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**CONGRESS**

Irish Congress of Trade Unions

# Gender Pay Gap Reporting

**Guidance for unions on  
closing the gender pay gap  
and bringing the issue into  
collective bargaining**



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2022**



**Coimisiún na hÉireann  
um Chearta an Duine  
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# Foreword

Despite decades of treaties and conventions internationally, EU and national legislation and commitments from employers and, if we are honest, ourselves in the trade union movement also, we still have a stubbornly high gender pay gap of 11.3% (Eurostat data for 2019, based on average gross hourly earnings) in Ireland.

The ILO has stated that collective bargaining has the potential to close gender wage gaps in a number of ways including targeted raises compensating for the concentration of women in low-paid industries; gender-neutral occupational classification schemes to correct the undervaluation of female-dominated occupations; gender-neutral evaluation criteria for career progress and measures promoting pay transparency, against wage discrimination.

This resource for trade unions concentrates on the latter and builds upon the 2022 introduction of the Gender Pay Gap Information Act. This has introduced an obligation on medium and large employers to report on their gender pay gaps.

From this year, 2022, employers covered must report the pay gap amongst staff on a 'snapshot' date in June and on the same day in December. They will also have to publish a statement setting out the reasons for the gender pay gap in their company, and the measures they are taking to address it. Congress has been calling for such legislation for many years and believes that potentially it's a mechanism to encourage employers into tangible action to bridge the gap. It is also an opportunity for unions to negotiate actions to address pay inequality. However, the requirement to publish a statement setting out, "in the employers' opinion", the reasons for the gender pay gap in their company and what measures are being taken or proposed to be taken by the employer to eliminate or reduce that pay gap are not sufficient. Employers must discuss the gap with workers and their representatives and agree a joint approach to tackling any gaps identified in an effective manner.

This resource provides us with the tools to do just that and thanks are due to consultant Jane Pillinger who developed the resource with us and to IHREC for their funding the project which also included training for affiliates.

We hope it will be taken up by unions across the economy and that it proves a useful tool in tackling the gender pay gap.

**Patricia King**  
*General Secretary*

# Section 1: Introduction

The Gender Pay Gap Information Act 2021, implemented in 2022, sets out employers' obligations on gender pay gap reporting. Regulations,<sup>1</sup> issued in 2022, specify that all employers in public and private sectors with 250 or more employees publish data on their gender pay gap.<sup>2</sup>

Currently in Ireland the gender pay gap is 11.3% (Eurostat data for 2019, based on average gross hourly earnings). The gender pay gap has remained persistently high in Ireland and new strategies are needed to close it. Gender pay gap reporting is one of several mechanisms for achieving equal pay. It ensures that there is transparency in pay and bonus systems.

According to Eurostat data the EU gender pay gap has closed by 1% over the last eight years. Based on these trends women will be waiting for another 84 years to achieve equal pay.

The gender pay gap exists because women experience significant inequalities in the labour market. Compared to men, women are most likely to work in lower paid jobs, in jobs that undervalue their work and skills, and in jobs do not provide them with the same opportunities at work because of their care responsibilities.

Women's lower working hours and part-time work, occupational segregation and gender stereotypes are all factors that contribute to a significant gender pay gap. Occupational segregation can be vertical and horizontal. Vertical occupational segregation exists when men hold the higher paid jobs and women hold lower paid jobs; horizontal occupational segregation exist where the workforce is predominantly female or predominantly male.

Unions that bargain to end the gender pay gap send a strong message that our unions are relevant to women's working lives. This is increasingly the case in Ireland as more and more women join unions and take union leadership positions.

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1 <https://www.irishstatutebook.ie/eli/2022/si/264/made/en/pdf>

2 For the purposes of gender pay gap reporting an employers is defined in Section 2 of the Employment Equality Act. An employer is the person who the employee works under in accordance with a contract of employment. In the case of an agency work, the person that pay's the agency worker is deemed to be the employer.

## Definitions

The **gender pay gap** is the difference between the average hourly wages of women and men. A gender pay gap will exist if the majority of lower-paid jobs in an organisation are carried out by women and the higher-paid roles are carried out by men.

