

Call for Evidence (Equality Law) Analysis - findings related to pay discrimination

Report prepared for the Office for Equality
and Opportunity

03/07/2026



Acknowledgments

This review was conducted by Fortia Insight (formerly RSM UK Consulting). The main authors were Emilio Torrini, Vicky Kaisidou, Georgie Pinchard, Bijun Qin and Samarth Padaliya. We would like to thank Professor Carol Woodhams (University of Surrey) for her inputs and advice.

Executive summary

Between 7th April and 30th June 2025, the Office for Equality and Opportunity (OEO) conducted a Call for Evidence (CfE) to examine how equality law operates in practice and to identify barriers, enablers, and opportunities for reform. The CfE focused on six key policy areas:

- making the right to equal pay effective and addressing pay discrimination;
- improving pay transparency;
- strengthening protection against combined discrimination;
- ensuring the Public Sector Equality Duty is met by everyone exercising public functions;
- creating and maintaining workplaces and working conditions free from harassment; and
- commencing the Socio-Economic Duty.

The CfE invited individuals and organisations across sectors - including Civil Society Organisations (CSOs), academic researchers, employers and employee representatives, and public authorities - to share insights on how equality legislation functions across these policy areas, how it is implemented by employers and public bodies, and where it may fall short of its intended outcomes.

Fortia Insight (formerly RSM UK Consulting, an independent research and evaluation consultancy, were commissioned to analyse the CfE responses and prepare a comprehensive summary of the evidence. A total of 176 submissions were received, of which 147 were included in the final analysis following the removal of duplicates and ineligible responses. Of the 147 included submissions, 59% (87) identified themselves as organisations, 19% (28) identified themselves as individuals, 14% (20) identified themselves as academics or researchers, and 8% (12) identified themselves as 'other', including a mix of individuals, groups, and organisations. Submissions consisted of survey responses and supporting documents that respondents attached to their submissions such as research reports, data analyses, and case studies.

Fortia Insight employed both quantitative and qualitative methods in their analyses. The quantitative analysis summarised patterns in the responses to closed survey questions; the qualitative analysis used a structured thematic approach to analyse the open-text questions and generate themes in responses.

This executive summary focuses on key findings relating to making the right to equal pay effective, addressing pay discrimination and improving pay transparency. It is intended to support respondents to the OEO's consultation on equal pay proposals.

Key findings

Equal pay

- **Patterns in pay discrimination.** Respondents submitted that pay discrimination persists across sex, race, and disability, and most submissions pointed to wider structural disparities as the root cause. Some respondents mentioned examples that could be considered instances of unequal pay for equal work under the Equality Act 2010. However, most referred to broader inequalities such as occupational segregation, differences in valuing roles, and the availability of flexible working, which are not classified as unlawful within the current legal framework. Disabled and ethnic minority workers were seen as particularly disadvantaged in terms of pay, with several respondents giving evidence that these groups face multiple compounding barriers, and some submitting views that legal frameworks do not adequately address intersectional discrimination. Respondents called for clearer guidance on equal pay law, clearer law around reasonable adjustments and equal pay claims, improved data collection and pay transparency, stronger enforcement, and changes to job evaluation schemes.

- Effective equal pay rights.** The majority of respondents submitted that the current legal framework offers stronger protections against sex-based pay discrimination than it does for race- and disability-based pay discrimination. They also supported extending equal pay rights to include these groups but highlighted the need for legal reform to reduce complexity and risk. Respondents cited procedural hurdles, unclear laws, and low rights awareness as key barriers to equal pay. Respondents raised that disabled workers may face financial penalties for reasonable adjustments, and employers often lack clarity on pay impacts. Existing tools supporting equal pay include equality clauses, extended time limits, union assistance, and use of statistical evidence. Persisting challenges are lack of comparable data, legal uncertainty around adjustments, limited legal advice, and fear of retaliation. Emotional and financial burdens, especially for disabled and freelance workers, were also noted. Respondents recommended measures such as allowing equal value comparisons for race and disability claims, simplifying procedural rules, reinstating the Statutory Discrimination Questionnaire, expanding legal aid, and providing clearer guidance on how reasonable adjustments interact with pay.
- Pay discrimination experienced by outsourced workers.** Respondents gave evidence that outsourced workers - who are more likely to be women, ethnic minority workers, disabled people, and migrants - were at heightened risk of pay discrimination, particularly in low-paid sectors such as cleaning, catering, and care. Respondents believed that outsourcing often leads to lower pay as current legal frameworks stop outsourced workers from comparing their pay with directly employed staff. Recommendations submitted by respondents focused on the need to clarify pay comparison rules, extend liability to principal employers, strengthen protections for outsourced workers, and integrate socio-economic analysis into public procurement.
- Enforcement of the equal pay scheme.** Most respondents gave evidence that illustrated concern about weak enforcement of equal pay protections. The Equality and Human Rights Commission (EHRC) was described as under-resourced and reactive, with limited strategic litigation or proactive investigation of pay disparities. Other challenges to enforcement included lack of awareness of legal rights and procedural delays. Factors that were described as supporting enforcement include the EHRC's legal powers, union-led group claims, and the potential for strategic litigation to drive systematic change. Respondents recommended establishing a dedicated Equal Pay Enforcement Unit, allowing trade unions and charities to bring collective claims, improving access to legal support, and enhancing accountability (e.g. through clearer enforcement guidance, specialist tribunal panels, and mechanisms to ensure transparency in settlement outcomes).

Improving pay transparency

- Impact of pay transparency measures.** Respondents submitted that pay transparency measures can support pay equality, but its impact varies across sectors, pay types, and groups. Specific positive measures that were mentioned by respondents include standardised and transparent pay bands, established job grading, organisational readiness (e.g. leadership commitment), and clear communication around pay transparency. Respondents also submitted several challenges in implementing pay transparency measures, including limited and inconsistent pay data (especially on race and disability), difficulty in assessing pay in sectors with variable pay, confidentiality risks, and risk of employee dissatisfaction if pay differences were revealed without clear plans to address them. Recommendations included extending mandatory pay gap reporting to race and disability, standardising data protocols, implementing clearer government guidance, and phasing implementation to support smaller employers.
- Effectiveness of Equal Pay Audit regulations.** Respondents submitted evidence that the Equal Pay Audit regulations have had limited impact in practice. Respondents reported that tribunals can be reluctant to impose audits, and when they do, the scope is often narrow and enforcement minimal. High thresholds to trigger audits, multiple exemptions, and reliance on individual litigation

were identified as key limitations of Equal Pay Audit regulations. Respondents also cited challenges such as poor pay records, fragmented HR systems, leadership resistance, and lack of internal expertise. To strengthen the system, respondents recommended allowing for proactive or randomised audits, requiring publication of findings, empowering regulators to initiate reviews based on risk indicators rather than waiting for individual litigation, and requiring broader reviews when patterns of inequality are likely.

- Impact of extending Equal Pay Audits to race and disability.** Many respondents, particularly CSOs and employee representatives, supported extending Equal Pay Audits to cover race and disability. However, other respondents warned that without broader reform, the existing post-tribunal model would limit impact. Respondents did not submit evidence on the impact of extending Equal Pay Audits to cover race and disability on pay transparency. However, they identified a few challenges, such as weaknesses in the current audit model (e.g. narrow in scope), additional administrative or financial burdens, challenges in collecting accurate data, and lack of in-house expertise in equal pay analyses. Respondents called for clearer legal guidance, consistent audit frameworks, and sector-specific support, as well as aligning audits with existing pay reporting systems and using publicly funded toolkits or sample-based methodologies to reduce audit costs.

Contents

Executive summary	3
1. Introduction and methodology	7
2. Equal pay	13
3. Improving pay transparency	39
Annex A. List of questions	51
Annex B. Response rates and demographics	56
Annex C. Methodological notes	58
Annex D. List of acronyms and abbreviations	60

1. Introduction and methodology

1.1 Background and Objectives

The Call for Evidence (CfE) was launched on 7th April 2025 for 12 weeks by the Office for Equality and Opportunity (OEO). It sought evidence and views on a number of areas of equality policy to identify barriers to opportunity and seek expert opinions on how to overcome these barriers. It invited views from individuals and organisations with a wide range of perspectives at this early stage, including academics, employers, civil society and public bodies. The CfE consisted of 15 closed questions, 31 open-text questions and five demographic questions which sought evidence across six policy areas:

- making the right to equal pay effective and addressing pay discrimination;
- improving pay transparency;
- strengthening protection against combined discrimination;
- ensuring the Public Sector Equality Duty is met by everyone exercising public functions;
- creating and maintaining workplaces and working conditions free from harassment; and
- commencing the Socio-Economic Duty.

Fortia Insight, an independent research and evaluation consultancy, were commissioned by the government to analyse the responses to this CfE to produce a comprehensive summary of evidence and views submitted. The report provides an in-depth overview of key findings emerging from responses to the CfE.

In total, the CfE received 176 responses: 101 via SmartSurvey and 75 by email. After removing duplicates and ineligible submissions, 147 responses were analysed. Over half of these (59%) were submissions from organisations, with 19% representing individuals, 14% academics/researchers, and 8% 'other'.

Among the organisational responses to the whole CfE:

- 52% from Civil Society Organisations;
- 17% from Employee Representatives;
- 12% from Large Public Authorities;
- 10% from Employer Representatives;
- 5% from Large Enterprise;
- 2% from Small Public Authorities; and
- 2% from Small and Medium Enterprise (SMEs).

Please be aware that all submitted evidence has been reported as it was presented, including where referenced evidence was not provided. Where available, links to supporting evidence have been included in this report. However, evidence has not been independently verified by the research team. All evidence should, therefore, be considered and used with caution.

This report presents the findings of the CfE relating to the first two policy areas listed above: making the right to equal pay effective and addressing pay discrimination; and improving pay transparency.

1.2 Methodology

1.2.1 CfE scope, structure and format

The CfE was open from 7th April 2025 until 30th June 2025, and in total consisted of 15 closed questions, 31 open-text questions and five demographic questions. Each of the six policy areas included a background

summary on the topic and then began with a screening question asking whether the respondent had relevant evidence. If they answered “yes” they were prompted to complete one or more open questions; otherwise, they skipped to the next section. Because questions were optional, some respondents did not answer the initial closed screening question for the section but still answered the follow up open questions to provide evidence. Respondents could choose which equality law areas to submit evidence to and did not have to submit evidence for all areas.

Questions relating to equal pay, pay discrimination and pay transparency were broken down as such:

- **making the right to equal pay effective and addressing pay discrimination:** six closed questions and 13 open-text questions;
- **improving pay transparency:** Three closed questions and four open-text questions;

Respondents were asked to submit ‘evidence’ which was defined as:

- a written summary by the respondent of published research or evidence;
- unpublished research or data analysis within an organisation;
- examples of best practice or good practice; and
- examples of practice that could be improved.

It was made clear in the CfE scope that ‘evidence’ did not include:

- external links to sources provided by respondents to research, evidence, or case studies, for example journal articles, statistics, academic papers, and media sources.

A total of 176 responses were received to the CfE as a whole, but due to the specialised nature of the CfE, the number of responses in each equality law area was smaller. See both individual sections and Annex B for a breakdown of responses to sections on equal pay, pay discrimination and pay transparency.

Respondents could complete a SmartSurvey questionnaire, submit evidence via email, or send a hard-copy response. A full list of the CfE questions is included in Annex A. Accessible formats of the CfE were offered, including British Sign Language and easy-read materials. Respondents could respond to all sections but were given the option to only answer the sections relevant to their expertise. They could also provide more than one response if contributing on behalf of different organisations ([Equality law call for evidence - GOV.UK](#)). A full list of the CfE questions relating to equal pay, pay discrimination and pay transparency is included in Annex A.

1.2.2 Data processing

Responses from Smart Survey, and those sent by email and post, were merged into a single, final dataset combining all responses to the CfE. Responses received by email or post were reviewed by officials in the OEO to anonymise any personal data and then sent over to Fortia Insight for manual entry into the final dataset before analysis, alongside responses submitted through the online platform. All responses were treated equally regardless of how they were submitted.

As a part of routine data cleaning, the research team manually reviewed all responses against inclusion criteria, and screened for duplication, coordinated campaigns, and inappropriate context. No duplicate or campaign responses were identified. Evidence was included if it:

- summarised published research or provided unpublished data, organisational learning, or in-house research;
- offered examples of good or poor practice in relation to equality law; or
- described lived experience linked to systems, enablers, barriers or outcomes.¹

¹ Enablers are factors or conditions that support, facilitate, or make something possible to happen. In contrast to barriers are factors that hinder, prevent, or create obstacles to something happening.

Items were excluded if they:

- consisted solely of external links or attachments not quoted or summarised by the respondent;
- contained tables or figures with no accompanying text (these were stored separately for reference);
- were offensive, discriminatory or wholly irrelevant to equality law; or
- comprised unsubstantiated political commentary or personal attacks.

Since respondents had the option to respond via an email inbox, when additional documents to the question responses were attached in the response, only documents within the above scope were analysed. Where a submission contained inappropriate language but still offered relevant evidence, offensive terms were redacted and the substantive content retained. Supplementary documents attached to emails were logged separately; only the main response was coded. All exclusions were recorded in an 'ineligible' register with the response ID, respondent type, reason for exclusion, and any comments.

Submissions were screened for duplication and coordination. One respondent provided feedback via both SmartSurvey and email; both submissions were retained as they differed. In two instances, identical files were submitted twice by email, and only one copy of each was kept. Additionally, a respondent submitted its response twice, one submission was excluded. A Python-based text-similarity check, applying a 90% similarity threshold, was used to detect duplicate, template or campaign responses. No campaigns were identified. Linked submissions from the same respondent were flagged in the dataset.

1.2.3 Respondent type

In total, after data cleaning, the CfE received 147 valid responses: 73 via SmartSurvey and 74 by email. The analysed responses comprised:

- 59% (87) of responses identified themselves as organisations.
 - This included 45 Civil Society Organisations (CSO), 15 employee representatives, 10 large public authorities, 9 employer representatives, and 8 who identified as 'other', including large enterprises, small public authorities, and Small or Medium Enterprises (SMEs).
- 19% (28) of responses identified themselves as individuals.
 - Only a small number of respondents provided demographic details; therefore, no meaningful analysis by sex, disability or ethnicity was possible.
 - 19 respondents disclosed their sex: 17 female, 2 male.
 - 10 respondents provided ethnicity details.
 - All other demographic options had 2 or fewer responses.
 - For Q5 (disability or long-term illness), the highest response count was 10 for any one option, with most other options recording 1 to 2 responses.
- 14% (20) of responses identified themselves as academics/researchers.
- 8% (12) of responses identified themselves as 'other', including a mix of individuals, groups, and organisations.

For more information on categorisation of these categories, please see Section 1.2.4 below.

1.2.4. Approach to quantitative analysis

The quantitative analysis summarised patterns in the closed questions. After cleaning the dataset, simple descriptive statistics were used to calculate the number and percentage of respondents who selected each option. Where possible, responses were grouped into organisations versus individuals, and organisational responses were further classified (i.e., civil society, employee representative, public authority, employer representative and other).

Not all responses included structured respondent information. Submissions sent by email did not always specify the respondent type. For these, the research team assigned a respondent type based on the organisation's name, website, or stated purpose. We used the following categories to group responses for analysis:

- **CSO:** Charities, campaigns, advocacy groups, and non-profits working on equality or social justice issues;
- **Academic / Research:** Universities, research institutes, or academics as individuals;
- **Employee Representative:** Trade unions and professional associations representing workers;
- **Employer Representative:** Industry bodies or associations representing employers;
- **Large Public Authority (250+):** Local or regional public bodies with more than 250 employees (regulators, local authorities);
- **Small Public Authority (<250):** Smaller public sector bodies below this threshold; and
- **Other:** Organisations that do not fit the above categories (e.g. consultancies).

The analysis of demographics was limited. Only 19 respondents disclosed their sex and very few provided disability or ethnicity information. Annex B includes tables and charts with the available response rates and demographics.

1.2.5 Approach to qualitative analysis

The qualitative analysis used a structured thematic approach. Responses to the open-text questions were analysed using Braun and Clarke's (2006) 6 phase model of thematic analysis combined with a hybrid deductive-inductive coding method ([Fereday and Muir-Cochrane, 2007](#)). A deductive coding framework was developed and refined. The framework was based on the CfE questions and adjusted after an initial literature review. Each equality law area was reviewed by a lead researcher.

Microsoft 365 Copilot supported the coding process. It was used to generate draft summaries. All outputs were manually checked and corrected by the research team. Themes were added inductively where new issues emerged. Evidence from individuals and organisations were analysed separately. Findings are presented using consistent terms:

- "a few" for fewer than 25% of those responding to a question;
- "some/several" for between 25% and 50%;
- "majority" for between 50% and 75%; and
- "most" for over 75%.

The ranges vary by question as the distribution of themes across responses can differ substantially. For example, some questions have a smaller number of prominent themes in responses, while other questions have many different themes mentioned by respondents.

