

Mind the pay gap

Continuing our series on women's issues in the profession, **John Charlton** takes a closer look at the salary findings of the recent survey reporting on women in the workplace

While the national gender pay gap has fallen to its narrowest since first recorded in 1997, that for eye care professionals remains significantly higher. Figures released by the Office of National Statistics (ONS) in December show a gender pay gap of 10.2 per cent between full-time male and female employees, down two percentage points from 12.2 per cent in 2009. 'This is the biggest fall in the gender pay gap since the measure was first produced in 1997,' says ONS.

But, according to a recent survey conducted jointly by *Optician* and CIBA Vision, the pay gap between male and female respondents was 21.37 per cent. Average earnings for males surveyed were £42,377 gross, compared to £33,320 for female respondents.

Bear in mind, though, that the pay gap found by the Women of Vision survey is based on an average (or mean) of earnings reported while that published by ONS is the median, the value of earnings below which 50 per cent of all employees fall.

This indicates how complex and confusing comparisons between national and occupational pay rates and earnings can be.

For example the 10.2 per cent



Rex Features

Women eye care professionals earn on average £33,320 according to the Women of Vision survey

median gender pay gap reported by the ONS is based on the earnings of full-time employees. When part-time employees are added to the mix, the national median gender pay gap was 19.8 per cent in December, down from 22 per cent in 2009.

Also the ONS figures show that women working part time earn more per hour than male part-timers. Their median hourly rate of £8 was 4 per cent higher than male part-timers' median rate of £7.69. However, male part-timers work longer hours than their female counterparts, which widens the overall pay gap in favour of men.

This is reflected in the Women of Vision survey where male respondents' average working week was 35 hours compared to females' 31 hours.

Commenting on the pay differentials revealed by the survey, David Craig, director of operations at the Association of Optometrists, says: 'It is interesting to note that women are more likely to be employed by a multiple than men; and it would be more interesting still to know if those women employed by multiples get paid less than their male counterparts and the corresponding figures for independent practitioners.'

So, if naked figures on gender pay gaps are to be taken with a pinch of salt what do the Women of Vision survey results reveal?

LEGAL OPTIONS

An employee can make an equal pay claim under the Equal Pay Act 1970 as amended for any inequality in pay that they have suffered before October 1 2010, or under the new Equality Act 2010 for any inequality of pay experienced on or after October 1 2010.

Under the acts, employees have the right to expect equal pay for equal work undertaken. The only exception is if the employer can demonstrate that the difference in pay is down to a material factor such as relevant qualifications that an employee holds, rather than down to gender.

Joy Drummond, employment partner at law firm Simpson Millar LLP, says: 'An

employee can raise a grievance with their employer if they have reason to believe that they are paid less than a comparator of a different gender for equal work. Equal work is either the same or broadly similar work or work rated as equivalent under a job evaluation scheme or work of equal value, which can be trickier to assess.

'An employee need only prove that they are doing the same work as a comparator of a different sex employed by the same employer and that they are being paid less than that comparator. If an employee has their suspicions that they are being paid less than their colleagues of a different gender, they can follow the questionnaire procedure. The employee can send the employer a

questionnaire form asking the employer questions such as the salary of various employees.

'An employer isn't obliged to fill in the form but if they choose not to and the case goes to tribunal, it can draw an adverse inference from the omission. An employee should lodge an Equal Pay grievance with their employer before the claim is taken to a tribunal.

'Tribunals will award backdated pay of up to six years where an equal pay claim has succeeded. An order will also be made declaring the claimant's contractual rights such as raising their pay to the same level.'

If employees think they are being victimised after lodging a claim they can bring a victimisation claim to the tribunal.