The gender pay gap identifies whether an organisation has a gap in the average hourly earnings of women and men across the workforce. Gender pay gap reporting gives a picture of the average gender pay gap. It does not investigate whether there is discrimination or an absence of equal pay for equal value work.

The gender pay gap is different from **equal pay**. Equal pay is about ensuring men and women are paid equally. The Employment Equality Act provides for equal pay for like work. Like work is defined as work that is the same, similar or work of equal value.<sup>3</sup>

A gender pay gap may exist even if an employer has implemented equal pay for work of equal value. Some employers may not pay women and men equally, including for work that is of an equal value. The gender pay gap reporting will not measure this.

Gender pay gap reporting is an opportunity for unions to ensure that equal pay continues to be addressed in bargaining agendas, for example, in drawing up joint action plans with employers to address the structural causes of the gender pay gap.

Even if pay gap reporting reveals that there is only a small or no gender pay gap, there may be other factors to take into account about unequal pay. This builds on many years of union campaigns and negotiations in promoting equal pay for work of equal value and in arguing for fair pay for women workers.<sup>4</sup>

<sup>3</sup> For further information see the Irish Human Rights and Equality Commission's Code of Practice on Equal Pay [https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Equal-Pay-FA\\_Digital.pdf](https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Equal-Pay-FA_Digital.pdf)

<sup>4</sup> See for example ICTU toolkit on equal pay (2004): <https://www.ictu.ie/publications/negotiating-equality-gender-and-pay-toolkit>



ICTU recommends that unions commence negotiations with employers to ensure that there is a comprehensive implementation of the regulations, and that this is an opportunity to go beyond what is in the regulations and address many of the structural or other causes of the gender pay gap.

This is important because the regulations do not specify that either unions should be consulted or that employers draw up and publish action plans to implement the findings of gender pay gap reporting.

### **What do we know about the gender pay gap?<sup>5</sup>**

- The gender pay gap widens with age, particularly after women have children and have care responsibilities. This leads to a “motherhood pay gap”. When hourly wages of mothers and non-mothers are compared – mothers experience a wage penalty as high as 30%.
- The gender pay gap is higher in the private sector, compared to the public sector. Compared across all sectors, financial and insurance services have the highest gender pay gaps.
- Women in non-standard jobs, such as temporary jobs, face higher gender wage gaps.
- Part-time workers experience lower hourly earnings than full-time workers, resulting in a higher gender pay gap, compared to full-time workers.
- In highly feminised sectors/occupations (even with the same or higher education attainment) women receive less pay.
- The higher degree of feminisation in the workplace the lower the average pay received from that enterprise. When women begin to exceed 65% of the waged workforce their pay declines relative to more mixed workforces in similar enterprises; pay declines even further when women represent over 90% of the workforce in an enterprise.
- There is a significant part of the gender pay gap that is not explained. Factors that can be explained include education and training, work experience, seniority, working hours, size of organisation or sector of activity. The unexplained part of the gender pay gap generally is caused by structural factors and discrimination, such as horizontal and vertical occupational segregation and the systematic undervaluing of jobs predominantly carried out by women.

<sup>5</sup> Eurostat, 2022: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender\\_pay\\_gap\\_statistics#Part-time\\_versus\\_full-time\\_employment](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_pay_gap_statistics#Part-time_versus_full-time_employment). ILO, 2019 Global Wage Report (equal pay). <https://www.ilo.org/global/research/global-reports/global-wage-report/2018/lang--en/index.htm>

## Why this guidance has been drawn up for trade unions?

ICTU has lobbied for the active involvement of trade unions in the gender pay gap reporting regulations. However, the regulations and guidance issued by the government make no reference to the involvement of unions. This is out of step with other pay transparency laws, for example, in Germany and Austria, where involvement of workplace trade unions (Works Councils) is mandated in the law and in the forthcoming EU Directive on Pay Transparency.

As a result, it is crucial for trade unions to be pro-active in ensuring that employers implement the regulations in full and make changes to close any gender pay gaps through collective bargaining and workplace measures, such as jointly agreed gender pay gap action plans.

