



Gender pay gap reporting

TUC response to GEO consultation

Introduction

The TUC is the voice of Britain at work. With 52 affiliated unions representing nearly 6 million working people from all walks of life, over half of whom are women, we campaign for a fair deal at work and for social justice at home and abroad.

The TUC welcomes the proposal to introduce regulations under s.78 of the Equality Act 2010 which will require private sector employers to publish gender pay information. In drafting the regulations there must be a clear focus on the main objective of this measure which is to encourage employers to take action to narrow the gender pay gap. This means that information needs to be sufficiently detailed to improve employers' understanding of the main causes of the gender pay gap and that the information must be published in a way that is easy for employees and other stakeholders to access and understand. In addition, while the aim of this requirement is to encourage employers to act upon all causes of the gender pay gap, it is important that the equal pay dimension is not overlooked. This is an opportunity to improve employers' understanding of equal pay law, particularly the concept of equal pay for work of equal value, and to ensure that their pay systems are operating in a transparent way that does not give rise to discrimination.

Before answering the specific questions in the consultation document, we would like to make clear our views on what is needed for these regulations to achieve their objective.

1. The regulations should specify how information is to be shared with employees and trade unions

The consultation document mentions “competition and peer pressure” as driving employers to take constructive action to tackle gender pay inequality (paragraph 2.7). However, history shows that pressure from the workforce, like the women workers at Dagenham, is a key driver of change.¹

IFF research published by the Government Equalities Office in 2015² found that of those private sector organisations that had not yet undertaken any formal analysis of their gender pay gap, over a quarter (28%) said that the main factor that might prompt them to do something was “one or more employees making a complaint or taking action”. This was the single biggest factor influencing employer behavior and was some way ahead of others like “complying with legislation” (8%), “if a pay gap was suspected or identified” (6%), “as a result of equal pay cases in their organisation or sector” (5%) and “want to be a good practice employer” (3%).

The importance of dialogue between employers, employees and trade unions is recognised in the EU Equal Treatment Directive that underpins our workplace equality rights. Article 21 states: “employers shall be encouraged to provide at

¹ For examples see: <http://www.unionhistory.info/equalpay/>

² <https://www.gov.uk/government/publications/company-reporting-gender-pay-data>

appropriate regular intervals employees and/or their representatives with appropriate information on equal treatment for men and women in the undertaking. Such information may include an overview of the proportions of men and women at different levels in the organisation; their pay and pay differentials; and possible measures to improve the situation in co-operation with employees' representatives". A recent European Commission recommendation on strengthening the principle of equal pay between men and women through transparency also makes clear that transparency encourages action when it is aimed at encouraging dialogue between employers, employees and social partners like trade unions.³

Therefore, when drafting the regulations on gender pay gap reporting, special attention must be given to internal reporting. The TUC believes the regulations should specify that employers need to take appropriate steps to make sure that employees have access to the information, giving examples of how this could be done, e.g. posted on a company intranet, on employee notice boards or included in staff newsletters. They should also require employers to send the information directly to representatives of a recognised trade union.

Guidance for employers on the regulations should also encourage dialogue with employees and their representatives on action to narrow gender pay gaps. As the original framework for the coalition government's voluntary *Think, Act, Report* scheme stated: "Engaged employees are not only key to growth but they are key to understanding the nature of inequalities in the workforce, such as low female participation rates at certain levels or in particular jobs, and to developing effective solutions for addressing them."⁴

In addition, guidance should be developed to help employees and trade unions understand the requirements of the new regulations and to explain what their rights are to receive information and how the requirements will be enforced.

2. Information needs to be detailed enough to shine a light on the main causes of the overall gender pay gap within an organisation

Publishing information is most likely to lead to action to close the overall gender pay gap if the information helps the organisation, its employees and other stakeholders understand what the main factors are behind the pay gap. The consultation paper recognises that "an overall pay gap figure does not offer the level of granularity required to explain pay differences within an organisation".

The TUC believes that as well as an overall figure, organisations should be required to report on:

- The pay gap between full-time male and female employees

³ http://ec.europa.eu/justice/gender-equality/files/gender_pay_gap/c_2014_1405_en.pdf

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85569/think-act-report-framework.pdf

- A measure of the part-time pay penalty that recognises that it is still mainly women who need to work reduced hours and it is mainly women who suffer an earnings penalty as a result. The TUC recommends a comparison between part-time women's hourly earnings and full-time men's and encourages action to narrow this gap. Comparing part-time women's hourly earnings with part-time men's, as the consultation document does, shows a very small gap which might suggest to employers they do not need to consider action to improve part-time women's pay and opportunities.
- Gender pay gaps within grades or job roles.
- The distribution of women and men by grade or job role (e.g. see PwC's workforce profile in its UK Transparency Report FY14)⁵ or the distribution of women and men by deciles of full-time equivalent earnings.
- Gender pay gaps in basic pay and in additional payments such as bonuses, commission, overtime, recruitment and retention supplements.
- Gender pay differences in starting salaries because it is at the point of recruitment or promotion that pay gaps often first arise.

It would also be helpful to have gender breakdowns of those doing part-time and full-time work and those employed on a permanent, fixed term or casual basis.

If the Government goes down the route of only prescribing a single gender pay gap figure, then we believe the regulations should require companies to publish the pay gap figure for the whole workforce, including part-time workers, and that companies should be required to report on the representation of men and women across the earnings distribution. The other measures set out above should then be recommended in the accompanying guidance.

3. Standard methods for calculating gender pay gaps should be prescribed

The regulations should set out how employers calculate the gender pay gaps that they have to report on. This will enhance understanding of the measures and what they represent. It will enable comparisons to be made which will help employers, employees and others like trade unions to prioritise where action is needed to narrow pay gaps. It will also prevent employers cherry-picking measures that show them in the best light.

4. Employers should have to provide a supporting narrative that explains how gender pay gaps are calculated, the reasons for them and action to address them

Publishing statistics is almost meaningless unless there is some narrative that clearly explains what the numbers represent. For example, Tesco has stated that its pay gap is 1% or less than 1% but it does not clearly state how the figures are arrived at. Is it the gap between men's and women's mean or median earnings? Does it compare the pay of men and women who work full-time or all employees?

