



This week in Employment Law

Gender pay gap figures revealed

Gender pay gap figures published by the government's gender pay gap service reveal a median gender pay gap of 9.4%, the same level as 2017/18 when employers first had to publish their data.

- The gender pay gap is the difference between the average earnings of men and women across a workforce.
- In banking and finance the gender pay gap was 22.1% in favour of men. But, there are some businesses that pay women more than men including Airbus Operations (17.7%), Azebra Pay (16.9%) and DHL Services (12%).
- Although only large organisations (with 250 or more employees on a snapshot date) are required to comply with gender pay gap reporting, smaller employers who voluntarily analyse their gender pay gap, and take action to close it, will reap the benefits of a more inclusive and diverse workforce.
- Publishing an action plan to help explain an employer's gender pay gap and what initiatives they have taken to close the gap, can have a positive impact on an organisation's reputation and help to send a strong signal of its commitment to gender equality.
- Gender pay gap reporting should be part of a wider approach by employers to improve diversity, inclusion and equity in the workplace, alongside other measures such as providing diversity training, implementing positive action recruitment strategies, including the salary in job adverts, not asking about salary history in the recruitment process and instilling a zero-tolerance approach to bullying and harassment.

Call for evidence on national minimum wage

The Low Pay Commission (LPC) is calling for evidence on its recommendations for minimum wage rates in 2024 and beyond. The LPC is interested in views on lowering the National Living Wage age threshold to 21 years and the removal of the 21–22-year-old rate, the continued alignment of the apprentice rate with the 16–17-year-old rate and whether a separate minimum wage rate for apprentices is necessary.

Did you know?

Employers who are reviewing the pay structure for the lowest paid staff in their organisation, particularly in light of the cost of living crisis, may want to take these issues into account.

Junior doctors begin 4-day strike

Junior doctors in England start a 4-day strike on Tuesday this week over pay. The walkout is due to last until 7am on Saturday 15 April 2023, leading to huge disruption to planned appointments and operations, with an estimated 350,000 expected to be cancelled. The British Medical Association are calling for a 35% pay rise on behalf of its members. They estimate that junior doctors' pay has fallen by 26% in real terms in the last 15 years.

Did you know?

Employers should prepare to manage requests from employees to change time off to attend appointments and may need to re-arrange welfare meetings with those whose operations are cancelled.

PILON following resignation could be unfair dismissal

The Employment Appeal Tribunal recently concluded that use of a PILON clause following resignation possibly could amount to unfair dismissal, since it had the effect of bringing forward the employee's termination date. But, the EAT didn't have the authority to overturn a previous decision so allowed an appeal to the Court of Appeal. Now, the case has been dismissed before the hearing, suggesting it has been settled.

Did you know?

It will likely be at least another year or more before a similar case could reach the same level but employers should be aware of the potential risk of utilising PILON following resignation.