## What does this mean for unions in practice?

There are various ways that unions can become involved in the design of gender pay gap reporting and in finding solutions to problems identified. This includes:

- ✓ Union participation and consultation in drawing up and verifying gender pay gap data collected, and in reporting on measures to tackle any gaps.
- ✓ Having a proactive approach so that all organisations, including trade unions, with fewer than 250 employees to publish their gender pay gap data.
- ✓ Ensuring that collective bargaining addresses the outcomes of gender pay reporting, and that this includes actions to tackle the structural and other causes of the gender pay gap. This is essential in eradicating any gender bias, unequal evaluation of jobs or direct/indirect discrimination in line with equal pay principles based on equal pay for work of equal value.

## The forthcoming EU Pay Transparency Directive

In addition to the Irish gender pay gap reporting, a new EU Pay Transparency Directive is currently being agreed in Brussels. This Directive goes further than the Irish gender pay gap reporting. It includes:

- Protection of trade union rights for women workers, ensuring they can bargain collectively for equal pay
- Measures to deliver on the principle of equal pay for work of equal value
- A ban on pay secrecy clauses

The draft Directive was overwhelmingly agreed by the European Parliament in March 2022. The ETUC's 2019 Resolution on the draft Directive<sup>6</sup> has stressed the importance of trade union roles and collective bargaining rights.

<sup>6</sup> [https://www.etuc.org/system/files/document/file2019-11/ETUC%20Resolution%20on%20Gender%20Pay%20Transparency%20Directive%20Adopted\\_1.pdf](https://www.etuc.org/system/files/document/file2019-11/ETUC%20Resolution%20on%20Gender%20Pay%20Transparency%20Directive%20Adopted_1.pdf)

# Section 2:

## Gender pay gap reporting



### Summary of gender pay gap reporting

The Gender Pay Gap Information Act 2021 and the gender pay gap regulations (2022) mean that organisations with over 250 employees have to report on their gender pay gap in 2022. Reporting will take place annually.

This will be extended to organisations with 150 or more employees in 2024, and 50 or more employees in 2025. Plans are also in place for an online reporting system for the 2023 reporting cycle.

Employers will be expected to choose a 'snapshot' date of their employees in June 2022 and will report on the hourly gender pay gap for those employees in December 2022.

Employers will have to produce a report setting out:

- The average (mean and median) gender pay gap based on hourly earnings.
- The average (mean and median) bonus pay gap.
- The proportion of women and men receiving bonus pay.
- The proportion of women and men receiving benefits in kind.
- The average (mean and median) pay gap for part-time employees.
- The average (mean and median) gender pay gap for temporary employees.
- The proportions of male and female employees in the lower, lower middle, upper middle and upper quartile pay bands.
- A statement setting out, in the employers' opinion, the reasons for the gender pay gap in their company and what measures are being taken or proposed to be taken by the employer to eliminate or reduce that pay gap.

### What is included in pay when calculating the gender pay gap?

Under section 2(1) of the Employment Equality Acts, pay is defined as including 'any consideration, whether in cash or in kind, which the employee receives, directly or indirectly, from the employer in respect of the employment...' The definition includes allowances, bonuses and eligibility for same, performance payments, and non-cash benefits such as cars and mobile phones.

The gender pay gap reporting is grounded in this definition of pay, covering both hourly earnings and bonuses/payments in kind. This is critically important

because bonuses are more likely to be awarded to male employees and higher earners. This may also be reflected in pay classification systems, where differences exist in the pay or bonuses agreed for grades that are predominately male, compared to grades that are predominantly female. For this reason, the gender pay gap may be wide because of inequality in bonus pay, rather than in basic pay. Box 1 defines what is covered in these definitions of pay for the purposes of gender pay gap reporting.

