establish a project team with experience in your organisation's pay and grading arrangements, any job evaluation system(s) that you use, your payroll and human resource information systems, and knowledge and awareness of key equalities issues of the protected groups whose pay is being evaluated. You should include trade union representatives, who are likely to be able to contribute valuable information about the operation of the existing system and likely effect of changes.

Thought should be given at the earliest stage to managing expectations and dealing with outcomes. It is likely that you will identify pay gaps and require to address these. Each college should develop a detailed and realistic estimate of costs at the start of the process and identify a way in which these costs can be met.

STEP ONE**Checklist**

Determine the scope of the audit. Who will be included and which protected groups (women, black and minority ethnic people, and disabled people) will be covered.

NOTE: Carrying out an equal pay audit in stages (for example, comparing the pay of lecturers and other academic staff without including support staff) will increase your risk of equal pay claims being made.

Establish a steering group, including staff members knowledgeable about your systems and policies as well as equalities issues. Trade union representatives must be part of this steering group.

Identify any training needs for the steering group and identify and participate in training together.

Develop a budget for the process and the implementation of equal pay in the college.

Secure senior management engagement with the process and identify the financial implications of the equal pay review to the senior management team.

Develop a communications strategy so that expectations of the process can be managed and staff concerns can be mitigated.

Identify the data that you will need and ensure that it is clean and up to date.

The EHRC equal pay review toolkit contains a detailed list of the types of data that you will need to carry out an equal pay review, along with tips on cleaning it and checking for likely errors.

STEP TWO

Determining where women and men (or any other protected groups) are doing equal work

The Equality Act which replaced the Equal Pay Act gives women and men the right to equal pay for equal work. 'Equal work' includes:

- **Like work** i.e. jobs with the same or similar content, regardless of whether they have the same title. Lecturers jobs are 'like work', even though they may teach completely different subjects.
- **Work rated as equivalent.** This refers to jobs that are given the same or very similar scores by an analytical job evaluation scheme that is free of bias on the grounds of sex.
- **Work of equal value.** This refers to jobs that demand the same level of skills, knowledge, mental and physical effort and responsibility.

In Step Two you will need to identify which employees are doing equal work. The best way of doing this is by using an analytical job evaluation scheme, which is free of sex bias.

Most colleges have one or more job evaluation schemes in place but it is important to make sure that your scheme is fit for purpose and genuinely free of sex bias. If you do not have an appropriate job evaluation scheme then you will need to procure one.

Some background information around job evaluation, include details of how to equality proof your job evaluation scheme, is given in section 5. A detailed checklist is included in this section.

STEP TWO**Checklist**

Ensure that your college has an appropriate job evaluation scheme, whether through procurement or by assessing your current scheme using the checklist in section 5.	
If required, implement your job evaluation scheme, ensuring that all points in the section 5 checklist have been addressed.	
Ensure that final, agreed job evaluation scores are updated on all employee records.	
Group job roles in 'equal work' groups. This may include job roles on the same grade and must include job roles with the same or similar job evaluation scores.	

STEP THREE

Collecting and comparing pay data to identify equal pay gaps

Once you have identified, by use of an analytical job evaluation scheme, where college employees are doing equal work, you will need to collate and compare pay information to identify any significant gaps.

The Equality and Human Rights Commission toolkit contains detailed practical advice on the types of analysis that you should carry out. No specialist statistical knowledge is necessary to carry out the analysis stage on equal pay review.

STEP THREE

Checklist

Compare the pay of all men with all women in the college. This will give you an overall, or headline, pay gap.

For men and women in each equal work group calculate the difference between average basic pay and total average pay (including any bonuses or other payments).

For men and women in each equal work group compare access to and amounts received of **each element of pay**. This should include the proportion of men and women who receive each element of pay along with the average amount of this pay that women and men receive and the gap between them.

Identify where there is a pay gap of 5 per cent or more in any equal work group or a pattern of differences of 3 per cent across many or all equal work groups.

Carry out sufficient analysis to identify any further issues beneath pay gaps of 5 per cent in equal work groups, or a pattern of difference of 3 per cent.

The EHRC toolkit contains an example of this phase within an equal pay review. The EHRC toolkit also gives advice on considerations for comparing pay on the grounds of race and disability.