⁵ http://www.pwc.co.uk/en_UK/uk/transparencyreport/assets/pdf/transparency-report-fy14.pdf

Confusingly, one year it compares its own pay gap to the national figure for full-time employees, while the next year it compares it to what appears to be the national figure for all employees.

As well as explaining how the figures were arrived at, employers should be required to make an evidence-based statement that sets out what they consider to be the main causes of the overall gender pay gap in their organisation and what action they intend to take to narrow it. Examples of gender pay reporting from other countries like Finland, Germany, Sweden and France highlight that a common approach is to require employers to produce an action plan or to report on measures that they are taking to narrow the gender pay gap. We believe this kind of requirement would encourage a more action-based approach than one that only requires an employer to publish numbers.

5. Adequate monitoring and enforcement mechanisms are needed to ensure compliance

It seems that the government may be considering introducing regulations without any means of enforcement, otherwise why would the consultation document ask the question “Do you think that introducing civil enforcement procedures would help ensure compliance with proposed regulations?” Law that has no means of enforcement has no force. Without any enforcement statutory gender pay gap reporting is likely to be no more effective than the current voluntary approach under which only a handful of companies have published data of variable quality.

The consultation document suggests that the EHRC or another body could monitor compliance with the new law. The TUC would welcome the EHRC having such a role. The EHRC’s powers would have to be amended so that it was able to issue compliance notices and to enforce those notices through court orders. This would mirror the provision in s.32 of the Equality Act 2006 that enables the EHRC to enforce the Public Sector Equality Duty. The TUC believes the EHRC should also be given powers to issue fines to those who fail to comply with a notice. The power to issue fines would mean the EHRC would have an alternative enforcement option rather than always going down the resource-intensive route of applying for a court order. The maximum fine under s.78 is £5,000. We believe this is an insufficient penalty for a failure to comply. The TUC believes that organisations should also be ‘named and shamed’ if they have to pay a fine. Fines should continue to be issued if there is ongoing non-compliance and the EHRC should use its power to take an employer to court if there is repeated non-compliance. The ultimate sanction would be company directors being held in contempt of court. We note that the government has recently begun naming and shaming employers who are not paying the national minimum wage and have greatly increased the maximum civil penalty for underpayment to £20,000 per underpaid worker to ensure more effective enforcement.

The EHRC must have its core funding increased to carry out these new duties. The EHRC has faced substantial cuts since 2010. Its budget is more than 60% lower and staffing more than 70% lower than when it was established in 2007. It has rarely used its unique powers to enforce the existing duties to publish equality information under the Public Sector Equality Duty, partly due to lack of resources

and the more than 40,000 public authorities it has to monitor. In addition to an increase in core funding, the TUC recommends that the EHRC is given extra programme funding to carry out an extensive monitoring exercise in 2017/18 to assess compliance a year after the new regulations come into force.

With nearly 8,000 private sector organisations likely to be covered (more if the threshold is lowered - see point 7), the regulations must be drafted in a way that makes monitoring compliance as effective and efficient as possible. This strengthens the case for having a standard method of calculating gender pay gaps and for the information to be published in a specified, accessible way. The government should consider also requiring employers to report the information to a body such as Companies House which would enable the EHRC to easily search a database to see which organisations have gathered the information.

Finally, the TUC suggests that if an employer fails to properly comply with the regulations then a tribunal should be able to take this into account when determining any subsequent tribunal claim on a related matter such as sex discrimination or equal pay and that the government should make compliance key to becoming a preferred bidder for public sector contracts.

6. Commencement of gender pay gap reporting must not be delayed

The consultation document states that “Although we expect the required regulations to be made during the first half of 2016, we propose that commencement of the regulations should be delayed for an appropriate period to give businesses an opportunity to prepare for implementation”. This suggestion of delay is very disappointing. Employers have been aware of s.78 since the Equality Act took effect in 2010. They were told by the then Labour government that if there was insufficient progress in voluntary reporting that regulations could be brought into effect from April 2013. The coalition government refused to repeal s.78 and also made clear when it began the *Think, Act, Report* voluntary scheme that it would annually review progress and consider whether regulations were needed. By 2015 it was clear that the voluntary approach had not worked and there was cross-party support for s.147 of the Small Business, Enterprise and Employment Act which stated that “The Secretary of State must, as soon as possible and no later than 12 months after the passing of this Act, make regulations under section 78 of the Equality Act 2010.” This measure received widespread media attention and it also featured in the main parties’ General Election manifestos. Employers have therefore had sufficient warning that this legislation is imminent.

The IFF Research shows that more than a fifth of private sector organisations already routinely gather information on gender pay differences even though they don’t report on it. It also found that most organisations hold HR and payroll information on one single computerised system or where they don’t they agreed that it would be easy to combine the information. This suggests there are no significant barriers to gathering and publishing this information.

The TUC believes the regulations should be commenced on 6th April 2016 with a deadline for publication of the first set of gender pay information by 1st October 2016 (or at the latest 1st January 2017) to give employers some months to familiarise themselves with what is required and compile their reports. This would mirror what happened when the Specific Duties Regulations 2011 on equality information were introduced for the public sector. Those Regulations were commenced on 9th September 2011 with a deadline for publishing information by 31st January 2012 or 6th April 2012 if a school.

Delaying commencement of the gender pay gap regulations is likely to just mean more months of inaction by employers rather than preparation for reporting and sharing information.

7. There are strong reasons for extending the requirements to medium as well as large employers

Although s.78 of the Equality Act 2010 refers to employers with 250 or more employees, the TUC believes the government should consider lowering the threshold to employers with at least 150 employees. If not when the regulations are commenced then the threshold should be progressively lowered over time. This would significantly increase the number of employees that are likely to benefit from the new reporting requirements. Having a threshold of 150 employees would also mean there was a common threshold across the economy as it would mirror the equality information reporting requirements for public authorities under the Public Sector Equality Duty.

The TUC notes that the recent IFF research showed that there is little difference between companies with 150-249 employees and those with 250 or more employees in attitudes towards gender pay gap reporting (e.g. 47% of large companies and 46% of medium companies were open to internal reporting). The report states: “On the whole in 2014 medium-sized employers were equally as positive as large employers to the idea of reporting on pay gap information”.

We also note the European Commission’s recent recommendation on strengthening the principle of equal pay between men and women through transparency recommends a threshold of 50 employees for gender pay gap reporting. The higher threshold of 250 employees is only suggested if member states are adopting a requirement for full equal pay audits, which these regulations are not requiring.