### Box 1: What is included and not included as hourly earnings, and what makes up bonus pay

#### What is included in hourly earnings

- Normal salary paid to employee
- Allowances e.g. recruitment and retention allowances, additional duties, and car allowances
- Overtime payments
- Pay for piecework
- Leave pay e.g. annual leave, maternity leave, sick leave
- Shift premium pay
- Performance related pay

#### What is not included in hourly earnings?

- Redundancy or termination pay
- Reimbursement of travel, subsistence or other expenses
- Back pay
- Pay in lieu of leave
- Benefits in kind
- Childcare services and health plans

#### What makes up bonus pay?

- Money, vouchers, securities, security options, interests in securities
- Payment linked to profit sharing, productivity bonus, incentive or commission pay

### How is the gender pay gap calculated?

In summary, an organisation with over 250 employees (full-time, part-time and temporary) has to:

- **Choose a snapshot date in June 2022 and produce a gender pay gap report 6 months after that date.** The date selected in June for the collection of the data covers the previous 12 months. A headcount of employees is carried out on the date selected, including employees on leave or not rostered on that date. The report has to be submitted six months following the snapshot date.

The aim of the snapshot date is to have a level playing field for all employers. For example, for a company that chooses the snapshot date as 14 June 2022, the reporting period will be 13 June 2021 - 14 June 2022. The report will have to be submitted by 14 December 2022.

- **Collect data on hourly earnings for each workers included in the snapshot date:** this includes ordinary pay, bonuses and payments-in-kind, and total hours worked; and whether employees are on full-time, part-time or temporary contracts. See Box 2 on how to calculate hourly earnings.

## Box 2: Calculating hourly earnings

Hourly earnings are calculated on the basis of the ordinary pay and bonuses received during the 12 month reporting period, divided by the hours worked.

- **Step 1:** Identify all amounts of ordinary pay and bonus pay paid to the employee during the relevant pay period.
- **Step 2:** Where an amount identified under Step 1 is an amount of ordinary pay, exclude any amount that would normally fall to be paid in a different pay period.
- **Step 3:** Where an amount identified under Step 1 is an amount of bonus pay, and is paid in respect of a period ("the bonus period") which is not the same length as the relevant pay period, divide the amount by the length of the bonus period (in days) and multiply it by the length of the relevant pay period (in days).
- **Step 4:** Add together the amounts identified under Step 1 (as adjusted, where necessary, under Steps 2 and 3).
- **Step 5:** Divide the amount found under Step 4 by the total number of working hours by the employee in the pay period.

In calculating **hours worked** there are four methods that can be used for calculating working hours, covering situations where:

- an employee's exact working hours are recorded for the reporting period
- an employee has normal set weekly working hours as set out in a contract of employment
- an employee has no normal working hours, where data is collected from an average per week during the reporting period
- an employee is paid on the basis of piecework, where data is collected from an average per week during the reporting period

- Collect data on the % of male and female employees paid: **a) bonuses and b) benefits-in-kind.**
- Calculate the **mean and median hourly pay of all male and of female employees**, and on this basis calculate the gender pay gap (mean and median) in hourly pay for all employees.
- Calculate the **mean and median hourly pay for employees on part-time contracts and temporary contracts**, and on this basis calculate the mean and median gender pay gap for these employees.
- **Collect data on the numbers of women and men who receive bonus pay, and calculate the mean and median bonus pay** of male and female employees, and on this basis calculate the mean and median gender bonus pay gap for all employees.

See Box 3 for information on how to calculate the **mean and median** gender pay gap.

### Box 3: Calculating the mean and median gender pay gap

Employers are expected to report on the average (mean and median) gender pay gap. Mean and median measure the gender pay gap in different ways and can often produce different results.

#### What is the difference between the mean and median?

**Mean:** the average wage among all wage employees / the average of all the values covered compares average of women's pay to average of men's pay in the wage distribution.

This is expressed as a %:

A is the mean hourly pay of all relevant employees of the male gender; and  
B is the mean hourly pay of all relevant employees of the female gender.

$$\frac{(A - B)}{A} \times 100$$

#### Example: Mean gender pay gap

The earnings are added together and divided by the number of employees.

- Male hourly earnings: male 1 €10,5, male 2 €14, male 3 €16, male 4 €20 = **60,5% (4)** = mean hourly earnings of **€15.12**
- Female hourly earnings: female 1 €10.5, female 2 €11, female 3 €12, female 4 €15, female 5 €25 = **73,5% (5)** = mean hourly earnings of **€14.70**

$$\frac{€15.12 - €14.70 \times 100}{14.70} = \text{Mean gender pay gap of } \mathbf{2.85\%}$$

**Median:** the middle wage earner, located in the middle of the wage distribution; it compares the value located in the middle of the female / and male wage distribution; half earn more than the median salary, half earn less.