In the qualitative analysis, alongside the objective reporting of submitted evidence, the research team sought to capture both lived experience evidence and appropriately reflect the full range of emotions, views, and perceptions expressed within the CfE responses, where appropriate.

1.2.6 Limitations

While the quantitative and qualitative analysis presented in the report aimed to capture the broad range of views and perspectives across submitted responses, there are a number of potential limitations to be considered:

- **Respondents often conflate pay gap reporting (including the Gender Pay Gap) with equal pay and pay transparency measures aimed at identifying pay discrimination (mainly pay audits).** However, they are very different. Please see the below definitions for further clarification.
 - The equal pay regime prohibits pay discrimination based on sex where this relates to contractual pay matters. It requires that women and men receive equal pay for equal work, work rated as equivalent, or work of equal value. This applies to all contractual pay and benefits, including basic pay, bonuses, overtime, and pension benefits. The right to equal pay is set out in the Equality Act 2010.
 - A pay audit (a pay transparency measure) is a preventative action that the employer undertakes to establish if any employees are being paid differently for 'equal work' (work that equal pay law classes as the same, similar, equivalent or of equal value).
 - Pay gap reporting (such as gender pay gap) is where the employer provides company level average pay data disaggregated by sex (or ethnicity, or disability). In the UK, it is mandatory for companies with 250 or more employees to publish their gender pay gap annually.²
 - While equal pay issues may contribute to a pay gap, having a gap is not unlawful. Instead, it often illustrates where specific groups may cluster in sectors, occupations, or seniority levels.³
 - While pay gap reporting also seems on the surface to have similarities to a pay audit, pay gap reporting provides a high-level snapshot and broad calculation of the difference in average earnings between groups, while an equal pay audit is a detailed investigation comparing the pay of individuals in comparable roles (often involving job evaluations), to ensure that individuals performing equal work receive equal pay.⁴ Pay gap reporting often indicates the extent to which one group is concentrated in lower-paying roles than another, whilst pay audits uncover direct or indirect pay discrimination in specific jobs or grades.
 - Gender pay gap reporting is often used as an outcome measure to show the effectiveness of other pay transparency measures. Whilst there are limitations to using this as an outcome measure, it provides the best evidence available to date and should be considered with caution.
 - In the interest of transparency, within this report, we will still report the evidence that has been submitted on pay gap reporting where relevant in both the Equal Pay and Pay Transparency sections despite this conflation. However, this evidence should be considered with caution and within the context of these definitions.
- **Evidence submitted has not been validated or fact checked.** Evidence should, therefore, be used with caution as it may be biased or inaccurate. Furthermore, lived experience evidence and shared views from respondents should be treated as the subjective views or experiences of respondents alone, rather than as factual information. Please be aware that the evidence submitted has been reported as it was presented, including where referenced evidence has not been provided. Where available, links to supporting evidence have been included in this report.

² For more information, please see the [EHRC guidance on pay gap reporting](#).

³ For more information on the differences between gender pay gap and equal pay please see the [EHRC guidance](#).

⁴ For more information on equal pay audits, please see the [ACAS guidance](#) on checking for equal pay issues and the [EHRC guidance](#).

- **Self-selection bias.** The respondents to the CfE were self-selecting and provided responses based on their awareness of the CfE seeking evidence. Since respondents chose to participate, the overall evidence base may over-represent those with strong views or vested interests. This means that they are unlikely to be representative of the broader population or all organisations. It also means that the submitted evidence may not encapsulate all available evidence.
- **Official organisation responses.** The research team could not verify whether all responses identifying as organisations were submitted in an official capacity.
- **Direct responses to questions.** Some responses did not directly address or relate to the questions set out in the CfE (which are the focus for this report, including the qualitative analysis sections).
- **Limited demographic data.** Only a small number of respondents provided information on their sex, disability or ethnicity. This limited the scope for demographic analysis.

Despite these limitations, the mixed-methods approach provided a systematic and transparent analysis of the evidence. The findings should be read as an informed summary of the views and experiences of those who responded.

1.2.7 Report structure

The report is organised by policy area. Each chapter begins with a short introduction to the relevant legal context. Evidence is then presented thematically. Section headings reflect the CfE questions and issues raised by respondents. Illustrative examples are used to support the findings. Divergent views are highlighted where relevant. Further detail is provided in the annexes, which set out:

- The full list of questions relating to equal pay, pay discrimination and pay transparency (Annex A);
- Response rates and demographics (Annex B);
- Methodological notes (Annex C); and
- Full list of acronyms and abbreviations (Annex D).

The following chapters provide an overview of the quantitative results to the closed-format questions, as well as key themes that emerged from the qualitative results from the open-format free-text questions. All percentages relate to the total number of valid responses per question.

Please be aware that this report is a summary of the evidence submitted by respondents. Therefore, any recommendations cited in this report are those of the respondents, not of the Government.

2. Equal pay

2.1 Key findings

2.1.1 Prevalence and patterns of pay discrimination

Pay discrimination was reported across sex, race, and disability, but most evidence related to broader inequalities which would be unlikely to be considered unlawful under the current legal framework. Respondents gave evidence that pay discrimination occurs on the basis of sex, race, and disability in England, Scotland and Wales. The majority cited published statistics and internal workforce data showing differences in pay. In a few cases, respondents submitted lived experience evidence of pay differences between similar jobs that may fall within the scope of equal pay protections under the Equality Act 2010. Whilst these examples may indicate potentially unlawful pay discrimination, where unequal pay for equal work could be legally actionable if a valid comparator exists, lived experience examples have not been verified for illegality and should be reported under the appropriate avenues.

However, most submissions described broader disparities shaped by structural factors, such as occupational segregation, perceived value of certain roles, and lack of flexible working. These are not currently recognised as unlawful pay discrimination under the existing legal framework. Several respondents also gave evidence that disabled and ethnic minority workers appeared to face multiple disadvantages, including exclusion from performance-related pay and limited progression. A few respondents also believed that legal frameworks do not adequately capture intersectional discrimination.

Respondents described a range of factors that helped identify and address pay disparities. These included the use of internal workforce data, published statistics, and union surveys; applying socio-economic analysis in purchasing and budget-setting; and leadership commitment to transparency and honesty about pay equity. However, it is important to note that pay gap reporting (e.g. gender pay gap data), while frequently cited as evidence, does not provide evidence of, or a lack of, equal pay for equal work. Pay gap reporting instead provides a high-level snapshot of average pay differences between groups and does not assess whether individuals doing equal work are paid equally. However, some respondents believe that pay gap reporting may be an indicator for potential unequal pay. Please consider pay gap related evidence with caution and see the limitations (section 1.2.6) for further information.

Respondents also identified challenges that made it harder to prevent, or respond to, pay discrimination. These included limited access to comparable data, lack of pay transparency, exclusion from job evaluation schemes, weak enforcement processes, and complicated procedures. A few respondents described emotional and financial burdens associated with bringing claims, especially for disabled and migrant workers.

Respondents called for:

- clearer guidance on equal pay and how discrimination law applies to pay;
- clearer law, especially around reasonable adjustments and the legal rules about who individuals can compare themselves to in equal pay claims;
- improved data collection and greater pay transparency; and
- stronger enforcement and changes to job evaluation schemes.

These changes, they reported, could prevent disadvantages for groups at risk of pay discrimination. This includes disabled workers, ethnic minority employees, people with caring responsibilities, neurodivergent workers, and those with English as a second language. Respondents also asked for better support for claimants, including access to legal aid and simpler tribunal processes.

2.1.2 Creation of effective equal pay rights

Respondents submitted evidence that the current legal framework does not provide the same protections for race and disability pay discrimination as it does for sex pay discrimination. The majority of respondents supported extending equal pay rights to race and disability but believed that legal changes are needed first, to reduce complication and risk. Respondents described procedural barriers, lack of legal clarity, and limited awareness of rights as key challenges. Several respondents also reported that disabled workers are often penalised financially when reasonable adjustments are made, and that some employers lack clarity on how adjustments affect pay.

Respondents described existing legal tools and workplace policies that help support equal pay, such as automatic equality clauses and extended time limits for bringing claims to Employment Tribunals, union involvement in supporting claims, and the ability to use statistical evidence without proving discriminatory intent. They also identified challenges that make it harder to establish effective equal pay rights. These included lack of comparable data, legal uncertainty about adjustments and pay, limited access to legal advice, and fear of retaliation. Some respondents also described emotional harm and financial burden, especially for disabled and freelance workers.

Recommendations included:

- enabling equal value comparisons for race and disability claims;
- clarifying contractual terms to support adjustments;
- simplifying procedural rules;
- reinstating the Statutory Discrimination Questionnaire for equal pay claims;
- expanding access to legal aid; and
- publishing clearer guidance on reasonable adjustments and pay.

Respondents also called for a phased implementation approach and sector-specific support.

2.1.3 Pay discrimination experienced by outsourced workers

Respondents gave evidence that outsourced workers are more likely to be women, ethnic minority workers, disabled people, and migrants, and they often receive worse terms than in-house staff. Several respondents described how outsourcing can lead to inequality, particularly in low-paid sectors such as cleaning, catering, and care. They believed that current legal frameworks stop outsourced workers from comparing their pay with directly employed staff, limiting access to equal pay protections.

Respondents described actions that helped highlight and address disparities. These included union led campaigns to bring outsourced workers in-house, the use of pay gap reporting to expose differences in pay, and leadership commitments to fair procurement practices, particularly in the public sector. They also identified challenges that made it harder to address pay discrimination. These included exclusion from complaint procedures, lack of comparable data, visa insecurity for migrant workers, fear of retaliation, and legal separation between employers. Respondents also described outdated legal definitions and limited enforcement processes.

Recommendations included:

- clarifying rules about who individuals can compare pay with;
- enabling comparisons under the “*single source*” principle;
- linking liability to principal employers where they control pay and conditions;
- integrating socio-economic analysis into public purchasing; and
- clearer definitions of outsourcing and stronger protections for outsourced workers.

2.1.4 Enforcement of the equal pay scheme

Most respondents gave evidence that they viewed that the Equality and Human Rights Commission (EHRC) had not effectively used its enforcement powers in relation to equal pay. They cited limited strategic litigation and lack of EHRC action on ongoing pay differences. While some acknowledged the EHRC's legal powers, most described it as under-resourced, reactive, and lacking strategic focus. Individual claimants, employee representatives, and CSOs, described tribunal processes as slow, complicated, and inaccessible.

Respondents submitted that most equal pay claims are withdrawn or settled before reaching a hearing. While settlement is common, views on its impact varied. Some respondents described settlement as a practical and cost-effective outcome, especially where claims are lengthy or complex. Others submitted that settlements can reflect the emotional, financial, or procedural burden placed on claimants. For example, individuals may drop viable claims or accept lower settlements due to stress, lack of legal advice, or fear of retaliation. A few respondents suggested that settlements could be strengthened by requiring employers to conduct pay audits or publish data. They believed this could help address wider issues and prevent recurrence.

Respondents described factors that support enforcement, such as the EHRC's legal powers, union-led group claims, and the potential for strategic litigation to drive systemic change. They also identified challenges including limited EHRC capacity, lack of awareness of legal rights, and procedural delays that make it difficult for individuals to pursue claims. Several respondents submitted that current rules only allow individuals to bring equal pay claims. This prevents trade unions and charities from taking legal action in their own name on behalf of workers, although they can support individuals. Respondents believed this restricts the ability of organisations to take direct action to address equal pay injustices.

Recommendations included:

- creating a dedicated Equal Pay Enforcement Unit;
- expanding standing to allow trade unions and charities to bring claims;
- establishing specialist tribunal panels;
- improving access to legal support; and
- clearer guidance on enforcement powers and stronger accountability procedures, including mechanisms to hold employers responsible for pay disparities, ensure transparency in settlement outcomes, and enable regulators to monitor and enforce compliance effectively.

2.2 Introduction

This chapter sets out evidence given in response to Questions 6–24 of the CfE. These questions asked how the right to equal pay is working in practice across England, Scotland and Wales. Responses included a range of evidence, such as published statistics, internal workforce data, legal analysis, and lived experience accounts.

Definition

The right to equal pay is set out in the Equality Act 2010, which built on the Equal Pay Act 1970. It requires that women and men receive equal pay for equal work, work rated as equivalent, or work of equal value. This applies to all contractual pay and benefits, including basic pay, bonuses, overtime, and pension benefits.

The equal pay regime (as outlined above) prohibits pay discrimination based on sex where this relates to contractual pay matters. At present, if someone has suffered pay discrimination on the basis of another protected characteristic, including race or disability, they are able to bring a claim of direct or indirect discrimination against their employer.

At present, enforcing the equal pay scheme under the Equality Act 2010 will in almost all cases require that individual employees themselves bring equal pay claims in the Employment Tribunal. Individuals can bring claims if they believe they are not receiving equal pay compared to an actual comparator of the opposite sex doing equal work.

The EHRC can also enforce equal pay as the body responsible for enforcing the Equality Act 2010.

The government has committed to:

- making the right to equal pay effective for ethnic minority and disabled people
- establishing an Equal Pay Regulatory and Enforcement Unit
- ensuring that outsourcing of services can no longer be used by employers to avoid their equal pay obligations

The chapter is structured around four thematic areas:

1. Prevalence and patterns of pay discrimination (Q6–8)
2. Creation of effective equal pay rights (Q9–14)
3. Pay discrimination experienced by outsourced workers (Q15–20)
4. Enforcement of the equal pay scheme (Q21–24)

Each section begins with a short summary of key findings, followed by definitions and context. The evidence is organised under headings that match the CfE question numbers.

2.3 Prevalence and patterns of pay discrimination (Q6-8)

Question 6. Do you have evidence about the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales and/or the effectiveness of existing measures in reducing pay discrimination? [Yes, No]

Question 7. What evidence is there on the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales?

Question 8. What evidence is there as to the effectiveness of existing measures in England, Scotland and Wales in reducing pay discrimination on the basis of race, disability and sex?

Definition

Pay discrimination refers to differences in pay that arise due to unlawful treatment based on protected characteristics such as race, disability, or sex.

Unequal pay refers to differences in contractual pay between women and men doing equal work, work rated as equivalent, or work of equal value. This is prohibited under the equal pay regime in the Equality Act 2010, which prohibits pay discrimination based on sex where this relates to contractual pay matters.

Unequal pay outcomes refer to wider patterns of disadvantage in pay that may not breach the law. These include undervaluation of roles or exclusion from job evaluation schemes. They reflect structural inequality but are not necessarily discriminatory or unlawful.

Pay gaps refer to average differences in pay between groups (e.g. by sex, race, or disability). Pay gaps do not automatically indicate unequal pay or discrimination. They may be influenced by job type, working hours, progression, or other factors.

2.3.1 Evidence of ongoing disparities (Q6-7)

A total of 68 responses (out of 148 overall) directly addressed Question 6: *“Do you have evidence about the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales and/or the effectiveness of existing measures in reducing pay discrimination?”*.

Not all respondents provided comments on all open-text questions. Of the 68 responses:

- 60% (41) were submitted by organisations;
- 15% (10) were from individuals;
- 10% (7) were from academics or researchers; and
- 15% (10) selected the ‘Other’ category.

Of the 41 organisational respondents:

- 41% (17) were CSOs;
- 32% (13) were Employee Representatives;
- 11% (4) were Large Public Authorities;
- 7% (3) were Employer Representatives;
- 7% (3) were Large Enterprises; and
- 2% (1) was a Small Public Authority.

Respondents submitted evidence that pay discrimination remains an issue across sex, race, and disability. A total of 44 respondents provided evidence on the overall prevalence of pay discrimination. Submissions came from a range of sectors and respondent types, including CSOs, employee representatives, public authorities, and large enterprises. While respondents frequently cited gender, ethnicity, and disability pay gap statistics as evidence of inequality, it is important to note that pay gaps do not automatically indicate unlawful pay discrimination. Pay gap reporting provides average differences in earnings between groups and is not a measure of equal pay or pay transparency. Equal pay refers specifically to differences in contractual pay for equal work, which may be challenged under the Equality Act 2010 if a valid comparator exists.

Some respondents submitted evidence of unequal pay for equal work. This included examples where pay differences were identified between people doing similar jobs, which may fall within the scope of equal pay protections under the Equality Act 2010. These submissions were based on internal workforce data, union casework, and lived experience. For example, one employee representative reported that women and ethnic minority workers were paid less than colleagues in equivalent roles, particularly in male-dominated sectors. A few respondents also described structural factors such as undervaluation of female-dominated roles and exclusion from job evaluation schemes, which they believed made it harder to challenge unequal pay.

Several respondents submitted that pay gaps are often shaped by factors such as job type, working hours, progression opportunities, and occupational segregation. A few respondents believed that where pay differences between similar jobs are identified, these may indicate unequal pay and could be challenged under the equal pay regime.