8. Guidance for employers should encourage equal pay audits and transparent pay systems too

A gap in the average pay of men and women in the workforce does not necessarily mean there is unlawful discrimination and potential equal pay claims. However, research on the gender pay gap suggests that discrimination, especially unconscious bias and indirect discrimination, may still be a factor.⁶ The European Commission

⁶ See Olsen, Wendy, H. Heuvelman, V. Gash, L. Vandecasteele, P. Walthery *The Gender Pay Gap In The UK 1995-2007. Research Report Number 1* (GEO, 2010) which highlights a large part of the gender pay gap which cannot be explained by lower qualifications, working in lower pay

has also highlighted how after decades of equal pay law there is still a widespread lack of understanding of indirect discrimination and the concept of equal pay for work of equal value, even if the overt discrimination between men's and women's pay has largely been eradicated.⁷

The IFF Research shows a remarkable degree of complacency by many private sector employers. Nine in ten organisations who have not carried out a formal audit say that this is because they are confident they already provide equal pay for equal work. Yet how can they be sure without doing an audit?

Guidance and communication that accompanies the new regulations should seek to raise awareness of the principle of equal pay for work of equal value and how pay systems can give rise to indirect discrimination which is often not immediately apparent. It should signpost employers to guidance such as the EHRC's guidance on 'high risk' pay systems,⁸ its equal pay audit toolkit⁹ and the statutory Code of Practice on Equal Pay.¹⁰ It should recommend that the best way of establishing whether or not an organisation is providing equal pay is to carry out an equal pay audit, especially if gender pay gap reporting highlights pay gaps within grades or job roles.

Employers, employees and other stakeholders need to be reminded of what equal pay law means by a transparent pay system too. Reporting on high level measures of the gender pay gap will not necessarily deliver this kind of transparency. As the statutory Code of Practice on Equal Pay says: "Transparency means that pay and benefit systems should be capable of being understood by everyone (employers, workers and their trade unions). It should be clear to individuals how each element of their pay contributes to their total earnings in a period." This means employers need to be open about how pay rates are determined – the principles on which they are based and how pay is set in practice, including how the pay decisions of managers and recruiters are monitored.

The IFF Research shows that there is still a culture of secrecy in large parts of the private sector: 3% of employers say they have written clauses in contracts to prevent employees sharing information about pay (despite provisions in the Equality Act 2010 making these unenforceable in some circumstances); 13% say

sectors, and taking time out to have children, and see Alan Manning and Joanna Swaffield, *The Gender Gap in Early-Career Wage Growth* (CEP, 2005)

<http://cep.lse.ac.uk/pubs/download/dp0700.pdf> which suggests indirect discrimination and unconscious bias might explain why women who work full-time, do not have children and do not want children are still paid less on average than men.

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0424&from=EN>

⁸ <http://www.equalityhumanrights.com/private-and-public-sector-guidance/employing-people/equal-pay/checklists-equal-pay-in-practice/19-high-risk-grading-and-pay-practices>

⁹ <http://www.equalityhumanrights.com/private-and-public-sector-guidance/employing-people/managing-workers/equal-pay/equal-pay-audit-toolkit>

¹⁰ <http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/equalpaycode.pdf>

they discourage staff from talking about pay; and a further 28% say that they provide no information to staff about pay. If employers are so confident that they are not discriminating and that their pay systems are based on fair principles and practice then why isn't there greater openness and communication about pay within organisations?

9. Rights for employees to ask for information about pay should be reinstated, employment tribunal fees repealed and collective bargaining promoted

To boost transparency and action on the gender pay gap, the Government should reinstate the statutory equal pay questionnaire in s.138 of the Equality Act 2010, which the coalition government repealed, alongside the new reporting requirements. This procedure allowed an employee to ask their employer for more information about their pay and that of any potential comparators if they thought they were not receiving equal pay for equal work. If an employer failed to respond or was evasive in their response then inferences could be drawn against them in a subsequent tribunal claim. Gender pay gap reporting may raise questions for employees about their own pay and that of comparable colleagues which the statutory procedure would allow them to ask.

Tribunal fees should also be repealed so that if there is a potential equal pay complaint individuals are not deterred from taking enforcement action. The number of equal pay claims fell significantly when fees of £1,200 to lodge an equal pay claim and get it heard at tribunal were introduced in July 2013. In Q1 2013 there were nearly 7,928 equal pay cases but by Q1 2014 this had dropped to 1,236 – a fall of 84%.¹¹ Numbers have picked up since but the claims are still less than half what they were before the introduction of fees.¹²

Collective bargaining should be promoted because it leads to greater transparency in pay. Employers share information with trade union representatives for the purpose of bargaining and there tends to be greater disclosure of pay between union members and their representatives. The ILO and others have found that the gender pay gap is lowest in countries where collective bargaining coverage is high and companies are bound to a collective agreement. The European Commission estimates that a 1% increase in social dialogue 'coverage' reduces the gender pay by 0.16%.¹³ Therefore, promoting collective bargaining (rather than reducing trade union rights as this current government is seeking to do) is likely to lead to narrower gender pay differences in the workplace.

¹¹ Tribunal Statistics, January to March 2014 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-january-to-march-2014>

¹² Employment Tribunal Receipts Tables, January to March 2015 <https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-january-to-march-2015>

¹³ Dr Jane Pillinger, *Bargaining for Equality* (ETUC, 2014) https://www.etuc.org/sites/www.etuc.org/files/publication/files/bargaining_equality_en.pdf

10. Employers should be encouraged to analyse and publish pay information by ethnicity and disability too

Research has suggested that there are significant pay gaps by ethnicity and disability as well as gender.¹⁴ Guidance introduced alongside these regulations should encourage employers to start gathering information on these pay gaps too and to start considering what action needs to be taken to address them.

Consultation questions

Q1: Publication of gender pay information will encourage employers to take actions that will help close the pay gap. Do you:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Do you want to provide any further comment in relation to your answer above (Q1)?

We agree that being required to regularly publish gender pay information may encourage employers to take action to narrow gaps. However, a lot depends upon what information they are required to publish, how accessible it is to the workforce, trade unions and other stakeholders and how the employer is then held to account.