This is expressed as a %:

A is the median hourly pay of all relevant employees of the male gender; and  
B is the median hourly pay of all relevant employees of the female gender.

$$\frac{(A - B)}{A} \times 100$$

#### Example: Median gender pay gap

Hourly earnings are ranked from highest to lowest paid.

- Male hourly earnings: €10.50, €12, **€15**, €20, €25
- Female earnings: €10.50, **€12**, €13, €20

The median is €15 for male earners / €12 for female earners.

$$\frac{€15 - €12 \times 100}{12} = \text{Mean gender pay gap of } \mathbf{25\%}$$

The same mean and median calculations can also be made for part-time workers, temporary workers, and for bonus payments.

Source: Adapted from FSU "The Gender Pay Gap Won't Close Itself" and Government "Guidance on how to calculate the gender pay gap metrics"

- **Organise workers into pay quartiles** based on the hourly pay of full-time male and female workers (each quartile should represent a quarter (25%) of the total workforce. When examining pay quartiles, it is often the case that women predominate in the lower pay quartile. See Box 4 for examples of pay quartiles in a company of 346 staff.

**Box 4: Example of pay quartiles in an organisation with 346 staff, of who 234 (68%) are women and 112 (32%) are men**

	Number of male and female employees		Percentage of male and female employees in each quartile	
	Female	Male	Female	Male
Upper quartile	49	37	57.0	43.0
Upper-middle	58	29	33.3	66.7
Lower-middle	65	21	24.4	75.6
Lower quartile	62	25	28.7	71.3

### Reporting on the gender pay gap in an organisation

Employers are required to produce a report on the data (outlined above). In 2022 this must be made publicly available on the employer's website and/or in a way that is accessible to employees and the public. This should be made publicly available for three years from the date of publication. An online reporting system is being planned for 2023.

Employers are only required to make a statement setting out, in the employers' opinion, the reasons for the gender pay gap in their company and what measures are being taken or proposed to be taken by the employer to eliminate or reduce that pay gap. As the next section will show, there are multiple ways that unions can take a role in negotiating with employers on this.



## An Post gender pay gap reporting<sup>7</sup>

An Post is one of several companies in Ireland that has already carried out gender pay gap reporting and with union involvement. As Carol Scheffer, National Officer, CWU argues it is crucial that unions are involved:

*"We, at CWU, recognise that gender pay reporting is a complex issue and will not resolve itself unless both the employer and union work together to address the gender pay gap. An Post and CWU have engaged in a transparent manner to examine issues such as the representation of women at an operative level as well as middle to senior positions, bonus structures and performance-related pay as well as identifying mechanisms that can be put in place to effectively tackle the gap. The gender pay gap is a critical equality issue, however it must also be treated in the broadest sense as part of job security and pay bargaining to ensure our members are well represented."*

Around one-quarter of An Post's workforce are women. Two-thirds of its senior management group are men, while 87% cent of its postal operatives and 71% of its process area managers are male. Gender pay gap reports were issued in 2019 and 2021. During this time An Post reduced the **mean gender pay gap** from 3.7% to +0.16%, so that by 2021 women were earning marginally more than men. An Post largely achieved this change by appointing more women in senior positions, including into its graduate programme.

There are, however, different figures for the **median** gender pay gap. An Post's **median gender pay gap** widened during the last two years from 1.3% to 3.75%. Using the median calculation, based on a woman at the midpoint of all female hourly wages, a woman is paid 3.75% less than a man at the midpoint of all male hourly wages. In particular, bonuses paid to men, compared to bonuses paid to women, increased during this time. The mean gap in bonus pay in An Post was 11.2% in 2021, an increase from 8.45% in 2019. The median bonus gap has widened from 4.2 per cent to 22 per cent. An Post's gender pay gap for 2021 argues that this increase was "as a result of frontline managers who are predominantly male being recognised for their outstanding work during the pandemic". In addition, the bonus gap can also be explained because not all female employees transferred to the company's performance-related pay scheme, which An Post aims to rectify in the future.