Important note

The steps above will help your college identify structural and systemic inequalities in pay. It is important to be aware, however, that any pay difference, even when less than 3 per cent or 5 per cent is open to legal challenge.

STEP FOUR

Establishing the causes of any significant pay gaps and assessing the justifications for them

If you have identified any significant pay gaps then Step 4 will involve finding the reasons for these and will help you assess if the rationale is objectively justifiable. (If your college has no significant pay gaps then you can move straight to Step 5.)

The focus of an equal pay review is to identify systematic inequalities in pay between men and women, or between other groups. Trade union representatives and human resources staff may be particularly helpful in identifying structural reasons for pay gaps within colleges.

Generally speaking, differences in rates of pay between men and women are most likely to be because of one of the following factors:

- Length of service
- Starting pay
- Pay protection
- Assimilation
- Progression
- Market factors
- Performance related pay

Your college pay structures may contain inequalities based on other factors, but it can be helpful to determine whether these are impacting differently on men and women first.

The EHRC toolkit contains specific checklists to help your college look at:

- Starting pay, pay protection and pay progression
- Performance related pay
- Market factors
- Benefits
- Working time premia

Once you have used these, or considered the issues that they raise, then you will need to decide whether a particular pay policy, practice, or element of pay is discriminatory and how the resultant gap will require to be closed.

STEP FOUR

It is impossible to give general advice on what might amount to a satisfactory explanation of a pay gap, as the law is complex and an answer would be dependent on the detailed circumstances surround an individual's pay. If you are in doubt as to whether a pay gap can be justified you should seek expert legal advice.

Colleges have statutory responsibilities to achieve equal pay that go beyond those framed in the Equality Act, which replaced the Equal Pay Act.

Further guidance on other regulatory requirements on equal pay is available from www.closesthegap.org.uk

STEP FOUR

Checklist

Determine how length of service; starting pay; pay protection; assimilation; progression; market factors and performance pay impact on the difference between men's and women's pay, using the checklists in the EHRC equal pay review toolkit.

If any unexplained gaps remain, identify the pay policies and practices that are responsible for these.

Identify whether the reasons for the pay gaps you have found can be objectively justified and list policies and practices that require to be changed.

Identify reasons for the headline pay gap in your college that are not included in your pay policies and practices. These might include a lack of women's progression, difficulties in accessing flexible working, or women and men doing different types of work.

STEP FIVE

Developing An Equal Pay Action Plan

If your review identifies unjustified pay gaps then you will need to develop an action plan to deliver equal pay. These should include providing equal pay for current and future employees as soon as is practicable and changing the policies and practices that contributed to unequal pay.

You should also introduce an equal pay policy, which will outline the commitment of your college to providing equal pay with clear accountabilities, regular monitoring and adequate resourcing of equal pay reviews.

You will need to continue to review and monitor pay outcomes by protected groups. Equality impact assessment of pay settlements is recommended, and the Equality and Human Rights Commission toolkit on equal pay contains a method for doing this. This will help to ensure that unjustified differential impacts on men and women are not introduced after your pay review.

For example, colleges must ensure that any pay protection arrangements that they have in place are not discriminatory. Recent case law suggests that lifetime pay protection is likely to be discriminatory and all pay protection measures must be checked to make sure they are not tainted with sex discrimination, as these could potentially give rise to further unlawful pay inequalities.

Regular pay reviews should be undertaken by colleges and careful consideration should be given to reviewing pay on protected grounds other than gender.

STEP FIVE**Checklist**

Provide equal pay for current and future employees.	
Change the pay policies and practices that you have identified as contributing to unequal pay and ensure that this work is reflected in your equal pay statement and gender equality scheme.	
Change the other policies and practices that you have identified as contributing to unequal pay and ensure that this work is reflected in your equal pay statement and gender equality scheme.	
Suggestions on how to do this are contained within section 6.	
Introduce a standalone equal pay policy, which outlines your college's commitment to equal pay reviews and ongoing equality impact assessment of pay arrangements.	

A model equal pay policy

The statutory code of practice on equal pay outlines a model equal pay policy.

A model equal pay policy

We are committed to the principle of equal pay for all our employees. We aim to eliminate any sex bias in our pay systems.

