

## EQUAL PAY POLICY

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## EQUAL PAY POLICY

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## EQUAL PAY POLICY

### 1 Background

- 1.1 Scottish Borders Council (The Council) is committed to ensuring equal pay for its workforce; that our Equal Pay Policy complies with the legal duties under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and that our Equal Pay Statement is published in accordance with the legislative timetable.
- 1.2 The Public Sector Equality Duty of the Equality Act 2010 requires the Council to have due regard for the need to:
- Eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by or under this Act
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - Foster good relations between persons who share a protected characteristic and persons who do not share it
- 1.3 We seek to embed equality into all of our Corporate Business and Service Plans enabling us to demonstrate our explicit commitment to being fair, equal and open as reflected in this policy.

### 2 Duties in respect of Equal Pay

- 2.1 The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires the Council to take action on Equal Pay.
- 2.2 This means that we must publish a statement on equal pay, which must specify our policy on equal pay as regards:
- Women and men
  - Persons who are disabled and persons who are not
  - Persons who fall into a minority racial group and persons who do not
- 2.3 We must also publish information on occupational segregation, which is the concentration in particular grades and in particular occupations of:
- Women and men
  - Persons who are disabled and persons who are not
  - Persons who fall into a minority racial group and persons who do not
  -

### 3 Equal Pay Statement

- 3.1 The Council is committed to equal pay for all its employees, including those in education, and aims to eliminate any bias in relation to pay systems on the grounds of age, disability, race, religion or belief, sex, sexual orientation and /or gender reassignment
- 3.2 As part of this principle all employees should receive equal pay for equal work.
- “Equal work” is the same or broadly similar work, work rated as equivalent, or work of equal value. The Council will continue to operate a pay and benefits system which is transparent, based on objective criteria, and free from bias in order to comply with legislation.
- 3.3 The Council believes that in eliminating bias in its pay systems, it is sending a positive message to its employees and the Scottish Borders community. It makes good business sense to have fair and transparent reward systems and it also helps the Council to control costs.

3.4 The Council will identify and eliminate any unfair, unjust or unlawful practices that impact on pay as well as being committed to taking the appropriate remedial action.

3.5 The Council in supporting this commitment to equality in pay will:

- Regularly review its pay and reward systems, to eliminate any bias including taking appropriate measures to ensure fair promotion, development opportunities, and tackle occupational segregation
- Set objectives that will help ensure Equal Pay requirements are implemented
- Conduct Equal Pay Audits for all employees and monitor the application of the Equal Pay Policy using appropriate resources
- Examine existing and future pay practices for all employees to ensure that they comply with best equal pay practice and current legislation
- Inform employees of how these practices work and how their pay and benefits are determined
- Respond promptly to any complaints in relation to equal pay
- Analyse and publish information on the gender pay gap and on occupational segregation relating to men and women, employees who are disabled and those who are not and employees who fall into a minority racial group and those who do not.

#### **4 Factors that can affect Equal Pay**

4.1 The context and the factors underlying pay inequality differ slightly for women, minority racial groups and for people with disabilities.

Factors which cause women to experience pay inequality may include:

- Lack of flexible working options (especially in better paid posts)
- Expectations that staff in better paid posts will work long or unpredictable hours
- The language used to describe senior or better paid posts, including in recruitment, having a 'masculine' focus
- Organisational cultures which prioritise 'masculine' or 'laddish' attitudes and behaviours
- Pay and grading structures which reflect the historic undervaluing of jobs dominated by women

Factors which cause minority ethnic people to experience pay inequality include:

- Organisational cultures which treat majority ethnic people as 'the norm', so that those who don't fit in to that stereotype lose out on recruitment and promotion (issues around colour based racism and the normalisation of whiteness will mean that this especially affects non-white minority ethnic people)
- Promotion structures which favour those with length of service rather than being merit based
- Succession planning which is not sufficiently merit based or fails to identify minority ethnic staff who could work towards senior positions
- Failure to properly assess the merit of candidates for recruitment or promotion, meaning that minority ethnic candidates are consistently undervalued due to assumptions based on stereotypes (this can impact all minority ethnic people but for migrants, assumptions around overseas qualifications and language skills can be a particular concern)

Factors which cause those with a disability to experience pay inequality may include:

- Lack of flexible working options (especially in better paid posts)
- Expectations that staff in better paid posts will work long or unpredictable hours
- Unfair assumptions about disability related absence affecting recruitment, promotion or succession planning decisions
- Failure to make reasonable adjustments that may be needed for people to undertake jobs at higher grades

4.2 The Council has many policies and practices that overcome these factors which should ensure that there are no discrepancies in pay. However, we will monitor the position by conducting equal pay audits and take remedial action to address any issues which become apparent.

## **5 Purpose**

5.1 The purpose of this Policy is to state and publicise the Council's commitment to equal pay for equal work for all employees, ensuring they are paid fairly and that the Council operates pay and reward systems which are transparent, based on objective criteria and free from bias.

5.2 This policy has been reviewed and developed in line with the Equality and Human Rights Commission (EHRC) Statutory Code of Practice on Equal Pay.

