**Quick Guide**

**Bargaining on Pay Inequality**

**Pay Gaps: What they are and what your branch can do about them**

**What are equality pay gaps?**

Equality pay gaps are the difference in the average pay of a group of people who face discrimination due to a ‘protected characteristic,’ such as women or Black workers, compared to the average pay for workers who do not face such discrimination, such as men or white workers.

For example, according to government statistics:

* **Gender pay gap** - was 15.4% in 2021, an increase on 2020
* **Disability pay gap** was 13.8% in 2021, meaning disabled people get paid on average £1.93 per hour or £3,512 per year less than non-disabled people
* **Ethnicity pay gap** - was 2.3% in 2019, but this masks significant disparities with the London ethnicity pay gap standing at 23.8%
* **LGBT+ pay gap** – there is very little official data but we know from a YouGov survey in 2019 that lesbian, gay, bi, and trans workers responding reported being paid an average £6,700 per year less than non-LGBT+ colleagues, a 16% pay gap. UNISON’s experience is that trans workers are likely to be particularly impacted.

Younger workers are also more likely to experience low pay. The pay gaps are even higher for people who have more than one protected characteristic, such as Black and disabled women.

**How does this relate to equal pay?**

Since the 1970s we have had laws in the UK that mean it is illegal to pay someone less for doing work of equal value to someone else. Many branches will have had cases like this or will have worked on Single Status agreements in local government or Agenda for Change in the NHS, which were both about ensuring equal pay.

Cases where the employer is breaking equal pay law contribute to the overall pay gap but equality pay gaps are much bigger and more complicated than this. It’s not just about comparing the worker to someone doing the same job. It’s about women, Black and disabled workers not getting the chance to move up the pay scales, get promoted or work in a sector with higher pay due to systemic discrimination.

You could think of it as horizontal and vertical discrimination! Equal pay is about stopping horizontal discrimination – workers in jobs requiring similar levels of skills being paid different amounts due to discrimination. This is illegal. Pay gaps include this, but they are also about vertical discrimination – workers not being able to move up the pay ladder. This is more difficult to tackle than equal pay but it’s a key area where UNISON branches can make a difference.

**Why do pay gaps exist?**

A big cause of pay gaps is that **part time workers aren’t valued**. Women are still responsible for the majority of caring for children and older dependents in our society and often need to work part time as a result. Some disabled people may need to work part time to help manage their impairment. However, part time workers are often wrongly seen as ‘not pulling their weight’ or ineligible for training or promotion. They get stuck on the bottom rung of the pay scales. Having a baby also adds to the pay gap, with many workers being **overlooked for promotion after childbirth**.

There are also some jobs that are not valued by society and are often carried out by people who are more likely to face discrimination when they try to get a better job in another sector. The roles that aren’t valued include jobs in care, catering, cleaning, admin and retail. Women often do these jobs, and very often Black and migrant women. This is called **’occupational segregation**’. These are often the lowest paid sectors with the worst terms and conditions.

Disabled people are entitled to reasonable adjustments by law under the Equality Act 2010 so that they don’t face barriers at work. However, many **disabled workers are refused adjustments** or have to wait months or even years to get them. This makes it difficult for them to do their job and they often end up denied training, promotion and better pay as a result.

Of course **discrimination** is also key to pay gaps. For example, Black workers are more likely to face unfair disciplinary action at work and lesbian, gay, bisexual and trans workers can experience bullying and harassment. These workers can be denied opportunities to advance in their role just because they are Black or LGBT+.

Younger workers are more likely to experience low pay, precarious work and limited training. The national living wage **allows employers to pay young workers a lower rate**.

**What does the law say?**

In the UK, all organisations with over 250 staff must publish their gender pay gap annually. However, there is no legal requirement for organisation to collect or publish their disability or ethnicity pay gap, for example. UNISON is campaigning for new laws that would require employers to publish their disability and ethnicity pay gaps.

**What about the employment gap?**

The employment gap is the difference between the percentage of people with a protected characteristic who are in employment compared to those without the protected characteristic. This is particularly important for disabled and Trans workers.