Several respondents submitted pay gap data. Published statistics included a UK-wide gender pay gap of 14.3% for all employees as reported by [Office for National Statistics \(ONS\) \(Gender pay gap in the UK, 2023\)](#); a 14.4% gender pay gap in the National Health Service (NHS), according to [NHS Digital \(Staff Earnings Estimates, June 2022\)](#); and an 11.3% mean ethnicity pay gap reported by [Solicitors Regulation Authority \(Ethnicity Pay Gap Report, 2024\)](#). One CSO also cited a 12.7% disability pay gap by the [ONS \(Disability pay gaps in the UK, 2023\)](#). These figures reflect average differences in pay between groups and may be influenced by factors such as job type, working hours, and progression opportunities.

Several employee representatives submitted evidence of ongoing pay gaps and unequal pay affecting women, ethnic minority workers, and disabled people. One trade union drew on a survey of over 9,000 of its members, reporting significant pay gaps by sex, disability, and ethnicity, particularly in male-dominated sectors like aviation, energy, and IT. Another trade union submitted organisational evidence, based on a combination of published pay gap statistics from the ONS, longitudinal analysis of ethnicity pay gaps, and union casework, that women, ethnic minority workers, and disabled people are more likely to be in low-paid roles and may face unequal pay. The respondent also believed that structural factors such as short-term, casual or zero-hour contracts, and long-hours culture contribute to the undervaluation of traditionally female-dominated roles. While the submission included both statistical data and examples of unequal pay, it did not clearly distinguish between average pay gaps (which reflect broader workforce patterns) and unequal pay for equal work (which may be legally actionable under the Equality Act 2010).

A few other respondents also submitted evidence that some unexplained pay gaps may indicate potential pay discrimination. One academic respondent named multiple studies showing that around half of the disability pay gap and a similar proportion of the gender pay gap could not be explained by factors such as education, job type, or hours worked. These unexplained gaps were reported to be especially large among higher-paid workers and in performance-related pay roles. The respondent referenced studies by [Jones et al. \(2006\)](#), [Jones \(2024\)](#), and [Forth & Jones \(2025\)](#), which found that unexplained gaps persist across sectors and rise with earnings, particularly in the private sector. While unobserved factors such as motivation or ability may play a role, the findings were presented as consistent with wage discrimination and hiring bias against disabled candidates. This was further supported by experimental evidence showing lower callback rates for disabled applicants in correspondence studies ([Armenak et al., 2024](#)).

Other respondents submitted similar evidence on ethnicity pay gaps. One academic respondent cited substantial unexplained wage gaps disadvantaging ethnic minority groups, particularly among higher earners. This evidence was drawn from a working paper by [Phan, Jones, and Latreille \(2022\)](#), which used employer–employee payroll data linked with census records for England and Wales. The study found that wage disparities occur predominantly within firms and are especially pronounced at the top of the earnings distribution, suggesting that firm-level gender pay gap reporting should be expanded to include ethnicity. A large public authority also reported that a portion of the ethnicity pay gap remains unexplained even after controlling for education and occupation, especially for Black African women. This was based on analysis by the Office for National Statistics, which found that median hourly earnings for Black Caribbean and Black African women were lower than for White British women, and that these gaps could not be fully explained by education, skills, or geography ([ONS, Ethnicity pay gaps, UK: 2012 to 2022](#)).

A CSO submitted analysis from the [Fawcett Society's Equal Pay Day 2024 report](#), which found that 63% of the hourly gender pay gap could not be explained by standard variables and suggested that sex-based pay discrimination may be a contributing factor. Their response also highlighted the structural drivers to gender pay gaps such as different jobs for different groups, perceived value of female-dominated roles, and recruitment practices such as asking about salary history. Respondents argued that such differences in pay between people doing similar jobs, for example, where women or ethnic minority workers are paid less than colleagues in equivalent roles, may fall within the scope of equal pay law, provided comparator-based claims are possible.

2.3.2 Sectoral, structural and situational differences (Q7)

Pay discrimination was reported to vary by sector, job type, and employment status. Submissions from 37 respondents, including individuals, academics, CSOs, and trade unions, described how workplace settings and employment arrangements shape unequal pay outcomes. Respondents gave evidence that occupational segregation, performance-related pay systems, and insecure contracts contribute to inequalities in high-paying roles, freelance and casual work, and sectors with limited progression pathways. Respondents described these patterns as reflecting unequal pay outcomes, where some groups earn less overall despite having equal contractual terms.

Respondents submitted evidence that undervaluation and structural barriers contribute to unequal pay outcomes. Most respondents gave examples of how undervaluation, lack of comparators, insecure contracts, and limited progression pathways contribute to unequal pay. These issues were reported across sectors including care, retail, creative industries, non-profit organisations, and the private sector.

Respondents believed these problems were most common in roles with low pay, limited flexibility, or poor transparency. The evidence included published research, union casework, and internal organisational data.

Some respondents reported that undervaluation of certain roles creates barriers to enforcing equal pay rights. Several submissions described how roles such as care, cleaning, and retail are sometimes excluded from job evaluation schemes. This means they are not formally assessed for skill, effort, or responsibility, making it harder to compare them to other jobs. Respondents also believed these roles often lack clear comparators - jobs with similar duties in the same organisation - so it is difficult to show they involve equal work or work of equal value.

One trade union gave the example of cleaners and carers being treated as “*non-comparable*,” even when their duties overlap with other roles. Cleaners, for instance, may work independently, manage hygiene standards, and perform physically demanding tasks, yet are not compared to maintenance staff who do similar work. Carers may handle medication, provide emotional support, and manage complex needs, but are excluded from comparisons with healthcare assistants. Respondents submitted that this exclusion reflects how job evaluation schemes undervalue these roles, making it harder to bring equal pay claims, even when the work is equivalent.

A few respondents submitted evidence from the cultural and creative sectors, highlighting multiple barriers to equal pay. One respondent representing a large public authority submitted detailed evidence on pay inequality in the cultural and creative sectors. They cited published government data from the [Department for Culture, Media and Sport \(Economic Estimates: Earnings and Employment in DCMS Sectors, 2023\)](#), which showed a gender pay gap of 8% in the audio-visual sector and 29.6% in video games. The submission also drew on research from the [Creative Industries Policy and Evidence Centre \(Good Work Review, 2023\)](#), which found that ethnic minority workers fare worse on job quality measures, disabled workers report high levels of pay dissatisfaction (42%), and working-class creatives tend to earn less. The same respondent also cited evidence commissioned by [Arts Council England \(Making a Shift, 2017\)](#), which highlighted barriers for disabled people entering and progressing in the arts workforce, many linked to pay.

In the non-profit sector, one CSO submitted evidence of funding disparities affecting pay. The respondent claimed that women in the non-profit sector are paid less than men, with even wider gaps for “*marginalised*” women, a term they used to describe women facing disadvantage due to gender, race, and social background. They linked these disparities to underfunding of women-led and survivor-led organisations, and referenced ONS data, though no specific year or source was provided.

A few respondents submitted evidence of structural barriers in high-paying roles and private sector settings. One academic referenced four studies in total, on the impact of gender pay gap reporting laws. They suggested these studies show that men are more likely than women to be hired into higher-paid roles, even within the same organisation. This pattern, referred to as a “*hiring gap*”, means that men and women may be offered different roles or pay levels at the point of recruitment, despite having similar qualifications. The respondent cited pay gap reporting laws as useful in highlighting these disparities.

One respondent submitted both published and unpublished evidence from the Greater London Authority (GLA). They cited the GLA’s unpublished internal analysis, based on ONS 2023 data, estimating that if degree-educated ethnic minority workers across Greater London were employed at comparable occupational levels, such as managerial, professional and technical roles, with similar levels of responsibility, skill and pay grade to White Londoners, their aggregate annual earnings would be £6.3 billion higher. This estimate reflects a collective comparison between all ethnic minority groups and all White groups in London, not just those employed by the GLA. The respondent attributed this wage penalty to occupational segregation, unequal progression, and what they described as “*systemic barriers to fair pay*”, using the term

to refer to structural obstacles that prevent equitable access to higher-paid roles and recognition for work of equal value. The respondent also referenced qualitative evidence from the GLA's 2020 report titled [Voices of the Underrepresented](#), showing that young Black men in the digital and construction industries reported being paid less than older White colleagues for performing the same tasks.

A few trade union respondents submitted evidence that job segregation and lack of flexibility contribute to unequal pay outcomes. One trade union cited unpublished research by UNISON and the Work Foundation (2023/24), showing that disabled women are 2.2 times more likely than disabled men to be in insecure work. The respondent believed that limited access to flexible working and gendered job roles restrict progression and reinforce pay disparities.

Another trade union submitted evidence based on union casework involving nearly 100,000 workers. They reported that equal pay claims were more common in the public sector. This was not supported by quantitative data but was based on casework experience. The respondent believed public sector employers are subject to greater scrutiny and legal challenge. In contrast, they believed the private sector is less examined. This was explained as a lack of published research, fewer legal cases, and limited access to pay data, not necessarily fewer problems.

2.3.3 Differences by protected characteristic (Q7)

There were 51 responses describing how pay discrimination varies by protected characteristic. A few submissions described compounded disadvantage, where multiple characteristics interact to produce more severe pay inequality. Sectoral examples are referenced where relevant, but the focus of this section is on how protected characteristics shape pay outcomes across different settings.

This section includes respondent submissions that reference pay gap statistics (e.g. gender, ethnicity, disability) as indicators of inequality. While pay gaps reflect average differences in earnings between groups, they do not necessarily indicate unlawful pay discrimination or unequal pay for equal work. These submissions have been included for transparency but should be interpreted with caution and in line with the definitions set out in Section 1.2.6.

- **Sex:**
 - Sex-based pay discrimination was the most frequently reported protected characteristic in this section. This refers specifically to the evidence submitted and does not necessarily reflect the general prevalence of sex-based discrimination compared to ethnicity or disability in the wider population. A total of 47 respondents (the majority) submitted evidence that jobs commonly done by women, such as administrative, care, cleaning, and retail work, are paid less than male-dominated roles with similar skill levels. These male-dominated roles included maintenance, warehouse, and refuse work. Respondents believed that despite overlapping duties, female-dominated roles are often excluded from job evaluation schemes and lack clear comparators which makes it harder to bring equal pay claims for equal work or work of equal value. This was based on academic studies, union casework, and lived experience. These female-dominated roles were also described as undervalued and difficult to compare for equal pay purposes (see 2.3.1).
 - A majority of respondents reported that part-time work limits career progression for women. Examples from employee representatives and individual respondents provided evidence that part-time workers, mostly women, often face reduced responsibilities or exclusion from leadership programmes. These barriers were said to contribute to long-term disadvantage.
 - A few respondents linked sex-based pay discrimination to unpaid care responsibilities and pension inequality. A few respondents, including CSOs and academics, submitted qualitative evidence. This included narrative accounts and thematic summaries describing how fragmented work histories, caregiving roles, and exclusion from well-paid flexible work contribute to long-term disadvantage. Respondents believed that pension inequality is a

consequence of structural inequalities, such as serial low pay and interrupted employment, rather than a direct result of unequal pay for equal work. Three submissions linked lower pension provision to gendered patterns of work, including unpaid care responsibilities, fragmented employment histories, and serial low pay. These factors were believed to reduce National Insurance contributions and limit access to private savings, resulting in long-term disadvantage for women, particularly those returning from caregiving roles or working part-time.

- One individual respondent submitted lived experience of sex-based pay discrimination in the construction industry. She reported that over a 30-year career in engineering and surveying, she consistently earned less than male colleagues. She said that in some instances, the gender pay gap reached 60%, and on average ranged between 30–50%. The respondent did not specify whether this referred to her own pay relative to male colleagues or to broader company or sector-level pay gaps, and did not specify current pay gap levels or provide comparative data but attributed the disparity directly to her sex.

- **Race:**

- A majority of respondents gave evidence that ethnic minority workers faced barriers to progression leading to pay gaps. This was supported by initial findings submitted by one large public authority from its unpublished research. The respondent reported that degree-educated Black and ethnic minority workers are underrepresented in high-paid roles and overrepresented in low-paid sectors. Their submission highlighted occupational segregation in London as a key driver of pay disparities (see 2.3.2 for further sectoral examples). An employee representative also submitted evidence, drawn from casework and member testimony from the education sector, that Black teachers are often steered into pastoral or diversity roles without compensation, limiting progression. The respondent described a pattern in which Black teachers reported being “backed” for mid-level roles, “blocked” from senior leadership, and “burned” when promised promotions failed to materialise.
- A single respondent submitted internal evidence that ethnicity pay gaps vary significantly between ethnic groups. Their submission reported a 4.6% gap in favour of White staff compared to Black/Black British staff, and a 34% gap in favour of Chinese staff compared to White staff. These figures are based on median basic pay across their workforce in England. This was presented as evidence that disparities are not uniform and that disaggregated data is essential to understanding the scale and nature of pay inequality.

- **Disability:**

- Several respondents described that disabled workers were reported to face exclusion from workplace systems and pay structures. Respondents described how disabled workers are often excluded from performance-related pay and face delays in receiving reasonable adjustments. One employee representative reported that disabled teachers are blocked from progressing to the Upper Pay Range due to sickness absence and discriminatory use of Performance-Related Pay (PRP). Another respondent believed that PRP schemes often fail to account for disability-related absence or adjustments, which can result in lower performance ratings and missed pay progression. An academic respondent noted that disabled workers are underrepresented in PRP-linked roles, particularly in the public sector, which may reflect broader patterns of occupational segregation. One CSO reported that the disability employment gap has remained around 30% for the past decade with 80% of this gap attributed to workplace barriers such as inaccessible environments and poor adjustments. This was submitted as internal analysis and not linked to a published source.

- One academic respondent submitted quantitative analysis of the disability pay gap (DPG) and gender pay gap (GPG), drawing on multiple named studies. They suggested that the DPG and unexplained DPG have not narrowed since 2013 and they expressed the view that few employers engage in voluntary DPG reporting, with those that do often using inconsistent measures and definitions. This was not presented as direct evidence of ineffectiveness, but as a lack of measurable progress and limited external utility of current voluntary data. The respondent did not claim that DPG and GPG are equivalent in nature but argued that the observed impact of mandatory GPG reporting supports a similar case for disability pay transparency. They cited studies showing that mandatory GPG reporting contributed to narrowing gender pay gaps, including evidence from a natural experiment during the COVID-19 suspension period, where organizations that continued reporting had a 6% lower gap a year later.
- One individual respondent described experience of underemployment linked to neurodivergence. The respondent reported being placed in a temporary admin role several grades below their previous experience when seeking work in a local authority because of their neurodivergence. The respondent argued that neurodivergent employees often face barriers in recruitment and employment, including a lack of reasonable adjustments, which in their view can lead to a pay disparity between those who are neurodivergent and neurotypical.

- **Intersectional:**

- A few trade unions and academics submitted evidence on intersectional or overlapping disadvantages. One employee representative submitted evidence that disabled ethnic minority workers are more likely to be in insecure work and face higher unemployment. This was based on union casework and cited statistics, rather than original research conducted by the respondent. Four other submissions described how tribunal cases involving multiple protected characteristics are harder to win due to procedural barriers and lack of legal clarity. A few respondents also gave evidence that the Equality Act 2010 does not provide a distinct legal route for intersectional claims, requiring individuals to bring separate claims for each characteristic.
- A single CSO also discussed intersectional disadvantage as it relates to Muslim women. Drawing on ONS census data (2021) and internal helpline casework, they reported that Muslim women aged 16–64 in England and Wales had an employment rate of 38%, compared to 66% for all women. They submitted evidence that Muslim women are more likely to be in low-paid roles and face barriers linked to gender, religion, and ethnicity. These included cultural stereotyping, lack of flexible working, and workplace discrimination. The respondent believed that anti-Muslim behaviours in the workplace are often poorly understood by employers, and that this includes microaggressions such as exclusion, stereotyping, or dismissive treatment. They also reported that existing guidance is inconsistently enforced, limiting redress. While this submission sits outside the scope of the equal pay provisions under the Equality Act 2010, it is included because it highlights how intersecting characteristics, including religion, gender, and ethnicity, contribute to unequal pay outcomes. The evidence reflects lived experience of exclusion and barriers to redress and helps illustrate gaps in the current legal framework that may affect access to “fair pay” protections.

2.3.4 Effectiveness of existing measures (Q8)

A total of 48 respondents provided evidence on how well current laws and policies are working to reduce pay discrimination based on race, disability, and sex across England, Scotland and Wales. The majority believed that progress has been slow, especially for race and disability.

Several respondents submitted evidence that enforcement of equal pay rights relies heavily on individuals bringing claims. A few respondents described the EHRC as having limited capacity to take legal action, citing resource constraints and a reactive enforcement model. Employment Tribunal processes were described as slow, complicated, and expensive. A large enterprise reported that some equal pay cases extended for more than a decade, with some claimants passing away prior to resolution. This was echoed in submissions on enforcement of the equal pay scheme (See *Section 2.6: Enforcement of the Equal Pay Scheme*, for further evidence on enforcement challenges).