We understand that equal pay between men and women is a legal right under both domestic and European law.

It is in the interest of the organisation to ensure that we have fair and just pay systems. It is important that employees have confidence in the process of eliminating sex bias and we are therefore committed to working in partnership with the recognised trade unions. As good business practice we are committed to working with trade union/employee representatives to take action to ensure that we provide equal pay.

We believe that in eliminating sex bias in our pay system we are sending a positive message to our staff and customers. It makes good business sense to have a fair, transparent reward system and it helps us to control costs. We recognise that avoiding unfair discrimination will improve morale and enhance efficiency.

Our objectives are to:

- eliminate any unfair, unjust or unlawful practices that impact on pay, and
- take appropriate remedial action.

We will:

- Implement an equal pay review in line with EOC guidance for all current staff and starting pay for new staff (including those on maternity leave, career breaks, or non-standard contracts)
- Plan and implement actions in partnership with trade union/employee representatives
- Provide training and guidance for those involved in determining pay
- Inform employees of how these practices work and how their own pay is determined
- Respond to grievances on equal pay as a priority
- In conjunction with trade union/employee representatives, monitor pay statistics annually.

**Statutory Code of Practice
on Equal Pay (2003)**



5. Job evaluation

Why is job evaluation so important?

Job evaluation is an integral part of the pay review process. Without the implementation of an analytical job evaluation scheme free of sex bias, it is impossible to be sure that the pay for jobs with the same value is being properly compared.

Equality and Human Rights Commission guidance is clear that a job evaluation scheme that covers all jobs is best practice. If more than one job evaluation scheme is used then tests must be done, comparing jobs that fall under each scheme, to ensure that unlawful pay inequalities are not persisting between jobs covered by the different schemes.

What type of job evaluation should we use?

Analytical job evaluation schemes are those in which jobs are broken down into components (known as factors) and scores for each component are awarded with a final total giving an overall rank order.

Factors are normally discrete demands found in a job or range of jobs. Most factors within job evaluation schemes fall within the generic headings of knowledge, skills, responsibility, effort and working conditions but they do not necessarily have the same names, nor fall neatly within five factors.

It is not guaranteed, however, that an analytical job evaluation scheme will be free of sex bias. A scheme is discriminatory, for example, if it fails to include, or properly take into account, a demand that is an important element in a job that is predominantly female. A scheme will also be discriminatory if it gives an unjustifiably heavy weighting to factors that are more typical of a man's job.

Which job evaluation scheme should I use?

Neither Scotland's Colleges, nor Close the Gap, recommends a specific job evaluation scheme for use by individual colleges. The Equal Opportunities Commission (now the Equality and Human Rights Commission) have also not endorsed any particular scheme. This is an issue for discussion with recognised trade unions.

However, job evaluation schemes must be appropriate for the types of jobs they are evaluating and a scheme used successfully in one type of public or private sector organisation will not necessarily be suitable for use in a college.

The following checklist may be helpful in determining whether a job evaluation scheme and its implementation is likely to be free of sex bias. The Equality and Human Rights Commission equal pay review toolkit contains detailed guidance on job evaluation and implementing a job evaluation scheme. The checklist is drawn from this toolkit, which also contains additional advice and information on various aspects of job evaluation. Where particular methods or advice in this toolkit may be useful to you in implementing job evaluation in your college, this is identified below.

Job Evaluation Checklist	
Is the scheme reviewed regularly?	
Does the scheme cover all jobs done in your college? <i>(Only if all employees are covered by a single job evaluation scheme can you be sure that your college is achieving equal pay. If two or more schemes are used, then the EHRC equal pay review toolkit contains a method for testing whether the relativities between the different jobs is fair. However, this may not protect your college fully against equal pay claims.)</i>	
Do college employees understand how the scheme works?	
Have all relevant personnel including trade union representatives received training in how the scheme works?	
Does the scheme's factor plan measure all significant features of all the jobs it covers? <i>(The EHRC equal pay toolkit contains a method for testing to make sure that the factor plan is fair.)</i>	
Do the factor levels in the job evaluation scheme reflect measurable steps in demand within the jobs covered by the scheme? <i>(The EHRC equal pay toolkit contains a method for testing to make sure that the factor plan is fair.)</i>	