We note that in the recent IFF research ‘Company Reporting: Gender Pay Data’ commissioned by the Government Equalities Office, 63% of employers say that ensuring there is no gap between men’s and women’s pay is a very or fairly high priority for them, but only 13% had a planned approach for reducing the pay gap and only a further 16% were looking into it. Two thirds had no plans to take any action. This suggests that while many employers say they are committed to gender equality in the workplace, few have given serious consideration to gender pay differences, the reasons behind them and what they can do to reduce them. The TUC believes that if these regulations are going to lead to action by employers to help close the gender pay gap, they must be required to publish information that increases understanding of the likely causes of the gender pay differences within their organisations.

We also note that of those organisations that had not yet undertaken any formal analysis of their gender pay gap, over a quarter (28%) said that the main factor that might prompt them to take action was “one or more employees making a

¹⁴ Metcalf, H., *Pay gaps across the equality strands: a review* (EHRC, 2009)

complaint or taking action”. This was the single biggest factor influencing employer behaviour, some way ahead of others like “complying with legislation” (8%), “if a pay gap was suspected or identified (6%), “as a result of equal pay cases in their organisation or sector” (5%) and “want to be a good practice employer” (3%). It was also cited as the biggest factor that would encourage an employer to report on the gender pay gap. This suggests that key to getting action by employers is publishing information in a way that employees can easily access and understand it so that they are encouraged to hold employers to account for the gender pay differences in their workplace.

We believe regulations must require a single gender pay gap figure to be published for the whole workforce that is based on a standard calculation and it should be clearly stated what this figure represents. For comparability, we recommend that the ONS measure of the all-employee gender pay gap is adopted and employers must state that the figure they are publishing is a comparison between the median hourly earnings excluding overtime of all male and all female employees.

Organisations must also be required to publish, with a clear explanation of what the data represents, the following:

- The pay gap between full-time male and female employees.
- A measure of the part-time pay penalty that recognises that it is still mainly women who need to work reduced hours and it is mainly women who suffer an earnings penalty as a result. The TUC recommends a comparison between part-time women’s hourly earnings and full-time men’s to encourage action to narrow this gap. Comparing part-time women’s hourly earnings with part-time men’s, as the consultation document does, shows a very small gap which might suggest employers don’t need to consider action to improve part-time women’s pay and opportunities.
- Gender pay gaps within grades or job roles.
- The distribution of women and men by grade or job role (e.g. see PwC’s workforce profile in its UK Transparency Report FY14)¹⁵ or the distribution of women and men by deciles of full-time equivalent earnings.
- Gender pay gaps in basic pay and in additional payments such as bonuses, commission, overtime, recruitment and retention supplements.
- Gender pay differences in starting salaries because it is at the point of recruitment or promotion that pay gaps often first arise.

Employers must be required to publish a short statement outlining the main factors contributing to the overall gender pay gap in their organisation. We also believe employers should have to outline the steps that they plan to take to narrow the gender pay gap in their organisation.

The gender pay information must be made readily available to employees and this should be specified in the regulations with examples of how this is to be done, e.g.

¹⁵ http://www.pwc.co.uk/en_UK/uk/transparencyreport/assets/pdf/transparency-report-fy14.pdf

annual announcements posted on company intranets, employee notice boards and included in staff newsletters or updates. The regulations should also require employers to send annual gender pay information to a recognised trade union.

Information should also be published externally on a company’s website and in its annual report. If the information is not readily accessible, particularly to employees and trade unions, then there won’t be the necessary pressure upon an employer to take action to narrow gender pay gaps identified.

Q2: Transparency on gender pay will have an impact on (tick as appropriate):

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't know
Encouraging girls and women to consider working in a wider variety of occupations and sectors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encouraging employers to develop their female talent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encouraging employees to take up flexible working or shared parental leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encouraging employers to support flexible working or shared parental leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encouraging employers to adopt good practice on how to manage/support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

a multigenerational workforce						
Helping those who have a stake in the organisation such as investors, shareholders and clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Helping employers to address equal pay in their organisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

The extent to which gender pay gap reporting does have an impact on any of the above depends greatly upon what the regulations prescribe and what mechanisms are put in place to ensure compliance and enforcement.

Q3: Employees or other interested parties (e.g. shareholders) may want to gauge how an employer's gender pay gap compares with similar organisations. How important do you think comparability is (tick one)?

- Not at all important
- Very unimportant
- Somewhat unimportant
- Somewhat important
- Very important
- Extremely important**
- Don't know

Do you want to provide any further comment in relation to your answer above (Q3)?

Requiring employers to use a standard method of calculating gender pay gaps and to report progress against the same set of variables is essential, otherwise it will be impossible for employees, trade unions and others to understand how different companies are performing against those in the wider economy and their sector and to prioritise action to encourage those with the most significant pay gaps to make changes.

If employers can choose how they calculate the gender pay gap, who they include or exclude, what pay they are comparing (mean, median, basic, total earnings...) then they will have a significant incentive to select the measure that shows the smallest difference and justifies them taking little or no action to close the gap between men's and women's pay and employment opportunities.

Tesco is one of the handful of private sector companies that reports a gender pay gap figure. In December 2013, it reported on its website (<http://www.tescopl.com/index.asp?pageid=137&tiletype=update&id=917>): "The pay gap between men and women in our UK business is currently 1% compared to the national average of 10%." The web link and comparison to the national average implied that 1% represented the pay gap between men and women's median full-time hourly earnings excluding overtime. However, this is not clearly stated and would not be apparent to most Tesco employees or potential recruits. Similarly, in November 2014, in a case study for the Government's *Think, Act, Report* initiative, Tesco stated (<https://www.gov.uk/government/case-studies/think-act-report-tesco-2>): "Last year, our pay gap was 0.45%, which is statistically insignificant and much lower than the national average of 18.6%". Again, it is not at all clear what this 0.45% figure represents as the national average figure given for comparison does not match either ONS's published full-time national pay gap or its all-employee pay gap figure for 2013 or 2014.

This example highlights the importance of having standard, clearly understood methods of calculating and reporting on the gender pay gap. If Tesco is choosing to report on the pay differences of full-time employees only then it is overlooking one of the greatest gender disparities within the retail workforce which is the predominance of women in part-time, low paid work and men in full-time, higher paid, managerial roles.

Q4: Do you think the regulations should specify where the employer publishes their gender pay gap information - for example, a prominent place on their public website?

- Yes
- No
- Don't know

Q5: Which of the following measures showing the difference in the pay of male and female employees are you currently able to calculate from existing data and systems?