Several respondents discussed pay gap reporting alongside equal pay enforcement and pay transparency measures, sometimes without distinguishing between them. However, these are distinct concepts. Pay gap reporting provides a statistical overview of average earnings differences between groups and does not assess whether individuals doing equal work are paid equally. By contrast, equal pay audits involve detailed comparisons of pay for comparable roles and are used to identify unlawful pay discrimination.

Although pay gap reporting is distinct from equal pay and pay transparency measures aimed at identifying pay discrimination, many respondents nonetheless referenced it as evidence of inequality. Mandatory gender pay gap reporting was widely viewed as a constructive step towards greater openness, even though respondents acknowledged that it does not directly address pay outcomes or enforce equal pay rights. A few respondents noted that employers are not required to take action to close gaps, and that reporting alone does not resolve underlying disparities. They also highlighted limitations in how pay gap figures are calculated, often across broad job categories, which can mask differences between roles that are not like-for-like. For example, pay gap reporting may group all full-time employees together, even if they perform very different jobs with varying levels of responsibility.

Respondents also submitted evidence on occupational segregation (i.e., the concentration of different groups in different types of work). Women were frequently cited as being overrepresented in lower-paid sectors and undervalued roles, such as care, retail, and administration. These structural patterns were described as contributing to unequal pay outcomes, including pay discrimination for work of equal value. Respondents from civil society organisations, academia, and trade unions noted that ethnicity and disability pay gap reporting remains limited, attributing this to its voluntary nature and the lack of penalties for non-compliance (see *Section 2.6: Enforcement of the Equal Pay Scheme*).

Several respondents linked limited progression to broader structural disadvantage. These included inflexible working arrangements, undervaluation of part-time roles, and unequal access to leadership opportunities. A few submissions also emphasised that disparities may persist even where formal pay systems appear neutral. One large enterprise argued that pay gaps for disabled and ethnic minority workers were more likely to reflect disadvantages in recruitment and promotion rather than unequal pay for equal work. This interpretation was echoed by an academic contributor and an employee representative, who pointed to occupational segregation, limited promotion pathways, and inadequate reasonable adjustments as key drivers of inequality.

2.4 Making the right to equal pay effective for ethnic minority and disabled people(Q9-14)

Question 9. Do you have evidence about actions the Government could take, and those it should avoid, to make the right to equal pay effective for ethnic minority and disabled people? [Yes, No]

Question 10. What evidence is there to establish the steps that should or should not be taken to make the right to equal pay effective for ethnic minority and disabled people?

Question 11. What evidence is there of the changes needed to make expanding the equal pay scheme to claims on the basis of race and disability effective, if this approach were taken?

Question 12. What evidence is there regarding any potential barriers that individuals could face in making equal pay claims and approaches to address these barriers?

Question 13. Do you have evidence about the way the law works regarding employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made? [Yes, No]

Question 14. What evidence is there as to the effectiveness of the law on employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made?

Definition

Under the Equality Act 2010, individuals who experience pay discrimination on the basis of race or disability must bring claims under provisions relating to direct discrimination, indirect discrimination, discrimination arising from disability, or failure to make reasonable adjustments. These routes differ from the equal pay provisions, which apply only to sex-based pay discrimination.

Currently, the specific legal tests for equal pay (comparing 'like work', 'work rated as equivalent', or 'work of equal value') apply only to sex discrimination claims. These claims are usually heard in the Employment Tribunal and follow particular procedures.

2.4.1 Legal reform and extension of equal pay rights (Q9–11)

A total of 66 responses (out of 148 overall) directly addressed Question 9: *“Do you have evidence about actions the Government could take, and those it should avoid, to make the right to equal pay effective for ethnic minority and disabled people?”*.

Not all respondents provided comments on all open-text questions. Of the 66 responses:

- 61% (40) were submitted by organisations;
- 14% (9) were from individuals;
- 11% (7) were from academics or researchers; and
- 15% (10) selected the ‘Other’ category.

Of the 40 organisational respondents:

- 35% (14) were CSOs;
- 28% (11) were Employee Representatives;
- 18% (7) were Employer Representatives;
- 8% (3) were Large Public Authorities;
- 8% (3) were Large Enterprises;
- 3% (1) was a Small Public Authority; and
- 3% (1) was a SME.

The majority of respondents supported making the right to equal pay effective for ethnic minority and disabled people (Q10-11). This included all responses from large public authorities and large enterprises. CSOs and academic respondents also broadly supported the extension. CSOs often framed the effectiveness as necessary to address structural disadvantage and called for stronger enforcement, intersectional analysis, and clearer legal guidance. Academic respondents supported the effectiveness where it was accompanied by reforms to job evaluation schemes, legal definitions, and procedural clarity. Employee representatives were similarly supportive, citing their experience supporting equal pay claims and calling for simplified procedures, reinstatement of the Statutory Discrimination Questionnaire for equal pay claims, and improved access to legal advice.

Some employer representatives also supported extending equal pay audits or protections, for example, by calling for mandatory pay gap reporting or clearer guidance on material factor defences. However, views in

this group were mixed. While a few supported reforms, others raised concerns about legal complexity, tribunal burden, and the suitability of equal pay law for addressing race and disability claims.

Across all respondent types, there was broad agreement that the current legal framework needs to change first. Without reform, respondents warned that extending the scheme could increase complication, delay, and legal risk. This section summarises the advantages of the current equal pay scheme, concerns about employer avoidance, recommended reforms, and actions respondents advised against.

A few respondents, including those with legal expertise and experience supporting claimants, submitted evidence that the current equal pay framework offers several benefits that could improve access to justice if extended to race and disability claims. Specifically:

- ability to compare different jobs of equal value, helping challenge occupational segregation and undervaluation;
- automatic equality clauses in contracts, which build in structural change;
- longer time limits for bringing claims (six months vs. three months for discrimination claims);
- permanent changes to contractual pay terms following successful claims; and
- use of statistical evidence without needing to prove intent to discriminate.

Several submissions from CSOs, employer representatives, and academics gave evidence on potential risks in how employers might respond to legal reforms. They warned that poorly designed reforms could lead employers to move workers onto insecure contracts, avoid collecting ethnicity or disability pay data, or resist adjustments that affect pay comparisons. One academic respondent cautioned that employers may resist job redesign if they believe it could complicate equal pay comparisons or affect reporting metrics.

A total of 34 respondents proposed a range of legal and procedural changes to support any reform of the equal pay scheme. Respondents included individuals, CSOs, employee representatives, large enterprises, public authorities, academics, and employer representatives. There was broad support for making the right to equal pay effective for ethnic minority and disabled people, provided suitable changes are made to the legal framework. Specifically:

- **Enable equal value comparisons for race and disability claims:** Four respondents, including an individual, an academic contributor, an employee representative, and a large enterprise, gave evidence that this would help address undervaluation of work done by marginalised groups and allow comparisons between different jobs of equal value, even where the roles are not the same.
- **Introduce permanent contractual changes to pay terms to embed structural reform:** Three respondents, including a large enterprise, a public authority, and an employee representative believed that permanent contractual changes could help address unequal pay outcomes. This refers to changes that alter the terms of employment going forward, such as updating salary bands, removing discretionary pay elements, or revising job evaluation outcomes. Respondents believed this approach would create lasting improvements, rather than relying on one-off compensation or settlements.
- **Simplify procedural rules and job evaluation requirements:** Four submissions from an individual, an academic contributor, and two employee representatives called for clearer definitions of “*equal value*”, reform of job evaluation schemes to avoid penalising disabled workers, and procedural changes to make claims more accessible.
- **Improve tribunal processes and guidance:** Two respondents, one being an employer representative, proposed empowering judges to assess whether jobs are of equal value without relying solely on independent experts. They said this could reduce delays and improve consistency. Respondents also proposed professionalising the pool of independent experts and updating legal

guidance to reflect disability-related adjustments (See *Section 2.4.3: Pay and Reasonable Adjustments*, for further evidence on procedural complication).

- **Support step changes to equal pay for race and disability:** Three respondents, including a CSO, a large public authority, and an employer representative recommended that any reform of equal pay rights for race and disability should be introduced gradually. They proposed a phased rollout of legal and procedural reforms, supported by tailored support for employers, sector specific guidance and stronger union involvement. Respondents believed this would help employers prepare for changes and reduce the risk of confusion or non-compliance.
- **Extend equal pay protections to self-employed workers:** One employer representative highlighted legal gaps affecting freelance writers and called for reform to cover marginalised self-employed groups, especially in creative industries.
- **Require mandatory reporting of race and disability pay gaps:** One CSO reported that statutory publication of pay gap data would help highlight disparities and encourage employers to take action. They recommended that mandatory reporting should be backed by enforcement mechanisms, such as legal obligations to publish action plans or face penalties for non-compliance. This was framed as a way to strengthen employer accountability, not just enforce the reporting requirement itself. While a few respondents proposed mandatory pay gap reporting as a way to highlight disparities, it is not an equal pay or pay transparency measure. Pay gap reporting provides average pay differences at the organisational level and does not assess whether individuals doing equal work are paid equally. It may help identify structural inequalities but should not be used as a proxy for equal pay compliance.
- **Address intersectional disadvantage within the equal pay framework:** One CSO submitted evidence relating to the multiple and overlapping barriers faced by Muslim women in the workplace. They argued that the current equal pay framework is too narrow and does not offer a clear route to redress where multiple forms of discrimination are involved, for example, where sex, religion, and race intersect. They called for legal reform to ensure that any reform of equal pay protections includes clearer definitions and mechanisms to address combined discrimination. They also cautioned that, without such changes, existing exclusions may be repeated. Under current law, equal pay claims can only be brought on the basis of sex, while discrimination related to religion or race must be pursued under separate provisions of the Equality Act 2010. The submission reflected concern that this legal separation may prevent effective redress for intersectional disadvantage.

Alongside suggestions for change, 17 respondents also identified several actions they believed policymakers should avoid. They warned that these could weaken equal pay protections or create unintended consequences. Respondents including individuals, CSOs, employee representatives, academic contributors, and those categorised as ‘other’, suggested that policy makers should avoid the following:

- **Relying solely on voluntary initiatives:** Three respondents, comprising of an individual, a CSO, and an employee representative, gave evidence that voluntary reporting and employer-led change would have limited impact without legal backing. They reported that without legal requirement or enforcement, many employers do not collect or publish pay data, and those who do, are not required to act on it. They perceived that voluntary measures may improve transparency, but not outcomes.
- **Implementing vague or overly complicated legislation:** Three respondents, an individual, an academic contributor, and an employee representative warned that unclear legal definitions and procedures, such as lack of clarity around “*equal value*” or comparator requirements, can deter individuals from making claims and increase litigation costs (See *Section 2.3.4: Effectiveness of Existing Measures*, for evidence on the limitations of voluntary initiatives).
- **Allowing historic claims without safeguards:** Two respondents, a CSO and a respondent categorised as ‘other’, cautioned that allowing retrospective claims could lead to mass litigation and therefore financial instability for employers.

- **Using one-size-fits-all approaches:** Two respondents, an employee representative and a CSO, cautioned that equal pay reforms must be tailored to sector-specific pay structures and employment models. For example, one respondent noted that freelance and casual workers in creative industries face unique barriers to comparator-based claims. Whilst another respondent highlighted that care sector roles often involve undervalued, gendered work not captured by standard job evaluation schemes. They reported that without sector-specific guidance and implementation frameworks, changes risk being misapplied and may fail to address structural inequalities across different labour markets.

2.4.2 Barriers to bringing equal pay claims (Q12)

Respondents submitted evidence on barriers to enforcing pay-related rights, including both equal pay claims (relating to sex) and discrimination claims (relating to race, disability, or other protected characteristics). Over 40 respondents described legal, procedural, financial, and emotional barriers that affect individuals seeking redress for pay inequality. These barriers were said to disproportionately affect disabled and ethnic minority workers, especially those in insecure, low-paid, or freelance roles.

Under current law, equal pay claims can only be brought on the basis of sex. Claims involving race or disability must be pursued under separate discrimination provisions. However, respondents often drew on their experience of bringing race and disability discrimination claims to highlight challenges that may arise if equal pay protections are made effective for other protected characteristics. These included difficulty identifying comparators, lack of pay transparency, limited access to legal advice, and fear of retaliation.

A few respondents described the equal pay claims process as slow, complicated, and emotionally exhausting. One large public authority noted that some regions list tribunal cases years in advance, and that delays can result in claimants withdrawing or passing away before resolution. While this evidence relates directly to equal pay claims, a disabled respondent also described broader systemic barriers they had faced in other contexts, such as welfare and administrative processes. These included having to repeatedly evidence their disability, attending appointments despite physical pain, and navigating inaccessible systems. The individual believed these experiences left a lasting emotional impact, describing the system as obstructive and distressing. Although not describing an equal pay claim, respondents used such examples to highlight the kinds of challenges that may also arise if equal pay protections are made effective for disabled people.

One individual respondent described the financial and procedural burden of bringing disability discrimination claims. They believed that disabled people may face higher costs, including the need to pay for support workers to assist with legal processes. While this example did not relate directly to equal pay, the respondent proposed the creation of a Discrimination and Equal Pay Enforcement Unit, suggesting that similar barriers may arise if equal pay protections are made effective for disabled people.

A few CSOs submitted evidence that Muslim women and disabled workers face compounded disadvantages, including legal complexity, difficulty identifying comparators, lack of pay transparency, and fear of retaliation. These examples were drawn from discrimination claims but were used to highlight potential barriers to equal pay enforcement.

Employer tactics were also described as a barrier. Three respondents cited practices such as delaying disclosure of pay data, using complex job descriptions, or challenging comparator validity, which they believed made the claims process more difficult. These tactics were described as forms of procedural wrangling, designed to deter or delay claims. One respondent noted that employers often refuse to disclose pay data, while another highlighted the use of lengthy job descriptions to obscure equal value comparisons. A trade union reported that they “*regularly see members penalised financially after adjustments are made*”, suggesting that employer responses to disability accommodations can also undermine pay equity.

Similarly, one individual respondent, who was involved in the *Brierley v ASDA* equal value case, described how the case, lodged in 2014, involved years of procedural delays, including wrangling over lead claimants

and job descriptions, multiple rounds of expert reports, and a stage 3 hearing that spanned over two months and generated more than 11,000 pages of documentation. The final judgment was issued in 2025, with further hearings scheduled for 2026. The respondent noted that the case had taken so long that some claimants had not lived to see its resolution and described the system as in urgent need of reform.

Several respondents noted that many equal pay claims are resolved through settlement rather than progressing to a full tribunal hearing. One employee representative body cited internal data showing that 61% of claims are withdrawn, 19% are struck out at early stages, and 18% are settled via the Advisory, Conciliation and Arbitration Service (ACAS), likely through Early Conciliation, though the stage was not specified. While some respondents viewed this as a sign of procedural attrition, others interpreted it more positively. Employer representatives described ACAS settlement as a pragmatic and cost-effective outcome, particularly in cases where litigation would be lengthy or complex. They noted that settlement is often preferable even in winnable cases, due to the financial and emotional burden of pursuing a full hearing. They also highlighted that the requirement to notify ACAS when raising a formal complaint may support early resolution of equal pay claims, though its independent impact was not quantified.

Employee representatives acknowledged that most individual equal pay claims settle before or shortly after proceedings are issued, meaning that tribunals rarely reach a final decision. However, they cautioned that this pattern may reflect systemic barriers to enforcement, including procedural complexity, lack of mandatory job evaluation, and unequal access to legal representation, rather than effective redress. Some respondents argued that the current system incentivises early withdrawal or settlement not because claims lack merit, but because claimants face significant hurdles in sustaining them.

A majority of respondents including individuals, CSOs, employee representatives, and employer representatives, also submitted evidence on structural and procedural barriers that affect a wide range of claimants. These barriers related to:

- difficulty identifying a suitable comparator (especially challenging in freelance or casual work settings);
- limited access to legal advice (a particular issue for low-paid workers and those in rural areas); and
- fear of retaliation, with freelance and insecure workers reported to say they risked being labelled “troublemakers” if they raised concerns.

To address the barriers, several respondents (employee representatives, CSOs, and academic respondents) proposed legal and structural reforms, including:

- reinstatement of the Statutory Discrimination Questionnaire for equal pay claims, viewed as a way to improve access to pay data and reduce litigation;
- expansion of access to legal aid and early advice services, considered essential for marginalised groups;
- creation of an independent enforcement unit to reduce delays and raise awareness of rights; and
- introduction of a legal deadline for responding to reasonable adjustment requests, with a two-week timeframe proposed to prevent delays.

See *Section 2.6: Enforcement of the equal pay scheme*, for further evidence on enforcement tools and proposals to expand standing.

2.4.3 Pay and reasonable adjustments (Q13–14)

A total of 30 responses (out of 148 overall) directly addressed Question 13: “Do you have evidence about the way the law works regarding employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made?”.

Not all respondents, however, provided comments on all open-text questions. Of the 30 responses:

- 70% (21) were submitted by organisations;
- 20% (6) were from individuals;
- 3% (1) were from academics or researchers; and
- 7% (2) selected the 'Other' category.