Is the rationale for the scheme's scoring and weighting system documented? <i>(The EHRC equal pay toolkit contains a method for testing to make sure that the scoring and weighting system is not biased.)</i>	
Are job holders involved in completing a job questionnaire or equivalent, during any evaluation or re-evaluation?	
Do you use trained job analysts to assist job holders to complete job questionnaires or equivalent?	
Have job analysts been trained in equality issues and avoiding sex bias?	
Are jobs evaluated or the evaluations checked by a job evaluation panel or committee, including trade union representatives?	
Are panel members trained in equality issues and avoiding sex bias?	
Are evaluation records kept? <i>(The EHRC equal pay toolkit contains advice on record keeping).</i>	
Have all distinct jobs been analysed and evaluated?	
Has the impact of job evaluations, re-evaluations and appeals been monitored by gender and in respect of other protected groups?	
Is there an appeals or review system for dealing with new or changed jobs and grading grievances through the evaluation system?	
Is there a system for ongoing monitoring and maintenance of the job evaluation system? <i>(The EHRC equal pay toolkit contains guidance on ongoing monitoring and maintenance.)</i>	
If grade boundaries have changed as a result of a job evaluation exercise then has this been gender-proofed? <i>(The EHRC equal pay toolkit contains a number of questions that colleges should consider when amending grade boundaries.)</i>	



6. Addressing gender inequalities identified by a pay review

Narrowing gender gaps

The equal pay review carried out within an individual college will identify the causes of the pay gap. These must then be addressed to narrow the gap.

This section talks about the ways in which a college can reduce its gender pay gap.

Flexible working

The lack of workplace flexibility is a significant cause underpinning the gender pay gap. Women, in our unequal society, have more responsibility for caring for children, sick people, and older people and there is a lack of quality, affordable childcare. Consequently, women are more affected by a lack of opportunity to work flexibly. This narrows the available talent pool for employers who do not offer any type of flexible working.

There are significant benefits for employers who implement flexible working arrangements. These include enhanced recruitment and retention; reduction in absenteeism and staff turnover; and improved employee commitment and morale. A college that promotes an adaptable and flexible culture will also arguably reflect these values in the quality of its provision to students and in its response to change.

Different organisations can introduce flexibility in different ways. These may include:

- Flexible hours can give choices such as flexitime, part-time, job-sharing, and term-time working;
- Offering flexibility in terms of working location can mean allowing people to work from home, other offices or centres, or wherever suits the worker; and
- Offering flexibility in work tasks could mean removing any demarcations (or traditions) in task allocation; multi-skilling the workforce to enable job variety; portfolio working, where people have a collection of tasks or projects to work on; or allowing self-management where the individual controls their own workload.

Similar organisational benefits arguments can be made for employers who offer childcare vouchers or childcare provision to employees. In addition to the recruitment, retention and morale benefits that employers can secure, employers who operate a childcare voucher scheme can also reduce their national insurance contributions.

As caring responsibilities have a significant gendered impact on an individual organisation's workforce, public authorities require to consider the issue when formulating their gender equality schemes.

Colleges should:

- Gather evidence on the impact of caring responsibilities on their workforces;
- Consult with employees and trade unions and consider whether it is appropriate to set objectives to address any relevant issues;
- Use any annual staff monitoring exercise to ask staff if they have caring responsibilities, and whether this is for children or for older people.

Occupational segregation

There are two types of occupational segregation. Horizontal occupational segregation exists when men and women are crowded into stereotypically male and female jobs or occupational sectors. For example, 80 per cent of administrative and secretarial workers and those in personal service jobs are women. Conversely, over 80 per cent of skilled tradespeople and process, plant and machine operatives are men.

Vertical occupational segregation exists when women are clustered at more junior levels within organisations. This is often described as being the result of a "glass ceiling", an invisible accumulation of challenges and barriers that conspire to prevent women from achieving their potential.

Occupational segregation also has a significant impact on an individual organisation's workforce, and public authorities require to consider the issue when formulating their schemes.

Colleges should:

- Gather evidence on the extent of occupational segregation in their workforces;
- Consult with employees and trade unions and consider whether it is appropriate to set objectives to address any relevant issues.

