Office for
Equality and
Opportunity

Equality Law
Call for Evidence

Executive summary -
Findings related to pay discrimination

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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 (PSED) is met by everyone exercising public functions;
- creating and maintaining workplaces and working conditions free from harassment; and
- commencing the Socio-Economic Duty (SED).

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 only, in order 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.