	Tick all that apply
An overall gender pay gap figure	<input type="radio"/>
Gender pay gap figures broken down by full-time and part-time employees	<input type="radio"/>

Gender pay gap broken down by grade or job type	<input type="radio"/>
None of the above	<input type="radio"/>

The TUC believes that most medium to large-sized companies should be easily able to calculate the above figures. The IFF research found that most companies held their payroll and HR data either on a single system or that they could easily combine the data.¹⁶

Q6: Do you think that any additional narrative information published by employers should be:

	Tick one
Voluntary and not set out within the regulations or non-statutory guidance	<input type="radio"/>
Voluntary, not set out within the regulations, but set out in the non-statutory guidance	<input type="radio"/>
Set out within the regulations	<input checked="" type="radio"/>
Other, please specify	<input type="radio"/>

Q7: How often do you think employers should report gender pay gap information?

	Tick one
Every year	<input checked="" type="radio"/>
Every 2 years	<input type="radio"/>
Every 3 years	<input type="radio"/>
Other	<input type="radio"/>

Q8: What is your assessment of the costs of conducting gender pay analysis and publishing results?

¹⁶www.gov.uk/government/uploads/system/uploads/attachment_data/file/445458/Company_Reporting_GPG_research.pdf

Q9: What is actual / estimated time taken by the lead person assigned to the activity of analysing and publishing a gender pay gap estimate?

The TUC believes there will be minimal costs and staff time involved in producing gender pay gap figures. As indicated in our response to Question 5, most companies hold the data in computerised systems where it can be easily accessed.

Q10: Private and voluntary sector employers in Great Britain with at least 250 employees may fall within the scope of the proposed regulations. Do you think this threshold is appropriate?

- Yes
- No
- Don't know

If you said 'no' to Q10, do you wish to provide any further comment below?

The threshold should be lowered to at least 150 employees. This would increase the number of employees that would potentially benefit from the new reporting requirements. Having a threshold of 150 employees would also mean there was a common threshold across the economy, applying to the private, voluntary and public sectors as the equality information reporting requirements for the Public Sector Equality Duty apply to organisations with 150 or more employees.

We note that the recent IFF research on gender pay gap reporting showed that there is now little difference between companies with 150-249 employees and 250+ employees in their attitudes to gender pay gap reporting. As the report states: “On the whole in 2014 medium-sized employers were equally as positive as large employers to the idea of reporting on pay gap information” (p.34).

The European Commission’s recent recommendation of 7/3/2014 on strengthening the principle of equal pay between men and women through transparency encourages member states to adopt at least one of a number of core measures to enhance transparency: enabling employees to request information on pay; regular reporting of gender pay differences; equal pay audits; and encouraging social partners to address equal pay through collective bargaining. It suggests a threshold of 50 employees for gender pay gap reporting. The higher threshold of 250 employees is only suggested if member states adopt a requirement for full equal pay audits, which these proposed regulations are not requiring.

Q11: The cut off period for any calculation of the gender pay gap will need to be specified in the regulations. Which of the following do you consider preferable (tick one)?

- 1 January
- 6 April
- 1 October

- The year-end date for each organisation
- No preference
- Other

If you said 'other' to Q11, please specify which date you would prefer and why below:

Q12: The Government is considering a number of actions to help support employers implement the proposed regulations. How helpful do you think the following measures would be?

	Very unhelpful	Not very helpful	Neither helpful or unhelpful	Somewhat helpful	Very helpful	Don't know
Helping employers to understand the new regulations e.g. through workshops and seminars	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Helping employers to calculate their organisation's gender pay gap e.g. through access to software	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Helping employers with other types of supporting analysis e.g. analysis of representation of women at different levels within	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

the workforce						
Helping employers to address the issues identified by a pay gap analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other:

The TUC recommends guidance for individuals and employees should be produced setting out what employers have to report, where they should look for the information, what the information might tell them, what to do if an employer refuses to publish or share the required information and what to do if they suspect they have an equal pay claim.

Q13: Do you think there are alternative ways to increase transparency on gender pay that would limit the cost for employers, for example reporting to the Government via the existing PAYE system?

- Yes
- No
- Don't know

If you said 'yes' to Q13, what alternative(s) would you suggest?

Reporting to the government via PAYE could be beneficial but only if the information was then published by the government so that others, like employees and trade unions, could easily access it and hold employers to account. It may also be difficult for information gathered via PAYE to look at gaps in pay between full-time and part-time staff.

The Government should also consider the possibility of requiring organisations to report to Companies House so that the EHRC could search the database to see which organisations had failed to gather and report the information, though again, steps would need to be taken to ensure the information was available to employees and others too.

The Government should reinstate the statutory equal pay questionnaire in s.138 of Equality Act 2010 that the coalition government repealed alongside these new regulations. Gender pay gap information may raise questions for individuals about their own pay and their colleagues which this questionnaire procedure would

encourage them to ask. This would further boost transparency about pay. The reintroduction of the statutory questionnaire would be of minimal cost to employers. The impact assessment that accompanied the consultation on repeal of this procedure cited research for GEO that found 2 per cent of employers had completed a questionnaire in the previous three years (that's roughly 0.7 per cent a year) and most of those who had completed one agreed that it was straightforward to respond to.

Promoting collective bargaining would also lead to greater transparency in pay and a narrower gender pay gap. Where bargaining exists, employers tend to share more information about pay with trade unions and individuals are more open about their pay with colleagues and trade union representatives. The ILO and others have found that the gender pay gap is lowest in countries where collective bargaining coverage is high and companies are bound to a collective agreement. The European Commission estimates that a 1% increase in social dialogue 'coverage' reduces the gender pay by 0.16%.¹⁷

Q14: Do you think that introducing civil enforcement procedures would help ensure compliance with the proposed regulations?

- Yes
- No
- Don't know

Q15: What, if any, do you consider to be the risks or unintended consequences of implementing section 78?

The biggest risk is that these regulations, introduced with great fanfare, result in no or limited action on tackling the gender pay gap. This will happen if the regulations require employers to simply publish a single gender pay gap figure, it is left to employers' discretion what they report on, the information is published in a way that is hard for employees and others to access, and there are no or inadequate enforcement mechanisms to ensure compliance.