Of the 21 organisational respondents:

- 38% (8) were Employee Representatives;
- 19% (4) were CSOs;
- 19% (4) were Large Public Authorities;
- 14% (3) were Employer Representatives;
- 5% (1) was a Large Enterprise; and
- 5% (1) was a SME.

Several respondents, including employee representatives, CSOs, large public authorities, and academic respondents, submitted evidence that the law is unclear and inconsistently applied. There was broad agreement across these groups that a lack of clarity around reasonable adjustments and pay creates confusion and weakens compliance. Employer representatives tended to focus more on the need for clearer procedural guidance.

An academic respondent submitted evidence that disabled doctors face systemic barriers to equal pay and reasonable adjustments. They estimated that the NHS loses £50–£60 million annually due to preventable attrition and noted that litigation is rare but costly. This figure was based on the cost of training doctors and a conservative estimate of 200 disabled doctors leaving early due to lack of support. They called for preventative support, stronger enforcement of equal pay rights, and greater pay transparency.

An individual respondent shared their lived experience of procedural failures within a public body, including a lack of reasonable adjustments and a grievance process that, they said, failed to accommodate their neurological disability. They reported that the internal appeal process was rigid and that the investigator lacked understanding of the Equality Act 2010. The respondent believed these issues made it difficult to seek redress and described the system as especially hard to navigate for disabled people. They felt that enforcing equal pay rights was “*more difficult or impossible*” for disabled workers, particularly because the current equal pay scheme only applies to sex-based pay discrimination.

Three respondents, including an academic respondent, a large public authority and an employer representative, observed that employers often lack clarity about how reasonable adjustments affect pay, especially in terms of performance-related pay, phased returns to work, or redeployment. A few respondents also noted that the term “*reasonable*” is vague and leads to inconsistent decisions, even within the same organisation. Specific areas of confusion included whether pay should be maintained when a disabled employee moves to a less demanding role, how long employers can delay adjustments before it becomes unlawful, and whether extended sick pay or full pay during a phased return counts as a reasonable adjustment.

A majority of respondents including employee representatives, CSOs, and large public authorities proposed a range of reforms to improve clarity and ensure disabled workers are not financially penalised when adjustments are made, including:

- publishing clearer guidance and practical examples, especially on how reasonable adjustments affect pay;
- providing training for line managers on disability inclusion, reasonable adjustments, and equal pay duties;

- involving trade unions in delivery to support implementation and compliance;
- updating the EHRC's statutory Code of Practice on Employment ([Employment: Code of Practice | EHRC](#)) to include more case studies, specifically with clearer examples to help employers understand how equal pay and reasonable adjustments apply in practice;
- introducing a legal right to reasonable adjustments including protections for phased returns, modified duties, and pay continuity;
- stronger remedies for victimisation when adjustments are refused, delayed, or result in financial disadvantage; and
- centralised budget for reasonable adjustments, better documentation of decisions, and more accessible dispute resolution processes.

While employer representatives focused on procedural clarity, other groups emphasised the need for enforceable rights and practical support.

2.5 Pay discrimination experienced by outsourced workers (Q15–20)

Question 15. Do you have evidence about the prevalence and pattern of pay discrimination on the basis of race, disability or sex experienced by outsourced workers in England, Scotland and Wales and/or barriers to redress? [Yes, No]

Question 16. What evidence is there on the prevalence and patterns of pay discrimination on the basis of race, disability and sex experienced by outsourced workers in England, Scotland and Wales?

Question 17. What evidence is there about barriers to redress for outsourced workers experiencing pay discrimination?

Question 18. Do you have evidence on whether outsourced workers should be able to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim and/or evidence on where liability for equal pay claims by outsourced workers should lie? [Yes, No]

Question 19. What evidence is there to establish whether outsourced workers should be entitled to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim?

Question 20. What evidence is there to establish where liability for equal pay claims by outsourced workers should lie?

Definition

Under the Equality Act 2010, a sex-based equal pay claim requires a real comparator employed by the same or an associated employer as opposed to a hypothetical comparator. This excludes most outsourced workers, as they are typically employed by separate organisations and cannot compare their pay with in-house staff.

The term outsourcing is not defined in UK law. In this context, it refers broadly to arrangements where there is intermediation between the worker and the organisation receiving the work. This includes subcontracting, labour providers, umbrella companies, and agency work.

Because outsourced workers are often several steps removed from the principal organisation, they are generally excluded from equal pay protections that rely on comparator-based claims.

2.5.1 Prevalence and patterns of discrimination (Q15–16)

A total of 29 responses (out of 148 overall) directly addressed Question 15: *Do you have evidence about the prevalence and pattern of pay discrimination on the basis of race, disability or sex experienced by outsourced workers in England, Scotland and Wales and/or barriers to redress?*

Not all respondents, however, provided comments on all open-text questions. Of the 29 responses:

- 76% (22) were submitted by organisations;
- 21% (6) were from individuals;
- 0% (0) were from academics or researchers; and
- 3% (1) selected the 'Other' category

Of the 22 organisational respondents:

- 35% (8) were CSOs;
- 35% (8) were Employee Representatives;
- 10% (2) were Employer Representatives;
- 5% (1) was a Large Public Authority;
- 5% (1) was a Large Enterprise;
- 5% (1) was a Small Public Authority;
- 5% (1) was a SME.

Most respondents submitted evidence that outsourcing is associated with unequal pay outcomes for women, ethnic minority workers, disabled people, and migrants. An employee representative cited the Trade Union Congress' [Still Rigged](#) report and submitted evidence that a trade union had raised concerns about public sector outsourcing, showing that ethnic minority and disabled workers are disproportionately employed, compared to White and non-disabled workers, in outsourced roles, often on worse terms and conditions. Separately, a union cited the Barts NHS Trust case (2021), a union-led campaign, where 1,800 outsourced workers, many from ethnic minority backgrounds, were brought in-house after industrial action revealed they were paid 15% less than NHS staff.

Furthermore, a small public authority gave evidence that all workers supplied by licensed labour providers under the Gangmasters and Labour Abuse Authority scheme are, by definition, outsourced. They reported that this creates a structural risk of unequal pay, particularly in sectors like agriculture and food processing. One employer representative additionally cautioned that the lack of a consistent legal definition of outsourcing makes it difficult to assess prevalence across sectors (See 2.5.2: *Sectoral and situational differences*).

2.5.2 Sectoral and situational differences (Q16)

A total of 13 respondents provided evidence on how outsourcing varies by sector, employer type, and job role. These included employee representatives, CSOs, SMEs, and public authorities. Several respondents submitted evidence that outsourcing is concentrated in low-paid ancillary services, particularly:

- **Cleaning and catering:** A CSO reported that outsourced workers in these sectors are often employed on worse terms than directly employed staff. These include lower hourly pay, reduced sick pay, poorer holiday entitlements, weaker pension rights, and less secure contracts, such as zero-hours arrangements. The submission also noted that outsourcing can result in the loss of union recognition and access to job evaluation schemes, creating a two-tier workforce.
- **Care services:** An employee representative described how outsourcing in local authority care services leads to worse terms and conditions for low-paid, predominantly female, workers.
- **Facilities management and manual roles:** One SME respondent stated that outsourced workers are pay banded “*significantly lower*” than in-house staff, with pay grades used to signal seniority.

- **Rail sector:** An employee representative submitted evidence that outsourcing contributes to occupational segregation in the rail industry. They reported that outsourced cleaning and catering roles are often filled by ethnic minority workers.

A few respondents gave evidence that outsourced roles are marked by lower pay, reduced sick pay, weaker pensions, and limited progression opportunities. Several respondents submitted evidence that outsourcing contributes to persistent disparities in pay and progression in manual and service-based roles. Both public and private sector employers were cited as contributing to these disparities, by an individual and a large public authority respondent.

The following section (2.5.3) summarises the evidence on how these patterns overlap with protected characteristics.

2.5.3 Differences by protected characteristic (Q16)

A total of 16 respondents, including employee representatives, CSOs, and individual respondents, submitted evidence that outsourcing intersects with protected characteristics to entrench inequality. A majority of respondents submitted evidence that outsourcing often prevents workers from comparing their pay to in-house staff, limiting access to equal pay protections. These findings build on earlier evidence that outsourcing is concentrated in low-paid sectors such as cleaning, catering, and care, where workers are disproportionately women, ethnic minority people, disabled people, and migrants.

- **Sex:** A few respondents described that, in their experience, low-paid outsourced roles are disproportionately filled by women, especially in care services. Respondents linked this to undervaluation, insecure contracts, and reduced benefits. One employee representative reported that outsourcing in local authority care services led to lower pay and weaker terms for female staff. A CSO noted that ethnic minority women are overrepresented in outsourced roles (*see 2.5.2 Sectoral and Situational Differences*).
- **Race and ethnicity⁵:** A majority of respondents submitted evidence that ethnic minority workers were overrepresented in outsourced cleaning, catering, and security roles. In London, one large enterprise noted that its in-house staff were mostly White, while outsourced workers, particularly in cleaning and catering roles, were mostly Black, Asian, and migrant workers. The respondent reported that this disparity contributed to a two-tier workforce, with outsourced staff on inferior terms and conditions. The National Union of Rail, Maritime, and Transport Workers submitted evidence from its 2025 report, [How Outsourcing Embeds Systemic Racism on the Railway](#), which found 58% of outsourced staff in Train Operating Companies (TOC) were from ethnic minority backgrounds, compared to 25% of directly employed TOC staff. Other submissions from an employee representative and civil society linked outsourcing to occupational segregation, ongoing pay gaps, and exclusion from pay gap reporting (*see 2.5.1 Prevalence and Patterns of Discrimination*). Respondents often cited pay gaps to illustrate disparities between outsourced and directly employed workers. However, pay gaps reflect average differences in pay and do not necessarily indicate unequal pay for equal work. Equal pay protections under the Equality Act 2010 require comparator-based evidence and do not currently extend to most outsourced workers.
- **Disability:** Several respondents described disabled outsourced workers facing systemic barriers, including exclusion from performance-related pay, lack of reasonable adjustments, and limited access to grievance procedures. A CSO submitted evidence that disabled cleaners in hospitals and care homes are among the lowest paid and are often excluded from voluntary disability pay gap reporting. The submission raised concerns that outsourced workers are not consistently included in employers' reporting, which may obscure the true scale of pay disparities affecting disabled workers (*see also 2.5.4: Barriers to redress*, for evidence on exclusion from internal systems).

⁵ The term "race and ethnicity" is used here to reflect how respondents grouped these characteristics in their submissions. While distinct in legal and statistical contexts, they were often discussed together in the evidence submitted to this CfE.

2.5.4 Barriers to redress (Q17)

A total of 32 respondents addressed the question of barriers to redress for outsourced workers.

Several respondents described how outsourcing arrangements create structural barriers that limit access to redress, particularly for migrant workers and those from ethnic minority backgrounds. Two submissions noted that outsourced workers are often excluded from grievance procedures, collective bargaining, and internal pay review processes. This limits their ability to raise concerns or seek redress. One employee representative described this exclusion as a structural feature of outsourcing, which systematically excludes outsourced staff from resources available to directly employed workers.

Whilst migrant status is not a protected characteristic, a few respondents also gave evidence that the fear of retaliation and visa-related vulnerabilities, including the risk of deportation or loss of sponsorship, can deter migrant workers from taking legal action. A CSO, an employee representative, and one large enterprise reported that these risks are particularly acute in outsourced roles such as care and cleaning, where workers may be excluded from grievance procedures and legal protections.

Legal separation and lack of comparators were also identified as further barriers by a few respondents. One employee representative described the legal separation between employers as a “*fictional overlay*”, a contract-based distinction that hides who controls pay and working conditions. They reported that principal employers often set the terms but avoid legal responsibility because the worker is formally employed by someone else. They perceived that this structure makes it hard for outsourced workers to identify valid comparators for equal pay claims, even when they work alongside directly employed staff doing similar jobs, as establishing a single source of control over pay structures and decisions beyond their direct employer is often extremely challenging in practice. Respondents believed this reflects a wider problem in the legal framework, which shields principal employers from accountability.

Two respondents, an employee representative and a CSO, submitted evidence that the current legal framework prevents outsourced workers from establishing valid comparators in equal pay claims. They cited *Boohene v Royal Parks Ltd* (Court of Appeal, 2024) as an example, where the court confirmed that outsourced workers could not compare themselves to directly employed staff, illustrating how existing case law reinforces this barrier.

One individual respondent submitted evidence that agency workers are already covered by equal treatment provisions under the Agency Worker Regulations 2010 and related frameworks and cautioned against overlapping definitions of outsourcing. These regulations entitle agency workers to comparable basic working and employment conditions after 12 weeks and include enforcement tools. The respondent cautioned against introducing overlapping definitions of outsourcing, saying that this could create confusion and compliance risks. They recommended using specific legislation aligned with His Majesty's Revenue and Customs guidance to define outsourced services more precisely.

2.5.5 Comparator rights and liability (Q18–20)

A total of 22 responses (out of 148 overall) directly addressed Question 18: “*Do you have evidence on whether outsourced workers should be able to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim and/or evidence on where liability for equal pay claims by outsourced workers should lie?*”.

Not all respondents, however, provided comments on all open-text questions. Of the 22 responses:

- 82% (18) were submitted by organisations;
- 18% (4) were from individuals;
- 0% (0) were from academics or researchers; and
- 0% (0) selected the ‘Other’ category.

Of the 18 organisational respondents:

- 28% (5) were Employee Representatives;
- 22% (4) were Employer Representatives;
- 17% (3) were Large Public Authorities;
- 17% (3) were CSOs;
- 11% (2) were Large Enterprises; and
- 6% (1) was a SME.

Of the 22 submissions addressing comparator rights, most gave evidence in support of enabling outsourced workers to compare their pay with directly employed staff. Respondents included employee representatives, CSOs, public authorities, employer representatives, and individuals. Many endorsed extending comparator rights under the “*single source*” principle, which holds that where a single organisation controls pay and conditions, workers should be able to compare pay across legal entities.⁶

- An employee representative and a CSO called for clarification of comparator rules in the Equality Act 2010 and for subcontracted workers to be included in pay gap reporting. They noted that this would improve pay transparency and help address structural inequality.
- A large enterprise respondent believed outsourced workers should be able to use directly employed staff as comparators, especially where the principal employer sets pay and working conditions. They described this as reflecting the practical reality of integrated workforces.
- A large public authority noted that current legal frameworks are unclear and prevent outsourced workers from making fair comparisons, even when doing equivalent work under the same supervision.
- An individual respondent described how outsourced workers often do identical work to directly employed colleagues but are paid less and believed the inability to compare pay blocks access to justice.
- An employer representative submitted evidence that comparator restrictions create a two-tier system and reinforce inequality. They argued that outsourced workers should be entitled to compare their pay with directly employed staff where the work is substantively equivalent and functionally integrated. They cited the 2024 *Boohene v Royal Parks* case as evidence that current law fails to reflect how outsourcing works in practice.
- Several respondents gave evidence that the current law fails to reflect how outsourcing works in practice, and that comparator restrictions reinforce inequality (*see also 2.5.4: Barriers to redress*).

Opinions varied amongst the 25 respondents who provided evidence on liability for equal pay claims in outsourced arrangements. Several respondents, including individuals, employee representatives, and CSOs, gave evidence that principal employers should bear responsibility where they control pay and working conditions.

- An employee representative believed liability should follow control. They submitted that if the principal sets pay and determines working conditions for outsourced staff, they should be held legally accountable for any resulting pay discrimination even if the workers are formally employed by a contractor or agency. A CSO described how the principal employer benefits from outsourced labour but can remain legally insulated from responsibility.

⁶ See Case C-624/19, *K and Others v Tesco Stores Ltd*, ECLI:EU:C:2021:429. The Court of Justice of the European Union (EU) held that workers may compare pay across different establishments if a single source determines the relevant pay and conditions and has the power to rectify inequalities.

- One CSO supported using Section 41 of the Equality Act 2010 to attach liability to the principal organisation, noting that contractors often limit their liability.⁷
- One individual respondent believed that it would be “*perverse*” to hold the contractor liable when the principal employer controls the terms and specifications.
- One large enterprise explained that principal employers often set pay during tendering, but legal separation means outsourced workers cannot bring equal pay claims against them. They noted this gap allows principals to benefit from lower-cost labour without accountability.

In contrast, a few employer representatives preferred liability to remain with the contractor. They cited their concerns about legal complexity, employment status, and unintended consequences.

- One respondent warned that shifting liability could lead to workers being reclassified as direct employees. This, they said, could create legal and financial risks for both parties, including changes to tax, pension, and employment rights.
- A few respondents noted that outsourcing arrangements often involve multiple legal entities. Shifting liability to the principal employer could create confusion about who is responsible for pay disparities, especially where the contractor sets pay and manages employment contracts.
- Several respondents described potential negative unintended outcomes:
 - **Disincentive to outsource:** Employers may reduce outsourcing altogether to avoid liability, which could limit job opportunities in sectors like cleaning, catering, and security.
 - **Increased litigation:** Extending liability could lead to more equal pay claims, raising costs and placing pressure on employment tribunals.
 - **Fee inflation:** Contractors may increase fees to reflect the added risk, making outsourcing less viable for smaller organisations.
 - **Limited control over pay:** Contractors often have little influence over the pay set by the principal employer. If held liable, they may face claims they cannot resolve.