## **6 Scope of the Equal Pay Policy**

6.1 This policy extends to all Council employees, irrespective of their employment status and length of service, that is:

- Single Status employees
- Chief Officers
- Teachers and associated professionals

## **7 Aims**

7.1 The main aim of the policy is to state and publicise the Council's commitment to the principles of equal pay for equal work and to enable the management of equal pay at a corporate and service level.

Specifically this includes:

- To commit to the principle of equal pay for equal work for all employees
- To eliminate any unfair discrimination, unjust or unlawful practices that impact on pay equality
- To reward fairly the skills and experience of all employees
- To operate pay and reward systems which are transparent, based on objective criteria and free from bias
- To secure the future together with our employees by attracting and retaining employees who are committed to delivering excellent public service and making us a dynamic and innovative Council by supporting equality of opportunity and valuing diversity within our workforce.

Achievement of these aims will:

- Ensure compliance with the principle of equal pay for equal work for all of our employees
- Eliminate any unfair discrimination, unjust or unlawful practices that impact on pay equality
- Reward fairly the skills and experience of all employees

- Ensure employees have confidence in the process by eliminating any bias identified, advancing equality of opportunity and fostering good relations
- Enable us to operate pay and reward systems which are transparent, based on objective criteria and free from bias

We believe achievement of these aims will ultimately assist in the attraction and retention of employees.

## 8 Current evaluation Methods

### 8.1 Scottish Councils' Job Evaluation Scheme (Single Status) – Applied to all staff except Chief Officers & Teachers

Job evaluation is recognised to be the most robust method of achieving grading structures which satisfy the principle of 'equal pay for equal work, and which are both fair and transparent. The process evaluates the post and not the person.

The Scheme was designed to ensure that the Scottish Councils' Job Evaluation Scheme:

- complies with Equal Pay legislation
- follows the Equal Pay Statutory Code of Practice published by the Equality and Human Rights Commission
- adopts accepted best practice
- is based on recognised statistical techniques.

### 8.2 Hays Job Evaluation Scheme – Applied to all Chief Officer Roles.

Hays Job Evaluation is a methodology used by corporations and organisations to map out their job roles in the context of the organisational structure. The general purpose of carrying out job evaluations using this or similar job evaluation methods is to enable organisations to map and align their roles/jobs.

While these jobs have been evaluated individually important concepts are consistency of application and the establishment of benchmark positions. All positions within an organisation are evaluated in comparison to the benchmarks using a consistently applied evaluation tool.

### 8.3 Job-Sizing of Promoted Posts – Teachers

The Scottish Negotiating Committee for Teachers (SNCT) reached agreement on the method to be used in determining the appropriate remuneration for promoted posts. The means by which Councils evaluate posts is known as the "toolkit". The toolkit measures a number of factors when determining the weightings for a post and the overall score (job-sizing points) are used to identify the appropriate point on the pay scale.

The remuneration of teachers in non-promoted posts is set nationally by the SNCT.

## 9 Identified actions and planned programme of work

### 9.1 The Council will:

- Undertake equal pay audits every two years and provide appropriate analysis in a report format to Senior Management
- Examine existing and future pay practices for **all** employees to ensure that they comply with any future developments in employment legislation
- Continue to seek improvements to the equal pay practices it operates by monitoring and impact assessing any developments in best practice

- Provide information to employees on the Council’s equal pay responsibilities by publishing the outcomes of pay audits within the Council’s Mainstreaming Report and Equality Outcomes
- Provide appropriate training and guidance for those involved in making decisions about pay and benefits
- Carry out impact assessments prior to the introduction or revision of any pay related condition of employment, either corporately or at a Service level
- Provide management information about the Council’s workforce and analyse the findings and take any appropriate action in relation to equal pay
- Analyse and publish information on the gender pay gap and on occupational segregation relating to men and women, persons who are disabled and those persons who are not and persons who fall into a minority racial group and those persons who do not.

## 10 Roles and Responsibilities

10.1 The principle of equal pay is mandatory for the Council. Successful application of the Equal Pay Policy will depend on appropriate steps being taken at a corporate and service level.

<p>Director People Performance &amp; Change</p>	<ul style="list-style-type: none"> <li>• To ensure the policy complies with legislation</li> <li>• To ensure appropriate training is available for employees responsible for the application of the policy</li> <li>• To develop a corporate reporting framework</li> <li>• To report, monitor, analyse and publish equal pay data on the Council’s workforce</li> </ul>
<p>Chief Executive and Strategic Leadership Team</p>	<ul style="list-style-type: none"> <li>• To provide a scrutiny role</li> <li>• To ensure compliance with the Council’s Equal Pay Policy</li> <li>• To ensure employees involved in the application of the policy receive training</li> </ul>
<p>Employees</p>	<ul style="list-style-type: none"> <li>• To become familiar with the Council’s Equal Pay Policy</li> <li>• To raise any concerns with their line manager in the first instance</li> </ul>

## 11 Policy Review

11.1 The outcomes of equal pay audits will be reviewed at least every two years. If any trends emerge these will be analysed and appropriate steps taken, potentially including a full review of the policy.

11.2 Additionally, as a minimum an impact assessment of the Equal Pay Policy will be carried out every two years in accordance with the Council’s HR Policy Review programme. This will include an assessment for the protected characteristics of sex, race, disability and age combined and compared to ensure equal pay in respect of these protected characteristics.