There is also a risk that employers and employees misunderstand what the information represents. This will be compounded if there is no requirement to clearly state what the figures that are being published compare and if people view or refer to gender pay gap reporting as equal pay reporting or equal pay audits. To clarify matters, alongside the introduction of these regulations, employers should be reminded of the law on equal pay. Employers should be informed that the best way to ensure that they are not at risk of equal pay claims is to carry out a full equal pay audit that involves establishing where men and women are doing equal work including jobs that are different but of equal value, compares the pay of men and women doing equal work and takes action to narrow any gaps between individual men and women that cannot be justified by objective, non-discriminatory factors. They should also be signposted to the EHRC's equal pay

¹⁷ Dr Jane Pillinger, *Bargaining for Equality* (ETUC, 2014)

https://www.etuc.org/sites/www.etuc.org/files/publication/files/bargaining_equality_en.pdf

audit toolkit, its guidance on high risk pay systems, and the statutory Code of Practice on Equal Pay.

Finally, there is a risk that employers do not understand who is captured by ‘employees’ under the Equality Act 2010 and who should be included in the gender pay gap calculation. As the consultation document states it is any person that is employed under a contract of employment, apprenticeship or a contract to personally do work. Employers may take a too narrow definition and only include permanent employees, possibly excluding many women in low-paid jobs and on casual contracts.

Q16: Do you consider there are any risks or unintended consequences that warrant dropping or modifying the implementation of section 78?

Yes

No

Q17: How do you think the Government can most effectively encourage young girls to consider the broadest range of careers?

There are a wide range of factors which may discourage girls from considering a broad range of careers, including family expectations, teacher expectations, lack of quality career guidance, gender stereotyping, and lack of role models.

The TUC welcomes government projects to address some of these factors, such as the “Your Daughter’s Future” publication, but more needs to be done to challenge representations of women in mainstream and social media which arguably are more likely to be seen by a greater number of young women and their families. The work of campaigns such as *Pink Stinks* and *Let Toys be Toys* has highlighted how pervasive heavily stereotyped marketing of toys has become, with science or building toys marketed at boys and beauty sets and toy prams marketed at girls. The role of retailers and media in reinforcing stereotypes which limit girls’ horizons is pertinent to the question of how government can encourage girls into a wide range of careers.

The National Union of Teacher’s project, *Breaking the Mould*¹⁸, on challenging gender stereotypes in Key Stage 1 is an example of an innovative project which equips teachers with the tools to challenge gender stereotyping at a young age. If girls have received the message throughout their primary school education - from peers, from their family, from teachers or from wider society - that girls cannot excel in science, maths or sport, attempts to convince them to pursue these subject options once they are in secondary school will be of limited success as beliefs about “suitable subjects” and personal abilities may well be ingrained.

Encouraging girls to explore a wide range of subjects, including STEM subjects, requires positive role models, opportunities to explore the possibilities offered by different subjects and careers, and also information about salaries in different

¹⁸ <https://www.teachers.org.uk/educationandequalities/breakingthemould>

occupations. The Equal Opportunities Commission (2005) found in its investigation into occupational segregation that girls were unaware of the disparity in pay between feminised sectors and male-dominated sectors. The investigation found that two-thirds of women surveyed were not aware of the differences in pay rates between jobs usually done by women and men, and 57 per cent of women say they would have considered a wider range of career options had they known. This figure rises to 67 per cent for the 16-24 age group. This finding suggests that young women may not be getting sufficient information about different career paths in order to make informed choices and the pay differentials (as well as progression routes) should be made more readily available by careers advisors, careers fairs, and online careers advice services.

Challenging gender stereotypes should not just be focussed on encouraging girls into non-traditional careers, boys must also be encouraged to pursue non-traditional careers such as primary school teaching and childcare too.

The role of careers advisors is crucial in ensuring that both boys and girls are able to make informed choices about training and career pathways. One of the key recommendations from the Women and Work Commission was that the Department for Education and Skills and relevant Scotland, Wales and Northern Ireland departments should draw up national guidance for teachers and Early Years childcare workers on how to ensure that the horizons of children in the three to five age group are not limited by stereotypes of what boys and girls can do. There has been no progress made on this recommendation.

The Women and Work Commission further recommended that the Department for Education and Skills and relevant Scotland, Wales and Northern Ireland departments should ensure that teacher training emphasises the need to challenge gender stereotypes, both in delivery of careers education and in subject teaching, and that it allows for a work placement for all trainee teachers including observing workers in non-traditional occupations. Similarly, there has been no progress in relation to this recommendation.

The TUC believes that current changes to the way in which careers advice is offered to young people are not in keeping with these recommendations and will make it harder to achieve careers information, advice and guidance which challenges gender stereotypes and gives young people a real understanding of the different pay, rewards and challenges of occupations.

TUC work on gender and apprenticeships¹⁹ found examples of careers advisors discouraging girls from pursuing a career in engineering on multiple occasions. Ofsted's 2009 report²⁰ into careers advice found careers advice services to be wanting. Three quarters of the schools visited for the survey were not implementing their duty to provide impartial careers advice effectively. As the National Union of Teachers stated in their response to the Department for Education's consultation on careers advice in 2012:

¹⁹ <https://www.unionlearn.org.uk/publications/apprenticeships-and-gender-joint-tuc-and-ywca-paper>

²⁰ Ofsted *Going in the Right Direction* 2012

“Ring-fenced funding must be provided to schools with the Government honouring the pledge made in 2011 to invest £200 million for careers education. If this money is not forthcoming, young people in the poorest schools in the most deprived areas are likely to be hardest hit. A post-16 careers service cannot be established on the cheap.”

A recent academic study commissioned by Unison found that between 2009/10 and 2012/13 the average local authority budget for careers and related services fell from £4.4m to £2.9m. Extrapolated across the country, the figures suggest annual council spending on careers support has fallen by £228m, largely driven by cuts to local authority budgets^[1].

The TUC argues that a high quality national careers service is necessary to challenge occupational segregation yet the scant provision which does currently exist is threatened by cuts to local authority funding. Investment in information, advice and guidance services would bring benefits not just in terms of gender equality but also in terms of productivity and creating a high skilled labour force.