Two other employer representatives stressed the need for clear boundaries and believed liability should follow operational control, not commercial relationships. They argued that where the contractor determines pay and working conditions independently, they should remain responsible for equal pay compliance.

Submissions in response to questions 18-20 gave evidence that while there was broad support for reform, the emphasis varied. While employees and CSOs prioritised fairness and legal clarity, employer representatives focused on managing risk and preserving contractual integrity.

2.6 Enforcement of the equal pay scheme (Q21-24)

Question 21. Do you have evidence on the effectiveness of current enforcement of the equal pay scheme and/or evidence on who should have standing to bring an equal pay claim? [Yes, No]

Question 22. What evidence is there about the effectiveness of current enforcement of the equal pay scheme by the EHRC?

Question 23. What evidence is there about the effectiveness of individuals bringing equal pay claims?

Question 24. What evidence is there that any person or organisation other than the individual complainant or the EHRC should be able to bring equal pay claims? Who should this be?

⁷ Section 41 of the Equality Act 2010 sets out the rights of contract workers (such as outsourced staff) to be protected from discrimination by the organisation they work for, even if they are not directly employed by it. However, current case law has confirmed that this section does not allow outsourced workers to bring equal pay claims against the principal employer, even when they do equivalent work.

Definition

At present, enforcing the equal pay scheme under the Equality Act 2010 will in almost all cases require that individual employees themselves bring equal pay claims in the Employment Tribunal. Individuals can bring claims if they believe they are not receiving equal pay compared to an actual comparator of the opposite sex doing equal work. Claims must usually be brought within six months of the end of employment.

The EHRC can also enforce equal pay as the body responsible for enforcing the Equality Act 2010.

The EHRC has a range of litigation powers which are set out in the Equality Act 2006 These include:

- providing legal assistance (section 28)
- bringing or intervening in legal proceedings (section 30)
- conducting investigations (section 20)
- issuing unlawful act notices (section 21)
- entering into agreements or seeking injunctions (sections 23–24)

Equal pay claims are among the most common tribunal claims and often take longer to resolve. Most are settled or withdrawn before reaching a full hearing.

2.6.1 Effectiveness of current enforcement and the role of the EHRC (Q21–22)

A total of 35 responses (out of 148 overall) directly addressed Question 21: *“Do you have evidence on the effectiveness of current enforcement of the equal pay scheme and/or evidence on who should have standing to bring an equal pay claim?”*.

Not all respondents, however, provided comments on all open-text questions. Of the 35 responses:

- 75% (26) were submitted by organisations;
- 11% (4) were from individuals;
- 3% (1) were from academics or researchers; and
- 11% (4) selected the ‘Other’ category

Of the 26 organisational respondents:

- 32% (8) were Employee Representatives;
- 27% (7) were Employer Representatives;
- 23% (6) were CSOs;
- 12% (3) were Large Public Authorities; and
- 8% (2) were Large Enterprises.

Respondents gave mixed views on the EHRC. While some acknowledged its legal powers and past interventions, most gave evidence that the EHRC is under-resourced and lacking strategic focus. A large enterprise perceived the EHRC as ineffective, describing its 2020 investigation into the BBC as a rare intervention that failed to resolve long-standing unequal pay based on sex.⁸ This respondent noted that while the EHRC identified shortcomings in pay transparency and grievance procedures, it did not pursue enforcement action or legal proceedings, and unequal pay remained. An employee representative reported

⁸ In 2020, the EHRC investigated equal pay at the BBC. It found no unlawful discrimination but identified poor record-keeping, weak grievance procedures, and lack of transparency. The EHRC issued recommendations to rebuild trust and improve pay practices.

that the EHRC has not used its powers to initiate proceedings or intervene in litigation since 2014, despite having the authority to do so under section 30 of the Equality Act 2006.

One CSO criticised the EHRC for failing to act on ethnicity pay disparities in the NHS, despite evidence from the report on [Race Equality Standard \(WRES\) indicators for the medical workforce 2020](#), published in 2021. This report showed persistent underrepresentation of ethnic minority staff at higher pay bands and unequal promotion outcomes. Finally, the EHRC's enforcement model was described as reactive, relying heavily on individual complaints rather than proactive investigations. A large public authority noted that although the EHRC holds significant legal powers, its ability to use them is constrained by limited resources and a lack of strategic focus.

Respondents submitted mixed views on how equal pay enforcement should be strengthened. Four respondents supported expanding the EHRC's remit and enforcement powers. These included an individual, a CSO, a large public authority, and an employee representative. Six respondents supported creating a dedicated Equal Pay Enforcement Unit, including three employee representatives, one employer representative, one CSO, and one categorised as 'other'.

- An employer representative cautioned that assigning enforcement responsibilities to the EHRC could create conflicting duties, given its current role as a strategic regulator. They noted that enforcement requires a different operational model, one focused on investigation and litigation, which may not align with the EHRC's advisory and oversight functions.
- An employee representative proposed placing the Equal Pay Unit within the Fair Work Agency. A body that, they suggested, would be better positioned to coordinate enforcement across sectors. They also recommended establishing a specialist tribunal panel with expertise in equal value claims, to improve consistency in decisions and reduce delays from complex legal processes and lack of familiarity with the law.

See 2.4.2 *Barriers to bringing equal pay claims*, for detailed proposals to support individual claimants, including legal aid, adjustment deadlines, and access to pay data.

2.6.2 Expanded legal standing to bring claims (Q24)

Standing here refers to the legal right to bring a claim to court or tribunal. Views on standing were divided. A total of 16 respondents submitted evidence on expanding standing to bring equal pay claims. Two employer representatives opposed extending standing beyond individuals and the EHRC. They responded that the current framework already allows for litigation friends⁹ and group claims in appropriate cases.

Most other respondents supported a broader approach, allowing trade unions, charities, and statutory bodies to bring claims on behalf of individuals, particularly those who may fear retaliation or be unaware of their rights. Three employee representatives, including some who had led large claims against major retailers, gave evidence of their role in supporting claims, conducting audits, and bringing group actions. In its 2025 position paper, submitted to the CfE but not published online, the GMB union reported that most women who discovered they were being underpaid did so through trade union support, stating that "92% would not have known otherwise".

One employee representative cited the success of representative actions in the *Brierley & Others v Asda Stores Ltd* case, which began in 2014 and involved thousands of supermarket workers. The case was brought as a collective equal value claim comparing predominantly female retail staff to higher-paid male warehouse workers. Another respondent described the case as extremely delayed, noting that some claimants had died before resolution. While one employee representative described equal pay claims more broadly as "*slow, complex and costly*," the Asda case was presented as a key example of how group action can help overcome procedural and financial barriers.

⁹ A litigation friend is a person appointed to act on behalf of someone who lacks capacity to conduct legal proceedings, under Rule 11 of the Employment Tribunal Procedure Rules 2024.

Some respondents highlighted the role of legal charities and advocacy groups in supporting claimants who would otherwise be unable to proceed, due to financial barriers, lack of legal knowledge, or fear of employer retaliation.

3. Improving pay transparency

3.1 Key findings

3.1.1 Impact of pay transparency measures

Respondents submitted that pay transparency measures can support pay equality, but their impact varies across organisation types, sectors, pay types, and groups:

- organisations that used standardised pay bands were seen as better able to act;
- trade union and academic respondents shared evidence that specific steps, such as not asking applicants about their previous pay (i.e., salary history questions), publishing pay bands, and doing pay audits, can help reduce gender pay gaps;
- evidence on pay transparency in relation to race and disability was limited; over a third of respondents reported weak or inconsistent data, and employer representatives highlighted staff may be reluctant to share personal details;
- SMEs highlighted that costs, capacity, and confidentiality risks were major concerns, while larger organisations reported they already had human resource (HR) systems and reporting experience;
- most respondents found notable impact of mandatory pay transparency measures and cited limited impact of voluntary schemes, whilst a few favoured phased or hybrid implementation approaches to support employer readiness;
- respondents considered clear communication of the rationale and context for pay transparency as essential; they highlighted risks of employee dissatisfaction if pay differences were revealed without clear plans to address them; and
- respondents highlighted difficulty in assessing pay in sectors with variable pay (e.g., bonuses) such as consultancy, finance, and sales.

Recommendations shared by respondents included:

- standardising data collection protocols and linking pay reporting with workforce diversity data;
- providing employers with government templates, legal guidance, technical support, and dispute resolution mechanisms;
- phased or hybrid implementation to help SMEs and start-ups build capacity before fully adopting mandatory pay transparency measures;
- accompanying transparency with action plans and reforms to address deeper inequalities in progression and workplace culture; and
- clearer communication strategies to explain pay structures and contextualise data for employees and external stakeholders (e.g., the public).

Please note that while pay gap reporting is not an indicator of pay discrimination, respondents to this CfE have often referenced it as one (see differences in definitions below or in *limitations - section 1.2.6*). Respondents and research often conflate pay gap reporting with pay audits or have used it as an outcome measure to show the effectiveness of other pay transparency measures. Whilst this may not be the best outcome measure to show effectiveness in comparison to others, it provides the best available evidence to date, but should still be considered with caution. In this chapter, pay gap reporting will mainly be referenced in relation to outcome measures but may be conflated with pay audits when terminology used by respondents has been interchangeable.

3.1.2 Effectiveness of Equal Pay Audit Regulations

Legal experts and CSO respondents submitted evidence that Equal Pay Audits were rarely ordered by tribunals and were often narrow in scope. They also highlighted that tribunals can be reluctant to impose audits due to cost, complexity, or the view that claims were already resolved. Respondents also submitted exemptions weakened the system, enforcement was limited, and many employers only met the minimum legal duty. Some organisations reported that conducting voluntary Equal Pay Audits was useful, but no substitute for a legal regime.

Respondents described a range of factors that contribute to enhancing effectiveness of the Equal Pay Audits. These included leadership support, employee consultation, and regular monitoring to inform strategic decisions; independent external auditors; transparent action plans; and integration with diversity and inclusion strategies.

Respondents identified high thresholds to trigger Equal Pay Audits, exemptions (e.g. when an employer has recently conducted an audit or settled a claim), and poor enforcement as limitations of Equal Pay Audit regulations. They also identified challenges such as poor pay records, fragmented HR systems, leadership resistance or fear of reputational harm, and lack of internal expertise, especially in SMEs.

Recommendations shared by respondents included:

- allowing proactive or randomised audits, not just post-tribunal orders (e.g., by expanding the scope of Equal Pay Audits beyond sex discrimination to cover race and disability, examining pay systems more broadly, and standardising audit methodologies);
- requiring publication of findings;
- empowering regulators or inspectors to order audits based on workforce data, risk factors, or complaints, rather than relying on individual litigation; and
- allowing or requiring broader reviews when patterns of inequality are likely.

3.1.3 Impact of extending Equal Pay Audits to race and disability

Many CSO and employee representatives supported extending Equal Pay Audits to include cases where pay discrimination was found in relation to race and disability as part of making equal pay rights effective for ethnic minority and disabled people. But other respondents warned that without further change, the current post-tribunal model would still limit impact. Employer representatives and SMEs highlighted administrative and financial burdens from any expansion, while large enterprises and CSOs argued the costs of not addressing pay discrimination can be higher. Respondents across groups called for clearer guidance, standard methods, and regulator-led reviews.

Respondents did not submit evidence on the impact of extending Equal Pay Audits to cover race and disability on pay transparency. However, they identified a few challenges in extending Equal Pay Audits to race and disability. These included:

- weaknesses in the current Equal Pay Audit model, with respondents claiming that audits were rare, narrow in scope, and limited to post-tribunal cases;
- additional administrative and financial burdens, especially for SMEs and smaller employers with limited HR capacity;
- challenges in collecting accurate race and disability data, due to self-reporting limitations and data protection concerns; and
- lack of in-house expertise in equal pay analysis.

Recommendations shared by respondents included:

- clearer legal guidance, technical assistance, a well-defined framework, and sector-specific support to ensure consistency and compliance; and
- aligning audit processes with existing pay reporting systems, using publicly funded toolkits, or sample-based methodologies to reduce costs, particularly for SMEs.

3.2 Introduction

This chapter summarises evidence on pay transparency. It draws on Questions 25 to 31 of the CfE. Respondents were asked to provide evidence on pay transparency to help inform consideration about whether additional pay transparency measures would be proportionate and effective in improving pay equality.

Definition

Improving pay transparency can involve a range of activities across recruitment, retention and progression practices in the workplace.

Pay transparency measures can involve employers:

- providing salary details in job adverts or before interviews
- not asking job applicants about their previous pay
- publishing or sharing information with staff about pay ranges and pay structures
- explaining how progression and pay decisions are made
- showing employees how their pay compares to others doing the same or similar work
- identifying and addressing unjustified pay differences through Equal Pay Audits

These steps can support fairer pay negotiations, especially for groups who may not have access to informal channels (e.g., personal networks or peer conversations) where salary information is often shared, and help individuals understand what to expect and what is needed to progress.

The current legal requirement relating to pay transparency is for an equal pay audit to be carried out where there has been an equal pay breach. The government is giving careful consideration as to whether additional pay transparency measures would be proportionate and effective in improving pay equality in Great Britain.

An **Equal Pay Audit** is a pay transparency measure which involves a systematic evaluation of an employer's pay and reward systems to identify any differences in pay (including non-contractual pay) between men and women doing equal work in the same employment, provide reasons for any differences and set out an action plan for eliminating those differences, where they cannot be explained or justified otherwise than by reference to sex.

Employment Tribunals are required to order an employer who has been found to have committed an equal pay breach to carry out an audit, unless the Tribunal judges that one of the following exemptions applies:

- an audit completed in the previous 3 years meets the requirements
- it is clear without an audit whether any action is required to avoid equal pay breaches occurring or continuing
- the breach gives no reason to think that there may be other breaches
- the disadvantages of an audit outweigh the benefits

Until recently, the requirement to carry out an Equal Pay Audit also did not apply to businesses with fewer than 10 employees or that were new (meaning that they began carrying on activities within 12 months

prior to the claim). Both exemptions from the regulations were for a period of 10 years from the date when the regulations came into force, expiring on 1 October 2024.

Equal Pay Audits should not be conflated with pay gap reporting (such as gender pay gap), where an employer provides company level average pay data disaggregated by sex (or ethnicity, or disability). In Great Britain, it has been mandatory since 2017 for companies with 250 or more employees to publish their gender pay gap annually.¹⁰ While pay gap reporting also seems on the surface to have similarities to a pay audit, pay gap reporting provides a high-level snapshot and broad calculation of the difference in average earnings between groups, while an Equal Pay Audit is a detailed investigation comparing the pay of individuals in comparable roles (often involving job evaluations), to ensure that individuals performing equal work receive equal pay. Pay gap reporting often indicates the extent to which one group is concentrated in lower-paying roles than another, whilst pay audits uncover direct or indirect pay discrimination in specific jobs or grades.

Gender pay gap reporting is often used as an outcome measure to show the effectiveness of other pay transparency measures. Whilst there are limitations to using this as an outcome measure, it provides the best evidence available to date and should be considered with caution.

The chapter is structured around 3 thematic areas:

1. Impact of pay transparency measures (Q25-27)
2. Effectiveness of Equal Pay Audit Regulations (Q28-29)
3. Impact of extending Equal Pay Audits to race and disability (Q30-31)

The evidence is organised under headings that match the CfE question numbers.

3.3 Impact of pay transparency measures (Q25-27)

Question 25. Do you have evidence about the possible impacts of introducing pay transparency measures on pay equality on the basis of sex, race or disability and/or on employers?

Question 26. What evidence is there about the possible impact of pay transparency measures on pay equality on the basis of sex, race or disability?

Question 27. What evidence is there on the possible implications of introducing pay transparency measures for employers?

There were 50 responses (out of a total of 147) to Question 25: *“Do you have evidence about the possible impacts of introducing pay transparency measures on pay equality on the basis of sex, race or disability and/or on employers?”*.

Not all respondents provided comments on all open-text questions. Of the 50 responses:

- 70% (35) were submitted by organisations;
- 12% (6) were from individuals;
- 8% (4) were from academics or researchers; and
- 10% (5) selected the ‘Other’ category.

Organisational respondents included:

- 29% (10) were CSOs;
- 29% (10) were Employee Representatives;
- 17% (6) were Employer Representatives;

¹⁰ For more information, please see the [EHRC guidance on pay gap reporting](#).

- 14% (5) were Large Public Authorities;
- 9% (3) were Large Enterprises; and
- 2% (1) was a SME.

3.3.1 Impact on pay equality (Q26)

This section presents the evidence provided by the respondents about the possible impact of pay transparency measures on pay equality on the basis of sex, race or disability.