Appropriate actions to address gendered occupational segregation will require to reflect the needs of the specific organisation in which occupational segregation is present. However, consideration could be given to a number of factors, which can have a different impact on men and women.

- **The places and ways in which jobs are advertised.** Evidence shows that women are less likely to apply for jobs for which they do not have all of the essential and desirable criteria. Similarly, if jobs are not advertised formally then women, who tend to have less access to informal workplace networks, are less likely to be aware of development and promotion opportunities.
- **Recruitment processes.** Gender balance on recruitment panels can be helpful. Robust training should be given to all recruitment panel participants to ensure that questions are not asked of female candidates that are not asked of male candidates.
- **Training opportunities.** Part-time low-paid women are the group of workers least likely to be offered training opportunities in the workplace, but they are also the most likely to be underemployed. Employers should ensure that all workers have an equal opportunity to develop their skills. The Review of Scotland's Colleges recommended that all full-time staff should fulfil six days of continuing professional development (CPD) a year, and that this should pro rated for part-time, fixed-term and temporary staff. This was agreed by the Scottish Government. Colleges that have achieved the Investors in People standard are assessed on equality of opportunity in respect of the provision, organisation and impact of CPD.

- **Workplace culture.** Employers should be aware of the different impacts of the working environment on women and men. For example, networking events that require participation in an activity stereotypically seen as male, such as golf or football, may function as a barrier to women employees.
- **Presenteeism.** There is overwhelming evidence that longer hours can be harmful to both employees and productivity. Many women perceive that promoted posts will require a significant increase in hours spent in the workplace, which can be challenging for employees with caring responsibilities and acts as a disincentive. Developing flexible working practices can help employees work smarter rather than longer.
- **Mentoring and networking.** Many women struggle to access informal work networks, particularly those that are based on after-work socialising. Creating women-only networks can help to build cross-organisational relationships, emphasise that the organisation values difference, and can help drive cultural change.

Pay protection

Indefinite pay protection arrangements may be justified where there is no evidence of sex discrimination at the inception of the scheme, or subsequently i.e. where the composition of the protected group is not proportionately gender dominated in comparison to the workforce as a whole and/or the female comparator group in particular.

As pay protection agreements may become discriminatory over time, such arrangements are generally considered to be contrary to good practice and the interests of pay equality.

Recent case law suggests that lifetime pay protection is likely to be discriminatory and all pay protection measures must be checked to make sure they are not tainted with sex discrimination, as these could potentially give rise to further unlawful pay inequalities.

7. Additional information

Glossary

Code of Practice on Equal Pay

Statutory guidance on equal pay, produced by the former Equal Opportunities Commission. It is admissible in evidence in any proceedings relating to sex discrimination or equal pay before the Employment Tribunal. This means that, while the Code is not binding, the Employment Tribunal may take into account an employer's failure to act on its provisions.

Code of Practice on the Gender Equality Duty

The legally binding interpretation of the gender equality duty. It assists organisations to determine what is required under the law to fulfil the obligations that public bodies have under the gender equality duty. It should be read alongside the Scottish guidance on the specific duty on equal pay.

Equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration - recognising the diversity of different groups of women and men.

Diversity

The recognition and valuing of difference, in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of service users, members of the public and employees.

Gender

Refers to roles, attitudes, values and behaviours that men and women are encouraged to adopt by society. These characteristics can vary depending on the society around us. For example, historically, a gender role would suggest that women should look after children at home while men go to work in the formal labour market.

Gender Equality Scheme

A 3 year plan of how a public body intends to promote gender equality and mainstream it into all of its policies and functions, which each college must produce in order to comply with the gender equality duty. In Scotland, consideration must be given to the need to include an equal pay objective. Only those bodies who can demonstrate that they have carried out an equal pay review, incorporating a job evaluation scheme free of sex bias, that indicates that they do not have any pay gaps can justify not including such an objective.

Gender mainstreaming

Making sure that gender issues are built into the processes and outputs of a public body. It is an approach to integrating gender considerations into all facets of work. It involves ensuring that gender perspective and the goal of gender equality is central to all activities, whether policy development, research, advocacy, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects. It integrates a gendered awareness into each aspect of work, rather than considering gender separately.

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