Disabled workers are twice as likely to be unemployed than non-disabled workers (8 per cent compared to 4.3 per cent). Trans workers also report lower employment rates.

The employment gap is primarily caused by discrimination in recruitment and in retention, with some workers being refused a job in the first place and others being hounded out due to bullying and harassment or failure to provide reasonable adjustments.

**What is the impact on UNISON members?**

In 2018 the Resolution Foundation estimated that the Ethnicity Pay Gap cost Black workers over £3.2 billion in lost wages.  This is echoed for women, LGBT+ and disabled workers. We are now facing a ‘perfect storm’ with the cost of living crisis seeing spiralling inflation, rocketing food and fuel prices and the erosion of wages and in-work benefits. Right now it’s even more important than ever that we work to remove discriminatory pay gaps and to get money into our members’ pockets.

**What is UNISON doing nationally?**

UNISON is demanding that the law is changed so that employers have to report on their ethnicity and disability pay gaps. We are working on understanding the LGBT+ pay gap a bit more and on ensuring gender pay gap reporting includes robust action plans to tackle the root causes. We want all roles to be advertised as flexible as the default. We are also calling for young workers to be paid the same national living wage rate as other workers.

**What can your branch do about it?**

* Ask your employer for a joint audit of the pay and reward structure to make sure it is equality proofed
* Agree a flexible working policy in line with UNISON guidance
* Agree a Disability Leave Policy and a Reasonable Adjustments Passport with your employer
* Agree family friendly policies such as parental and carers leave
* Review recruitment materials and processes
* Review access to training and development
* Get your employer to sign up to the UNISON Young Workers Charter
* In addition to mandatory gender pay gap reporting, ask your employer to voluntarily commit to monitoring and reporting other equality pay gaps so that progress can be measured
* NHS England produces disability and ethnicity pay gap information as part of the Race Equality Standard (RES) and the Workplace Disability Equality Strategy (WDES) – check out how your Trust is doing and put your employer on the spot for any areas where they are failing.

**Where can you find more information to help your branch bargain locally on pay gaps?**

**Gender**

* UNISON’s Bridge the Gap gender pay gap campaign page – **unison.org.uk/our-campaigns/bridgethegap/**

**Race**

* Challenging racism in the workplace - **unison.org.uk/content/uploads/2022/05/LEAFLET-Challenging-racism-in-the-workplace.pdf**

**Disability**

* Disability Leave bargaining guide - **unison.org.uk/content/uploads/2019/10/25870.pdf**
* Reasonable Adjustments Passport bargaining guide –**unison.org.uk/content/uploads/2019/10/25875\_reasonableadjustments.pdf**

**LGBT+**

* Lesbian, gay and bisexual workers rights - [**unison.org.uk/content/uploads/2020/01/LGB-workers-rights-19.docx**](https://www.unison.org.uk/content/uploads/2020/01/LGB-workers-rights-19.docx)
* Trans workers rights -[**unison.org.uk/content/uploads/2020/01/Transgender-workers-rights-19.docx**](https://www.unison.org.uk/content/uploads/2020/01/Transgender-workers-rights-19.docx)

**Young workers**

* UNISON Young Workers Charter - **unison.org.uk/about/what-we-do/fairness-equality/young-members/key-issues/young-workers-charter/**

**General pay gap resources**

* Flexible and Hybrid working policy - **unison.org.uk/working-from-home-and-hybrid-working-bargaining-guide-and-model-policy/**
* Working parents leave and rights - [**unison.org.uk/negotiating-for-working-parents/**](https://www.unison.org.uk/negotiating-for-working-parents/)
* Race for Equality: Challenging racism in the NHS - **unison.org.uk/at-work/health-care/big-issues/race-for-equality/**
* Disable Inequality: Challenging disability discrimination in the NHS **-** [**unison.org.uk/at-work/health-care/big-issues/disable-inequality-challenging-disability-discrimination-in-the-nhs/**](http://www.unison.org.uk/at-work/health-care/big-issues/disable-inequality-challenging-disability-discrimination-in-the-nhs/)