There is some evidence suggesting that pay transparency measures have supported pay equality. However, over half of respondents identified limitations in their implementation, indicating that the impact of these measures varied by sector and pay type. Public sector bodies with clearer job grading and set pay scales were seen as better able to achieve fairer outcomes. In contrast, sectors like finance or sales, where compensation often includes variable pay scales or discretionary bonuses, were considered more challenging to assess and equalise due to uncertainty and more subjective decision-making processes.

Trade unions and CSOs highlighted that discretionary bonuses were often not monitored, potentially disadvantaging women and ethnic minority staff. A few individual respondents described that they were not aware for years that they were underpaid or could not challenge unfairness without access to pay data. An employee representative cited evidence published by the [Fawcett Society](#) in 2020, indicating that 60% of women either lack awareness of their male colleagues' earnings or believe they are paid less for equivalent roles. The representative also referenced data from the same source, suggesting that salary transparency is limited in most workplaces, with only 24% of employees reporting open discussions about pay.

In some organisations, transparency measures such as publishing pay banding, progression criteria, and salary ranges have led to internal pay reviews that corrected structural imbalances. A large enterprise respondent shared that most roles in their organisation are paid a single rate, enabling pay transparency. For more professional roles, they use pay banding to reflect differences in experience, skills, and qualifications while providing a level of transparency and clarity. The same respondent highlighted that published pay banding helps ensure any pay differentiation within the same role is fair and justified.

Others warned transparency could make it harder to recruit or keep staff in competitive markets. A few employer representatives believed that publishing salary bands could increase wage costs, reduce performance incentives, and create internal tensions if current employees feel underpaid.

A minority of respondents from trade unions and academia shared evidence that transparency measures such as salary history bans, published pay bands, and equal pay audits have reduced gender pay gaps. One trade union submission drew on unpublished internal pay review data from a UK employer. It showed that publishing pay bands and making them visible to staff narrowed the gender pay gap in base pay by 3 percentage points in 2 years. A trade union submitted organisational evidence highlighting concerns about pay transparency and pay gaps in a company. The company responded by committing to address the disparities and change pay structure, allocating part of a pay increase specifically to reduce the gap between male and female employees. The trade union respondent submitted that this policy narrowed the pay gap.

Some respondents also drew lessons from other countries, including the European Union (EU) Pay Transparency Directive and practices in the United States (US). For instance, one academic respondent gave evidence from a US study (Bessen, Denk, and Meng, 2020) showing that where employers were not allowed to ask about salary history, job changers earned 5-6% more than people doing similar jobs, with women's pay rising by 8-9%. The same academic respondent also cited a 2020 study (Hansen and McNichols, 2020) which found that California's ban on employers asking salary history questions led to a narrowing of the gender pay gap, particularly benefiting women over 35 and mothers.

Evidence on ethnicity and disability was limited, but showed support for expanding pay transparency measures to these areas. Some respondents supported extending mandatory pay gap reporting, banning

salary history inquiries, including pay bands in job advertisements, introducing a ‘right to know’ mechanism, and prohibiting negotiation-based pay practices to reduce discrimination on the basis of ethnicity and disability. There was also evidence of progress towards more pay information for these areas, which is an early step in publishing pay gap reporting. Over a third of respondents flagged poor data availability and inconsistent categories, which restricted meaningful analysis. One employer representative submitted that employees may be unwilling to share personal information like race and disability due to privacy and fear of discrimination, making it challenging to collect comprehensive and representative data. They further stated that in the absence of robust data, pay disparities remain hidden, and claimants are left without the necessary evidence to support their claims.

Respondents highlighted that the collection of ethnicity and disability data must be standardised to ensure the effectiveness of transparency measures. Evidence submitted by a few respondents indicated that, where pay data exists, inconsistent disability categories across employers made comparisons unreliable. They further highlighted that without robust and disaggregated data, transparency risks overlooking or misrepresenting inequalities. An employee representative believed that salary range disclosures work well with gender discrepancies, however, tackling race and disability pay gaps requires more nuanced approaches because generating meaningful data involves understanding the complexities of disability classifications and racial distinctions. To enhance the impact of pay transparency, respondents recommended implementing standardised data collection protocols, implementing stronger HR systems, and strengthening safeguards for data use.

A cross-cutting theme was the presence of deeper barriers that limit the effectiveness of transparency in isolation. These included different jobs for different groups, unequal access to progression, and biased performance management. Several respondents felt that transparency can reveal, but not fix, deeper inequalities. A CSO respondent submitted that women from ethnic minority backgrounds were generally concentrated in lower-paid grades, limiting the effect of transparency alone. Others believed disabled employees often faced progression barriers even when pay information was available. For example, one individual respondent gave evidence that disabled staff were more likely to be rated as needing to improve, which limited their chances for promotion and affected their future earnings.

There was substantial support for mandatory pay transparency measures, with some voluntary approaches seen as useful to improve coverage or help during transition. Respondents commonly reported that voluntary approaches could support early recognition or sector-specific innovation. For example, a CSO respondent submitted their support for a voluntary approach for disclosing pay bands in job advertisements in the short term, but believed that mandatory disclosure is ultimately necessary to ensure full coverage. A few employee representatives highlighted that public sector employers have successfully implemented Job Evaluation Schemes.¹¹ However, they believed these have not been widely implemented in the private sector. They referenced the case of *Hartley and others vs Northumbria Healthcare NHS Foundation Trust and others [2008]*, suggesting that mandatory measures would reduce the burden on courts to conduct equal value assessments during litigation and would help the UK keep pace with EU member states. A large public authority respondent suggested the government provide detailed guidance to employers and conduct regular monitoring to decide whether a mandatory approach is needed.

While not a pay transparency measure that can demonstrate pay discrimination, some respondents reported how they felt voluntarily reporting gender pay gaps had an impact on pay. A CSO respondent shared an example where publishing gender pay gap data prompted employers to act. This narrowed the gender pay gap and increased women’s wages relative to men, as their employer took steps early to address inequality (Blundell, 2021). One CSO respondent gave evidence that some large employers, such as PwC and KPMG, adopted voluntary reporting approaches on pay gaps. They described these approaches as “*achievable and replicable*”.

A few concerns were raised:

¹¹ Job evaluation is a systematic procedure used to ascertain the monetary worth of a role by comparing responsibilities, skills, and requirements.

- **Voluntary nature of transparency approaches:** Some CSO respondents and employee representatives found that voluntary measures were unlikely to achieve widespread or lasting change without legal backing due to inconsistent uptake, poor recording, limited effectiveness, and limited enforcement. One employee representative claimed that voluntary approaches did not seem to work in the private sector, partly because employers may lack the skills to follow pay transparency measures. A CSO respondent highlighted that the Solicitors Regulation Authority mandates socio-economic data collection in the legal sector, while only one-third of financial services firms voluntarily report such data via Progress Together.¹² The same respondent cited [Progress Together's 2024 response](#) to the Financial Conduct Authority and Prudential Regulation Authority consultation, to show that standardised, mandatory reporting significantly improves employee response rates, from an initial average of 49% to between 60% and 80% in subsequent years.
- **Risks that could arise from mandatory approaches to pay transparency, particularly for smaller employers:** For example, a charity respondent submitted that, in their employer roundtables, some employers feared mandatory action plans could lead to copying responses or reusing old plans without fully engaging. A minority of organisational respondents were concerned that a mandatory approach to pay transparency could hold back start-ups and businesses with fewer than 10 employees before they are established. They suggested a phased or hybrid model to build capacity while widening coverage of measures. While not a pay transparency measure focused on pay discrimination, an employer representative also submitted an example of implementing a phased model for mandatory pay gap reporting. They believed that such a model would be particularly helpful for employers who may lack the immediate capacity to adopt comprehensive reporting measures.
- **Potential operational challenges in implementing transparency measures such as confidentiality, dissatisfaction among employees, and managing past disparities:** While not a pay transparency measure focused on pay discrimination, some respondents specifically highlighted risks related to pay gap reporting. Few respondents suggested that headline figures could hide deeper inequalities in bonuses and progression, particularly where reporting lacked narrative context. An academic respondent and an employee representative warned that benchmarking against national population data rather than internal workforce composition could misrepresent progress and mask underrepresentation. Others also raised concerns about superficial compliance, where reporting becomes “box-ticking”.

Respondents also submitted evidence of risks associated with other pay transparency measures.

- A business representative body raised concerns about confidentiality, warning that in small teams, publishing salary ranges or bonus data could lead to individual salaries being identified.
- One employee representative reported that transparency measures could cause employee dissatisfaction if pay differences were exposed without clear plans to address them, such as through job evaluation and open communication.
- Some respondents expressed uncertainty about managing past disparities revealed by transparency, particularly where employers lacked formal pay structures.

To mitigate these risks, a few respondents recommended pairing transparency reforms with legal protections, clear guidance, dispute resolution mechanisms, and sector-specific advice. These measures were seen as particularly important for smaller employers or those without in-house HR expertise.

3.3.2 Implications for employers (Q27)

This section presents evidence on the possible implications of introducing pay transparency measures for employers.

¹² [Progress Together](#) is a UK membership organisation focused on promoting socio-economic diversity within the financial services sector.

Over half of submissions reported that the size of the organisation affects the ability to implement measures and protect confidentiality. One in three SME respondents raised concerns about limited administrative capacity, higher costs, and the risk of identifying individuals in small teams. An individual respondent flagged that SMEs could face additional challenges to protect confidentiality when publishing pay data. In contrast, the majority of larger employers submitted that they already had HR systems and reporting experience.

Employers may face a range of practical challenges in introducing pay transparency measures, with implications differing by sector, business model, pay practices, and workforce characteristics. Around half of respondents submitted that in sectors with standardised roles and pay scales, such as healthcare, education, or the civil service, pay transparency measures were generally seen as easier to implement and aligned with existing frameworks. For example, one large public authority claimed they could publish detailed pay data quickly because of nationally set pay bands. A few respondents from CSOs and trade unions shared examples where pay transparency measures had enabled them to identify and correct unjustified pay discrimination. One individual respondent also felt that publishing pay ranges in a small organisation improved morale and retention. Several respondents added that reforms were often driven by employee pressure, even before legal requirements were in place.

In contrast, one individual respondent recounted challenges in managing staff expectations when informal pay arrangements were exposed through internal audits. One in three private sector representatives also highlighted challenges linked to variable pay, bonuses, or performance-based remuneration, particularly in the finance, consultancy, and technology sectors. They were concerned that standardised disclosure might limit their ability to recruit or keep staff. Additionally, around one in four CSO respondents also flagged difficulties in including casual, seasonal, and zero-hours workers in reporting, especially in the hospitality and retail sectors. An employee representative submitted that it is challenging for employers to disclose specific bonus figures, as the allocation of such rewards typically falls under the organisation's discretionary authority. They also stated that even in cases involving non-discretionary bonuses such as sales commissions, the amounts can be difficult to quantify given the economic conditions can change rapidly.

Respondents agreed that organisational readiness (e.g., internal practices and leadership commitment) and culture strongly influenced the ease and impact of introducing pay transparency. Around one in three respondents were of the view that employers with established job evaluation processes and clear pay structures were more confident in disclosing pay information. A large public authority respondent reported that having previously completed an equal pay audit made external reporting straightforward. By contrast, a large enterprise respondent submitted that lack of internal systems to track pay by protected characteristics would require new software. Around one in four CSO respondents believed that some low-wage sectors (e.g., retail, social care) will lack the resources or incentives to prioritise transparency without legal requirements. Over half of the respondents called for job evaluation tools, clear pay progression frameworks and training for line managers and HR professionals. Several submissions stressed that transparency should be preceded or accompanied by government templates, technical support, and internal reviews, to ensure accuracy and consistency. Some suggested that without clear internal accountability, transparency could lead to confusion or mistrust. Many recommended a staged approach to implementation, allowing time to address differences before mandatory reporting.

Evidence suggested that pay transparency could strengthen trust and engagement, though external audiences may misinterpret data without context. Over half of the respondents reported positive employee and stakeholder attitudes towards pay transparency when the rationale was clearly explained. They believed that transparency helped show fairness and commitment to equality, improved employee trust and engagement. An academic respondent referenced [international evidence](#) regarding US employers, showing that these employers are increasingly adopting pay transparency measures to not only narrow the gender pay gap but also to foster an engaged and positive working environment that builds trust.

However, evidence suggests that reporting and communication of transparency measures must be done carefully to prevent misinterpretation. Some respondents cautioned that public-facing data could be

misinterpreted if not contextualised. To address this, respondents called for clear communication strategies explaining how pay structures work and what steps employers are taking to close gaps. A few observed that external stakeholders, such as investors, clients, or regulators, increasingly viewed pay transparency as part of reporting on environmental, social, governance issues. They submitted that this showed clear communication was essential to manage risks and maintain external confidence.

Finally, some respondents highlighted potential strategic benefits of pay transparency for employers. A few employer representatives and large enterprise respondents submitted that pay transparency could improve recruitment, retention, and reputation. For example, a large enterprise respondent reported an increase in their job applications after publishing salary ranges in adverts. A minority of respondents cited studies suggesting that reducing pay discrimination contributes to productivity and long-term growth. Overall, many respondents agreed that, if carefully implemented, pay transparency can support both equity and organisational performance.

3.4 Effectiveness of Equal Pay Audit Regulations (Q28-29)

Question 28. Do you have evidence about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014?

Question 29. What evidence is there about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014?

There were 14 responses (out of a total of 147) to Question 28: “*Do you have evidence about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014?*”.

Not all respondents provided comments on all open-text questions. Of the 14 responses:

- 93% (13) were submitted by organisations; and
- 7% (1) selected the ‘Other’ category.

Organisational respondents included:

- 31% (4) were CSOs;
- 46% (6) were Employee Representatives;
- 15% (2) were Large Enterprises; and
- 8% (1) was a Large Public Authority.

A few respondents highlighted the lack of published data on tribunal audit orders as a barrier to assessing the impact and effectiveness of Equal Pay Audits and suggested greater monitoring and publication to support accountability and learning.

Submitted evidence suggests that the current regulations have had limited impact. Over half of respondents highlighted that thresholds and exemptions reduce effectiveness, noting that tribunals ordered very few Equal Pay Audits. They also observed that audits were not always ordered where pay discrimination was suspected. They submitted that ordering an Equal Pay Audit once a tribunal had determined a breach, rather than when one was suspected, may not effectively prevent ongoing issues or provide timely remedy. A CSO and a large enterprise respondent highlighted that to their knowledge, many equal pay cases never reach tribunal stage. Instead, equal pay claims are often settled or withdrawn at some point during the litigation process, meaning that Equal Pay Audits are not triggered.

Similarly, some legal experts described the requirements that must be met for starting an audit as too high. They suggested tribunals may be reluctant to impose audits due to complexity, cost, or the views that issues had been resolved through the individual claim. Some respondents recommended allowing or requiring broader reviews when patterns of inequality are likely, even if a formal audit is not triggered. For example, a legal body proposed that the EHRC could lead proactive audits to reduce ambiguity and organisational

burden. They also recommended piloting audits to better understand how race and disability pay discrimination manifests, even in the absence of a tribunal finding.

Respondents also raised concerns around the factors that influenced the effectiveness of the Regulations. Several employee representatives and academic respondents raised concerns about exemptions (e.g. when an employer has recently conducted an audit or settled a claim). They submitted that these exemptions reduced the likelihood of widespread change via audits. One individual respondent expressed frustration about the length of the tribunal process required to obtain basic information. They felt these delayed efforts to improve transparency. Several respondents also criticised inconsistencies in audit quality and scope, pointing to minimal standardisation in their processes. For example, one respondent highlighted that in their view, Equal Pay Audits concentrated solely on the specific role or department involved in a claim, overlooking the role of the wider pay system. Respondents also submitted that employers often aimed for minimum legal compliance rather than substantive equality. Even after successful claims, broader differences were sometimes left unaddressed. Another respondent from a large enterprise submitted that pursuing an equal pay claim through to a remedy hearing demands considerable resources. They highlighted that in practice, only a small number of such tribunal cases reach a final adjudication. The vast majority are resolved through settlement either prior to or shortly after legal proceedings commence, which significantly limits the opportunity for tribunals to order a formal audit.

Respondents described enforcement as weak, when employers failed to follow audit orders, although they provided minimal evidence to support this. A minority of CSO and legal respondents reported that although the Regulations allow for further tribunal orders or fines, these were rarely applied. One CSO explained that a lack of further action by regulators contributed to the perception that Equal Pay Audits are low-risk and easily avoided. A large enterprise respondent believed that increasing the fine for non-compliance would likely be ineffective in achieving the government's broader objectives, highlighting that the core issue lies not in employers ignoring orders, but in the scarcity of such orders being issued in the first place. A few respondents linked this to broader weaknesses in equal pay enforcement, including delayed tribunals and limited proactive oversight. A few respondents questioned whether the existing compliance model was fit for purpose without clearer guidance and accountability.