The responsibility for increasing the number of women in male-dominated sectors cannot just rest with schools and careers advisors; employers also have an important role to play. TUC work on apprenticeships and gender has found that too few employers consider how they might reach out to more young women when recruiting apprentices. Companies which have used more targeted recruitment techniques have seen improvements in the gender balance of their workforce. Network Rail, British Telecom, and EDF are all examples of employers who have successfully increased their recruitment of young women to non-traditional roles by targeting their recruitment strategies more effectively.

Another policy lever to improve women’s access to the labour market suggested by the Women and Work Commission and supported by the TUC is the use of procurement. In 2006 the Commission recommended that:

“The Equal Opportunities Commission or Commission for Equality and Human Rights, with support from DTI, the Office of Government Commerce, the Scottish Executive Procurement Directorate and other interested stakeholders, should develop practical, equalities-led procurement advice which actively encourages public sector procuring authorities to promote good practice in diversity and equal pay matters among contractors so that it becomes the norm.”²¹

Recent budgets have seen investment in a wide range of infrastructure projects and new technologies yet, as the Women’s Budget Group has noted, more must be done to ensure that the employment and training opportunities afforded by this

^[1] *A careers postcode lottery?* University of Derby 2014
<http://derby.openrepository.com/derby/bitstream/10545/311423/1/postcode%20lottery.pdf>

²¹ *Women and Work Commission: Shaping a Fairer Future 3 years on* (2009) p.40
http://webarchive.nationalarchives.gov.uk/20100212235759/http://www.equalities.gov.uk/pdf/297158_WWC_Report_acc.pdf

investment are equally available to women²². By introducing equality criteria into the tendering process for large infrastructure projects, employers would be forced to give greater consideration to how they recruit, train, and retain young women.

The issue of how to encourage more young women into a broader range of careers cannot be separated from the need to *retain* women in the workplace, particularly in STEM sectors. Young women will not aspire to enter sectors where they cannot see any role models or where the culture is hostile to women, real or perceived. The attrition rate for women in STEM sectors is higher than the attrition rate for girls studying STEM subjects. The Women's Engineering Society²³ cites DfE and labour market data which shows that while girls make up nearly half of all GCSE physics pupils, they only make up 20% of A-level physics pupils, 3% of engineering apprentices, and 4.4% of professionally registered engineers in employment.

WISE has identified a lack of family-friendly working practices as one crucial factor in women exiting the STEM sector in their 30s. It is therefore important that the responses to Question 17 are considered in tandem with the responses to Question 18 and that policy recommendations or actions arising from this consultation recognise the relationship between the lack of women entering male-dominated professions and the high attrition rate of women working in those professions.

Q18: How do you think the Government can work with business to support women to return to work and progress in their career after having children?

Improving access to and affordability of childcare is central to the question of how to support women returning to work after having children. Childcare in the UK is not only expensive, it is also patchy (geographically), and often does not meet the needs of parents (particularly those working irregular or long hours and parents of disabled children or those with SEN). School holidays and after school childcare has been identified as an area where costs are even higher and provision is even scarcer.

The TUC welcomes government measures to improve access to childcare, in particular the extension of the free early years offer but shares the concern voiced by childcare providers that there is not sufficient funding for the additional free hours. The TUC would also like to see more funding directed at low income families (e.g. measures delivered through Universal Credit or free places) as opposed to funding directed at higher income families via tax measures.

The TUC believes that government and parents are not the only stakeholders who should be taken into account when considering who pays for childcare; employers are significant beneficiaries of childcare and of increased maternal labour market

²² Women's Budget Group – Response to Budget 2015 <http://wbg.org.uk/wp-content/uploads/2015/04/WBG-Budget-2015.pdf>

²³ <http://www.wes.org.uk/statistics>

participation. In other European countries to whom we often look for a solution to our childcare crisis, such as France, there is a tripartite system whereby parents, employers, and the state all make a contribution to the childcare system. In an increasingly casualised labour market where many employers expect ever greater flexibility from the workforce there is a strong argument for employers to provide greater financial or practical assistance to working parents who may find it particularly difficult to arrange childcare provision to fit around irregular or antisocial working hours. Two recent TUC reports highlighted the difficulties faced by mothers working in various forms of casualised work in a range of sectors in relation to organising and paying for childcare. It should also be noted that increasing casualisation is problematic for pay equality. Recent TUC research found women agency workers earn £80 a week less, on average, than male agency workers, female temporary workers earn £60 a week less, on average, than men in temporary work and women on zero-hours contracts earn £32 less per week, on average, than men on zero-hours contracts²⁴.

The TUC believes that there should be investment in more workplace crèches – a type of provision which was once commonplace in hospitals, universities and even in the civil service but has been dwindling in recent years due to economic pressures.

While the TUC welcomes moves, such as the introduction of shared parental leave, aimed at involving fathers more in childcare, the reality is that in many families it is the woman who returns to work part-time after maternity leave, in some cases taking a job at a lower grade and salary due to inflexibility on the part of some employers in considering ways of accommodating flexible working, and the dearth of well-paid, part-time work opportunities. Advertised part-time work is rare and tends to be lower skilled and more poorly paid than full-time employment. A study²⁵ by the Joseph Rowntree Foundation and the Timewise Foundation found that although a quarter of jobs were advertised as part-time roles they were much less likely to pay at a reasonable level. They found that for every part-time job vacancy paying £20k full-time equivalent there were 18 full-time vacancies at this level.

The TUC would like to see greater access to flexible work and we welcome initiatives such as Working Families’ “Happy to Talk Flexible Working” advertising strapline, which has also been supported by the CBI and other employer organisations. The TUC has long called for the right to request flexible working to be a day one right rather than expecting people with caring responsibilities to work for 26 weeks before asking about it. We believe this would encourage more discussion of flexible work at recruitment stage.

It should also be noted that the right to request flexible working is just that – a right to request. An employer may legitimately turn down the request for a whole

²⁴ *Women and Casualisation* TUC 2014 <https://www.tuc.org.uk/equality-issues/gender-equality/casualisation/workplace-issues/women-and-casualisation-womens>

²⁵ Stewart E, Curtis D, et al Building a sustainable quality part-time recruitment market Joseph Rowntree Foundation 2012

host of reasons, from the burden of additional costs, to an inability to reorganise work among existing staff, to an inability to meet customer demand.

The fact that a request can only be made once within a 12-month period under the statutory right can also prove problematic for women trying to balance care and work. Situations can change within a short space of time and the TUC believes employers need to be encouraged to adopt policies that allow more requests to be made and to commit to responding to such requests more promptly than the three month time limit under the statutory right to request.

