Gender Pay Reporting

Key Factors

- Applies to Private or Voluntary Sectors with **over 250 employees** on 5th April 2018

- Staff numbers **include** casual and bank (although agency staff are excluded)

- To define pay, organisations need to boil remuneration down to get an **hourly rate**

- **Pay must include**: basic pay, all weightings and allowances, piecework, holiday pay / other pay of leave, shift premiums.

- **Pay does not to include**: overtime, redundancy, termination or severance payments, pay in lieu, benefits in kind or salary sacrifice arrangements, expenses

- **Bonus pay** must be itemised separately and include bonus in the forms of money, vouchers, securities, options, interest in securities profit sharing, productivity, performance incentive or commission related bonuses (i.e. everything)

  Bonus pay stays as the actual total £ amount (i.e. is not boiled down to an hourly rate)

Pay Gap Calculation

$$\frac{(\text{Male Pay}) - (\text{Female Pay})}{(\text{Male Pay})} \times 100 = \textbf{\% Pay Gap}$$

Employers need to make the following 6 calculations:

1. The % Pay Gap for the whole staff group, using the formula above, where male and female pay is their **average** pay.

2. The % Pay Gap, repeating calculation 1, but this time calculated on the basis of male and female **median** pay points.

3. The proportion (%) of males and females who were paid a bonus payment

4. The % Bonus Pay Gap, for those who received bonus payment in the reporting period, using the formula above, where male and female pay is their **average** bonus payments.

5. The % Bonus Pay Gap, repeating calculation 4, but this time calculated on the basis of male and female bonus pay **median** points.

6. Finally, using hourly pay rates used for calculations 1 & 2, employers need to rank all staff by pay then split them into 4 quartiles (i.e. top quarter, 2nd quarter, 3rd quarter and bottom quarter) and calculate % of males and females in each of these quartiles.

Publication

All 6 calculations must be published on the employer's website and remain accessible on line for 3 years

All 6 calculations must be uploaded to Government website

The Employer must "certify" each of the calculations as being accurate

If the organisation is made up of a series of different legal entities, then each legal entity must also publish own separate data

Employers **must not** identify employees in the data (i.e. reporting must be anonymised)

Subject Access Requests

As the General Data Protection Regulations (GDPR) start growing teeth, organisations need to start thinking about Subject Access Requests (SAR) and how to respond.

A "**SAR**" is where an employee requests some personal data that you hold about them

Below is a simple checklist to guide employers through. Please note that this is subject to change in May 2018, when GDPR comes into force in full.

Checklist

1. Is the request a valid data subject access request?
    (a) Do you have sufficient evidence of identity?
    (b) Do you need more information to locate the data requested?
    (c) Do you require a £10 fee?
    (d) Is the information requested "personal data" relating to the employee?
2. If not, respond to the individual requesting a fee/clarification.
3. Note your 40-day response deadline.
4. Examine the information and remove duplicates and irrelevant information.
5. Does the data contain third party information?
    (a) Can you redact the information?
    (b) Can you seek third party consent?
    (c) If not, is it reasonable in all the circumstances to disclose the information?
    (d) Notify the employee if dealing with third party information and consents is likely to delay part of the information that you are able to provide.
6. Consider whether or not there is any exempt data.
    (a) Explain your refusal to provide any information.
    (b) Keep a record of withheld data and the reasons for withholding the data.
7. Check whether or not the employee wants hard copies or an electronic copy of the information.
8. Provide all information in an intelligible and permanent form with a brief description of the scope of the search.
9. Finally, make a copy of what you send.