Respondents also described internal challenges limiting the effectiveness of equal pay audits. A few respondents, including employer representatives and SME respondents, reported poorly maintained pay records, fragmented HR systems, and a lack of in-house expertise. They submitted that these barriers were common, especially for SMEs, and limited the ability to conduct meaningful analysis or develop proper remedies. A minority of CSO respondents acknowledged that in their view, leadership resistance or fear of reputational harm may deter organisations from engaging early with audits. These factors emphasised that organisational capacity and leadership can have a major impact on Equal Pay Audit quality.

Some organisations reported that conducting voluntary Equal Pay Audits was useful, but no substitute for a legal regime. A minority of respondents submitted that voluntary audits were undertaken as part of wider equality action plans or in response to workforce concerns. They highlighted that these audits were more comprehensive when supported by leadership, employee consultation, and regular monitoring to inform strategic decisions. They provided examples they saw as effective, including use of independent external auditors, transparent action plans, and integration with diversity and inclusion strategies. However, several respondents believed voluntary approaches alone would not reach the employers most in need of reform.

Respondents proposed a range of reforms to strengthen the Equal Pay Audits regime, with support for a proactive, standardised, and regulator-led approach. Over half of respondents from CSOs, academics, and employer representatives, submitted that the Equal Pay Audits should not be limited to post-tribunal. They called for more proactive or randomised audits. For example, by expanding the scope of audits to include claims on the basis of race and disability, examining pay systems more broadly, and standardising audit methodologies. Other proposals included requiring publication of findings and empowering regulators or

inspectors to prompt audits based on risk factors, complaints, or workforce data. A minority of respondents suggested reducing reliance on individual litigation for wider reviews.

3.5 Impact of extending Equal Pay Audits to race and disability (Q30-31)

Question 30. Do you have evidence on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability?

Question 31. What evidence is there on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability?

There were 13 responses (out of a total of 147) to Question 30: *“Do you have evidence on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability?”*.

Not all respondents commented on every open-text questions. Of the 13 responses:

- 84% (11) were submitted by organisations;
- 8% (1) was from an individual; and
- 8% (1) selected the ‘Other’ category.

Organisational respondents included:

- 45% (5) were CSOs;
- 28% (3) were Employer Representatives;
- 9% (1) was an Employee Representative;
- 9% (1) was a Large Enterprise; and
- 9% (1) was a SME.

Submitted evidence shows there is support for extending Equal Pay Audit requirements to cover race and disability, but barriers identified in Section 3.4 must be addressed. Over half of respondents, particularly CSOs, supported expanding audits to include claims on the basis of race and disability. They submitted that restricting audits to sex discrimination leaves protection gaps and overlooks overlapping inequalities. They suggested that race and disability pay differences can be as substantial as gender gaps, but received less attention from organisations due to the limited scope of existing audit regulations. A CSO respondent recommended that employers who fail to comply with legislation related to racial pay discrimination should be subject to an equal pay audit.

Others, however, argued that expanding audits without reforming the underlying model would not address inequalities. As noted in Section 3.4, respondents stressed that audits were rare and too narrowly applied to drive wider change.

Respondents also submitted that expansion would create additional administrative and financial burdens for employers, especially smaller organisations. There was broad agreement that requiring additional audits would create new responsibilities for employers, but views differed on whether these would affect all organisations evenly. A few SME and employer representatives highlighted risks for smaller businesses with limited HR infrastructure. In contrast, large enterprises and CSOs emphasised that the reputational, legal, and workforce costs of not addressing pay discrimination outweighed the investment in preventative audits. To ease burdens, some respondents proposed aligning audit processes with existing gender pay gap reporting systems, using publicly funded toolkits, or sample-based methodologies. They thought these could help reduce costs during implementation.

A few respondents were of the view that without robust data, race and disability pay discrimination are difficult to detect and address. A respondent from a professional body suggested that piloting audits focused on race and disability could help build the evidence base and improve understanding of how discrimination

manifests in practice. Challenges in data collection were also acknowledged. Respondents highlighted that self-reporting limitations and concerns about privacy can affect the accuracy and completeness of race and disability data. This was seen as a barrier to effective audits, particularly in smaller organisations with limited workforce diversity.

Finally, some respondents believed that employers without in-house expertise would require external support to conduct meaningful audits. They called for a well-defined audit framework, warning that lack of clarity could discourage compliance or result in ineffective audits. They also called for clear legal guidance, technical assistance, and sector-specific support to ensure consistency and effectiveness across different organisational contexts.

Annex A. List of questions

These questions relate to making equal pay effective, pay discrimination and pay transparency. A full list of questions for all six policy areas in the CfE is available at: [Call for Evidence – Equality Law](#).

1. Please tell us in what capacity you are primarily responding.

[If answering 'As an individual', skip to question 3 to 5]

If answering 'As an academic', skip to next section

Otherwise question 2]

2. If you are responding on behalf of an employer or another organisation, what is its name?

[Skip to next section]

3. What is your sex?

- Female
- Male
- Prefer not to say

4. What is your ethnic group?

5a. Which of the following descriptions do you identify with? (Tick all boxes that apply)

5b. Do you identify as having conditions or illnesses that affect you in any of the following areas? (Tick all boxes that apply): Mobility (for example walking short distances or climbing stairs)

1. Equal Pay

6. Do you have evidence about the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales and/or the effectiveness of existing measures in reducing pay discrimination? [Yes, No]

[If yes, question 7. If no, skip to question 9]

7. What evidence is there on the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales? We are particularly interested in evidence relating to:

- the overall prevalence
- how levels and patterns of pay discrimination may differ across different situations, sectors, employer types or types of work
- how these levels and patterns of pay discrimination may differ where the discrimination is based on sex, race or disability

8. What evidence is there as to the effectiveness of existing measures in England, Scotland and Wales in reducing pay discrimination on the basis of race, disability and sex?

9. Do you have evidence about actions the Government could take, and those it should avoid, to make the right to equal pay effective for ethnic minority and disabled people? [Yes, No]

[If yes, question 10. If no, skip to question 13]

10. What evidence is there to establish the steps that should or should not be taken to make the right to equal pay effective for ethnic minority and disabled people?

11. What evidence is there of the changes needed to make expanding the equal pay scheme to claims on the basis of race and disability effective, if this approach were taken?

We would be particularly interested in:

- advantages that the equal pay scheme may offer claimants that are not available to those currently bringing claims for race or disability pay discrimination, and how they could be extended
- disadvantages that claimants may face under the equal pay scheme that are not currently faced by those bringing claims for race or disability pay discrimination, and how they could be removed
- any unintended consequences that could arise from such an approach, and any steps which could reduce the risk of these
- any changes that may be needed to the procedure for equal pay claims to ensure it is fair and effective
- any changes that may be needed to job

12. What evidence is there regarding any potential barriers that individuals could face in making equal pay claims and approaches to address these barriers?

13. Do you have evidence about the way the law works regarding employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made? [Yes, No]

[If yes, question 14. If no, skip to question 15]

14. What evidence is there as to the effectiveness of the law on employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made?

We would be particularly interested in:

- areas of the law that may not be clear to employers or employees
- scenarios relating to reasonable adjustments and pay in which employees or employers may not feel clear as to what the law requires
- any potential steps that could be taken to improve the clarity and effectiveness of the law in this area"

15. Do you have evidence about the prevalence and pattern of pay discrimination on the basis of race, disability or sex experienced by outsourced workers in England, Scotland and Wales and/or barriers to redress?

This would include where outsourcing leads to outsourced workers of a particular race, disability or sex being paid less than those employed directly by the principal company for equal work. [Yes, No]

[If yes, question 16. If no, skip to question 18]

16. What evidence is there on the prevalence and patterns of pay discrimination on the basis of race, disability and sex experienced by outsourced workers in England, Scotland and Wales?

We are particularly interested in evidence relating to:

- the overall prevalence
- how levels and patterns of pay discrimination may differ across different situations, sectors, employer types or types of work
- how these levels and patterns of pay discrimination may differ where the discrimination is based on sex, race or disability

17. What evidence is there about barriers to redress for outsourced workers experiencing pay discrimination?

18. Do you have evidence on whether outsourced workers should be able to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim and/or evidence on where liability for equal pay claims by outsourced workers should lie? [Yes, No]

[If yes, question 19. If no, skip to question 21]

19. What evidence is there to establish whether outsourced workers should be entitled to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim?

20. What evidence is there to establish where liability for equal pay claims by outsourced workers should lie?

21. Do you have evidence on the effectiveness of current enforcement of the equal pay scheme and/or evidence on who should have standing to bring an equal pay claim? [Yes, No]

[If yes, question 22. If no, skip to question 25]

22. What evidence is there about the effectiveness of current enforcement of the equal pay scheme by the EHRC?

We are particularly interested in evidence relating to:

- the effectiveness of the EHRC's existing powers and their use of them

- whether there are any particular challenges associated with the enforcement of equal pay, as opposed to the Equality Act 2010 more broadly
- whether any changes to the EHRC's powers or functions, or the creation of additional powers or functions, are needed to support effective enforcement of equal pay

23. What evidence is there about the effectiveness of individuals bringing equal pay claims?

We are particularly interested in:

- the enablers and barriers for those who have experienced pay discrimination in seeking redress
- what can be done to remove barriers to redress
- whether any other changes are needed to ensure equal pay claims brought by individuals can be adjudicated effectively and fairly for all parties"

24. What evidence is there that any person or organisation other than the individual complainant or the EHRC should be able to bring equal pay claims? Who should this be?

2. Improving pay transparency

25. Do you have evidence about the possible impacts of introducing pay transparency measures on pay equality on the basis of sex, race or disability and/or on employers? [Yes, No]

[If yes, question 26. If no, skip to question 28]

26. What evidence is there about the possible impact of pay transparency measures on pay equality on the basis of sex, race or disability?

We are particularly interested in:

- the impact on pay equality across different sectors, types of work, or types of pay, such as bonuses
- whether certain pay transparency measures are more effective in addressing discrimination on the basis of one characteristic than another (for example sex rather than race or disability)
- whether a voluntary, mandatory or combined approach to pay transparency for employers may be more effective at improving pay equality
- whether there are any risks associated with introducing pay transparency and if so, how these could be mitigated

27. What evidence is there on the possible implications of introducing pay transparency measures for employers?

We are particularly interested in:

- the implications for employers of different sizes
- the implications for employers in different sectors, for types of work or for types of pay, such as bonuses

28. Do you have evidence about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014? [Yes, No]

[If yes, question 29. If no, skip to question 30]

29. What evidence is there about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014?

We are particularly interested in:

- the effectiveness of the regulations' requirements as to when an equal pay audit must be carried out, and the exemptions to these
- the frequency with which Employment Tribunals are ordering equal pay audits to be carried out
- the effectiveness of the consequences set out in the regulations for employers who fail to comply with an order to carry out an equal pay audit

30. Do you have evidence on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability? [Yes, No]

[If yes, question 31. If no, skip to question 32]

31. What evidence is there on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability?

We are particularly interested in:

- the impact on pay equality on the basis of race and disability
- potential risks associated with an expansion, and where these exist, how risks could be mitigated

Annex B. Response rates and demographics

Table 1: Responses received for each closed question in the Call for Evidence (% of total 147)

Call for Evidence Question	Number of responses	Percentage of total (147)
1. Equal Pay		
Question 6. Do you have evidence about the prevalence of pay discrimination on the basis of race, disability and sex in England, Scotland and Wales and/or the effectiveness of existing measures in reducing pay discrimination?	68	46%
Question 9. Do you have evidence about actions the government could take, and those it should avoid, to make the right to equal pay effective for ethnic minority and disabled people?	66	45%
Question 13. Do you have evidence about the way the law works regarding employer and employee rights and responsibilities in relation to pay when reasonable adjustments are made?	30	20%
Question 15. Do you have evidence about the prevalence and pattern of pay discrimination on the basis of race, disability or sex experienced by outsourced workers in England, Scotland and Wales and/or barriers to redress?	29	20%
Question 18. Do you have evidence on whether outsourced workers should be able to draw comparisons between their work and pay with those working for a principal employer in an equal pay claim and/or evidence on where liability for equal pay claims by outsourced workers should lie?	22	15%
Question 21. Do you have evidence on the effectiveness of current enforcement of the equal pay scheme and/or evidence on who should have standing to bring an equal pay claim?	35	24%
2. Improving pay transparency		
Question 25. Do you have evidence about the possible impacts of introducing pay transparency measures on pay equality on the basis of sex, race or disability and/or on employers?	50	34%
Question 28. Do you have evidence about the effectiveness of the Equality Act 2010 (Equal Pay Audits) Regulations 2014?	14	10%
Question 30. Do you have evidence on the possible impact of requiring employers to undertake equal pay audits in cases where pay discrimination has been found in relation to race or disability?	13	9%

Table 2: Call for Evidence responses analysed per type of respondent

CfE Question	Organisation	Individual	Academic / Research	Other	Total
1. Equal Pay					
Question 6	42	10	7	9	68
Question 9	41	9	7	9	66
Question 13	20	6	1	3	30

Question 15	22	6	0	1	29
Question 18	17	4	0	1	22
Question 21	25	4	1	5	35
2. Improving pay transparency					
Question 25	35	6	4	5	50
Question 28	13	0	0	1	14
Question 30	11	1	0	1	13

Annex C. Methodological notes

This appendix provides a detailed account of the methods used to clean, integrate and analyse responses to the CfE. It supplements the summary in Chapter 1: Introduction and methodology.

D.1 Data integration and structuring

D.1.1 Combining SmartSurvey and email data

SmartSurvey responses were downloaded into Excel. Email responses, which were often unstructured, were manually transcribed into the same question-by-question format. An ‘other’ column was added for each policy area and for the CfE overall. Information that did not directly answer a specific question but was relevant to a policy area was placed in the relevant ‘other’ column. Content relevant to the CfE overall but not tied to a particular section was placed in the overall ‘other’ column. Material judged irrelevant to the call was placed in an ‘excluded text’ column and not analysed. Tables or attachments that could not be integrated into the master dataset were stored in a separate folder (“Supplementary materials – not coded”) and flagged in the dataset.

D.1.2 Cleaning open questions

An automated Python script using the spaCy library was employed to clean open-text responses. The script converted corrected punctuation, standardised common abbreviations, and used stemming and lemmatisation to consolidate word forms. It also removed external references and flagged potential hate speech using the transformers library. Outputs were reviewed manually to ensure that relevant evidence was not lost and that exclusion criteria were applied consistently. A log file recorded all edits made by the script and researchers. Responses that were wholly irrelevant or offensive were removed and logged in the exclusion log file.

D.1.3 Cleaning closed questions

Because questions in the survey were optional, we found in our initial review of the dataset before data cleaning that some respondents answered open questions without ticking the related closed question. To enable accurate counts, we recoded closed questions based on open-question responses. If a respondent provided any open-text evidence for a policy area, they were recorded as having answered ‘yes’ to the corresponding closed question. If they answered no open questions in that area, or if all their answers were excluded, they were recorded as having answered ‘no’.

D.2 Quantitative analysis

Quantitative analysis was undertaken using Python, with Microsoft Excel used for visualisation. After cleaning, the dataset comprised 147 valid responses. Python was used to generate frequencies and percentages for each closed question, with results broken down by respondent type (individual, organisation) and by organisation sub-type (CSO; academic / research; employee representative; employer representative; large public authority (250+); small public authority (<250); and other). Because very few respondents disclosed demographic information, further disaggregation by sex or disability was not meaningful. The small sample size means that percentages should be interpreted cautiously.

D.3 Qualitative analysis

D.3.1 Coding framework

Thematic analysis combined the structured coding framework outlined by Braun and Clarke (2006) with the staged, mixed-method approach recommended by [Fereday and Muir-Cochrane \(2007\)](#). A deductive coding frame was derived from the CfE questions and refined through a short desk review. Each legal area was assigned to a lead researcher. A hybrid deductive–inductive approach was used: responses were first coded

to the question-based framework and then examined for emerging themes. Codes were organised in an Excel coding matrix.

Microsoft 365 Copilot was used to assist in summarising responses and assigning them to codes. All inductive themes identified by Copilot will be manually checked and refined. A minimum of 70% of Copilot-generated summaries and deductive code assignments were cross-checked manually by a second team member. Where inconsistencies arose or content was ambiguous, manual checking was implemented. Divergent themes were discussed within the team and added to the framework where appropriate. To ensure consistency across the 3 researchers coding the 6 legal areas, we held regular analysis meetings and a second team member quality-assured themes, reducing interpretive variation while recognising that some judgement is inherent in qualitative research and analysis.

Annex D. List of acronyms and abbreviations

Acronym	Definition
ACAS	Advisory, Conciliation and Arbitration Service
CfE	Call for Evidence
CSO	Civil Society Organisation
DCMS	Department for Culture, Media and Sport
DPG	Disability pay gap
EHRC	Equality and Human Rights Commission
EU	European Union
GLA	Greater London Authority
GPG	Gender Pay Gap
HR	Human Resources
NHS	National Health Service
OEO	Office for Equality and Opportunity
ONS	Office for National Statistics
PRP	Performance-Related Pay
SME	Small and Medium Enterprise
US	United States