Efforts to improve women's pay, progression, and labour market attachment after having children are unlikely to be effective if fathers are not able or are not encouraged to take time of work and request flexible working too. Statutory pay for paternity leave and shared parental leave is too low to make them a viable option for many families and many fathers are excluded from paternity leave and shared parental leave by stringent qualifying requirements. The TUC estimates that two-fifths of new fathers will not qualify for any more time off with the introduction of shared parental leave and every year at least 44,000 new fathers miss out on the chance to even take two weeks' paid paternity leave because they don't have the required length of service with their employer.

While there is clearly scope to improve existing rights to enable more parents to share caring responsibilities more equitably, there is also a pressing need for rights to be properly enforced. The EHRC's recent report on pregnancy and maternity related discrimination highlights the extent to which rights designed to protect mothers in the workplace are being routinely flouted. The report finds that some 54,000 women per year are dismissed, made compulsorily redundant when others in their workplace were not, or are treated so badly by their employer that they felt they had no choice but to leave²⁶. The report also found that when mothers are allowed to return to work on a flexible basis, around half reported negative consequences such as receiving fewer opportunities at work or feeling that their opinion was less valued. The fact that these discriminatory practices are still relatively widespread, 40 years after maternity protections were first introduced, suggests that there is inadequate understanding of the rights and enforcement needs to be strengthened. The introduction of employment tribunal fees for individuals seeking to enforce their maternity rights has led to a significant drop in cases. The TUC recommends that the fees should be abolished because they present a barrier to justice and undermine compliance if employers think they will rarely face a challenge.

The question refers to government working with business to support women returning to work but the TUC would urge the Government to also consider how it can work with unions. Not only are unions vital to many women in the workplace as a source of information, advice and representation, equality reps and union learning reps also have an important role to play in bargaining for equality and lifelong learning opportunities.

²⁶ <http://www.equalityhumanrights.com/publication/pregnancy-and-maternity-related-discrimination-and-disadvantage-first-findings-surveys-employers-and-0>

Q19: How do you think the Government can make sure that older women are able to fulfill their career potential?

The TUC welcomes the Government's focus on the issues faced by older women in the workplace. In 2014 the TUC published a report²⁷ on issues facing women over 50 in the workplace.

The TUC report noted with alarm that while the gender pay gap has diminished over time for younger women, the pay gap that opens up around the time that many women have children never closes. Research by the TUC using ASHE data reveals that the gender pay gap is twice as large for women in their 50s as it is for women overall. Women in their 50s earn nearly a fifth less than men of the same age - the widest gender pay gap of any age group.

Women in their 50s are effectively still paying the price for having taken time out the labour market and having worked part-time. Many of these women now find themselves still juggling low-paid, part-time work with caring responsibilities.

The TUC believes it is essential that we address the wide range of issues behind women's low pay throughout the course of their working lives. This means ensuring a better supply of well paid, high quality part-time jobs, more genuinely flexible work available as a day one right, and affordable childcare, as outlined in response to Q18.

Half of women aged 50-64 work in the delivery of public services (public administration, education, and health) compared to one quarter of women aged 16-25. Redundancies, pay freezes, and increased contracting out of services featured prominently in the stories the TUC gathered from older women as part of the Age Immaterial project. Given the high proportion of women over the age of fifty in working in the public sector, it is imperative that the Government heeds the TUC's call for fair pay for public sector workers and the one per cent cap on public sector pay rises is lifted.

Part time work is prevalent amongst women over 50 but there is still a dearth of well paid, quality part time work - the majority of women over 50 working part time earn less than £10,000 per year.

Problems of low pay, lack of job security and weak employment rights are exacerbated for those in precarious forms of work such as zero-hours contracts or agency work. Older women struggle to access training opportunities, particularly those working part time, which may be one of the factors making it difficult for them to progress out of low paid work. Being a woman and working part time for an extended period increases the likelihood of being low paid over the long term²⁸.

²⁷ *Age Immaterial* TUC 2014

https://www.tuc.org.uk/sites/default/files/Age_Immaterial_Women_Over_50_Report_2014_LR.pdf

²⁸

http://www.resolutionfoundation.org/media/media/downloads/Starting_out_or_getting_stuck_FINA_L_1.pdf

An aging population and cuts to health, social care and childcare services mean that many women, but particularly women over the age of 50, are constantly performing an impossible act of juggling care and paid work. In addition to the ‘motherhood penalty’ and the long-term impact of maternity and caring responsibilities on women’s lifetime earnings, TUC polling found that caring for grandchildren had an impact on older women’s working lives. The TUC found that 41% of grandparents in full-time work looked after their grandchildren for up to 7 hours per week and over half of those who cared for grandchildren stated that the reason was to “allow parents to work”. Ninety percent of those surveyed by the TUC who had caring responsibilities had requested a change to their working hours in order to accommodate their caring responsibilities. Eighty per cent had used annual leave to care for a friend or relative and twenty per cent had taken unpaid leave.

The TUC has also identified access to training as a crucial issue for women over 50 in the workplace. In 2011 the Chartered Institute for Personnel and Development reported that older workers are much less likely to receive training, with 51% of those aged over 65 saying that they had received no training in the last three years, compared to 32% across all age groups. TAEN has found the lack of available training to be a significant barrier to older women jobseekers. TAEN’s research found that women jobseekers were significantly more likely than men to disagree with the statement “I have every opportunity to upgrade my skills to fit the needs of today’s employers”. Nearly half of the women surveyed disagreed with this statement compared to one third of men²⁹. The fact that women over 50 are more likely to work part time may well have a negative impact on their access to training in the workplace.

Improving access to learning opportunities is an area where trade unions have an important role to play. A recent Unionlearn project has explored the role of union learning reps (ULRs) in carrying out mid-life career reviews. The project involved training a cohort of ULRs to carry out mid-life reviews in the workplace. This project adds an important new dimension to the role of the ULR in considering the needs of workers in specific age groups and working with employers to ensure that the training needs of older workers are not overlooked.

The TUC would like to see greater government support for training programmes aimed at older jobseekers as well as the restoration of funding to the adult education sector which has long been a route for women to retrain and gain new qualifications after long periods out of the labour market or in low skilled, low paid work.

²⁹ *Survey of Jobseekers Aged 50+*, TAEN, 2012

