

PAY SECRECY POLICY

INTRODUCTION

The Equality Act 2010, which came into force on 1st October 2010, includes the provision to make pay secrecy clauses unenforceable and allows claims for direct gender pay discrimination.

The Act provides a new legislative framework to protect the rights of individuals and encompasses previous discrimination legislation.

In addition to this, client providers have been required to publish the following on their website:

- Mean earnings for all GPs for the previous financial year.
- Number of full and part time GPs included in the calculation.

PROVISIONS

The Act makes pay secrecy clauses unenforceable in certain situations. It does not however prohibit pay secrecy clauses, but rather makes them 'unenforceable' against workers who make or solicit a 'relevant pay disclosure'. In essence, a relevant pay disclosure exists when the disclosure is made or solicited with the intention of uncovering inequality in the pay scale driven by Protected Characteristics (see Appendix 1), such as race or gender.

Disclosure of pay details will also allow transparency and visible fairness to workers who will have the ability to question the general level of pay or bonuses. Organisations may find it difficult to justify disproportionate payments to workers doing similar work, especially after the expiry of the five-year period where differentiation between workers due to length of service largely disappears.

Although, the unenforceability of pay secrecy clauses should be limited to situations where workers are seeking to ascertain whether there is any unjustified pay discrimination, the reality is that the boundaries are not clear. Organisations should therefore consider effective removal of these clauses to make pay scales transparent. Workers seeking a relevant pay disclosure are also protected under the Act from victimisation arising from the request.

GPS will:

- Ensure that part-time workers are paid a pro-rata salary to the full time equivalent.
- Remove secrecy clauses from contracts and handbooks.
- Ensure all pay policies and scales are properly documented and include all the factors which have been considered when deciding pay levels, increases, bonus payments, and promotional rises.

- Ensure that all individual exceptions are documented and include the reasons or deliberations.
- Ensure a full system of job evaluation to ensure that pay rates reflect the complexity and nature of the role.
- Consider Protected Characteristics under the Act to prevent discrimination at each review of pay, grading, recruitment, or contractual change, and will carry out a gender or other Characteristic analysis of pay differences as part of this review.

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APPENDIX 1

The following characteristics are protected characteristics:

AGE

Where this is referred to, it refers to a person belonging to a particular age or range of ages.

DISABILITY

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

GENDER REASSIGNMENT

Someone who is in the process of transitioning from one gender to another.

MARRIAGE AND CIVIL PARTNERSHIP

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

PREGNANCY AND MATERNITY

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context.

RACE

It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

RELIGION AND BELIEF

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

SEX

Man or a woman.

SEXUAL ORIENTATION

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.