Carol Scheffer makes recommendations for union starting the process of negotiations:

*"It is integral that trade unions through collective bargaining are involved from the onset on gender pay reporting with employers. It must be recognised that trade unions are well placed to address the gap and that they seek transparency and a robust examination of pay reporting on behalf of their members. This can only be done when both the employer and trade union have a thorough understanding of how the gap is calculated and what issues contribute to the creation of the gap in the first place. Trade union involvement must be at all levels of the gender pay reporting process which also allows unions to negotiate remedial action and targets with the employer to reduce the gap."*

<sup>7</sup> An Post gender pay gap report 2021 report: <https://www.anpost.com/getmedia/a4b955c7-217c-4fd5-8c51-aa9a9b952151/Gender-Pay-Gap-Report-2021.pdf>; An Post gender pay gap report 2019 <https://www.anpost.com/AnPost/media/PDFs/Gender%20pay%20gap%20reports/An-Post-Gender-Pay-Gap-Report-2019.pdf>

## Definitions of pay to be included in the calculations

In determining the different elements of pay to be included in the calculations, the guidelines drawn up by the government include the following definitions:

**“Allowance”** means a sum of money payable to a relevant employee in relation to additional duties of the employee; the location of the employee’s place of employment; the purchase, lease or maintenance of a vehicle or item used by the employee for the purposes of his or her employment; or, the recruitment and retention of the employee. It does not include reimbursement of expenditure wholly and necessarily incurred by him or her in the course of his or her employment, for example, reimbursement for travel expenses related to their work.

**“Benefits in kind”** includes any non-cash benefit of monetary value provided to an employee. This would include the provision of a company car, voluntary health insurance, stock options, or share purchase schemes.

**“Part-time employee”** has the meaning given in s.7 of the Protection of Employees (Part-Time Work) Act, 2001.

**“Piecework”** means work in respect of which a relevant employee is entitled to be paid by reference to the number of pieces made or processed, or the number of tasks performed, by the employee, rather than by reference to a period of time worked.

**“Relevant employee”** means a person who is an employee for the purposes of the Employment Equality Act 1998 and is employed by the relevant employer on the snapshot date.

**“Relevant employer”** means an employer with over 250 employees on the snapshot date.

**“Shift premium pay”** means the difference between basic pay and any higher rate paid by the employer for work during different times of the day or night.

## Section 3. Bargaining to address the gender pay gap

Even if there is a gender pay gap in an organisation, this does not necessarily mean that women are not being paid the same as men for the same work or work of equal value. This is unequal pay, which has been illegal under the Employment Equality Acts.

It is important for unions to have strategies to carry out bargaining to address both the gender pay gap and unequal pay.

### Gender pay gap reporting: how unions can have an impact

It is important that unions are prepared for gender pay gap reporting. This means becoming familiar with what employers are expected to report on and the process for collecting relevant data for reporting.

Although it is the employer's responsibility to collect the data and report on it, unions can be important partners in initiating discussions about the development of the reporting framework and in agreeing on actions to address an identified gender pay gap. Unions are also employers who may be required to carry out gender pay gap reporting.

It is recommended that unions promote pay reporting in all companies, regardless of size, and carry out their own gender pay gap reports even if they employ fewer than 250 employees. This will send a strong signal to employers about the importance unions give to closing the gender pay gap. As well, it will help to build union capacity in negotiating for a comprehensive approach to pay reporting.

Without any specific requirements on employers to consult with and involve unions in gender pay gap reporting, unions will need to ensure that the issue is brought into existing workplace consultation and collective bargaining structures (see model letter to send to employers below). In addition, the outcomes of gender pay gap reporting can be an opportunity to negotiate new measures to address any identified gender pay gaps, including the structural causes of the gender pay gap.

ITUC has recommended that employers engage in discussions with unions about the reasons for the gender pay gap and the measures being taken or proposed as part of the gender pay gap reporting.

## **Model letter to use in contacting employers about their obligations on gender pay gap report and requesting union involvement.**

Dear [name of employer]

### **Gender pay gap reporting: request for union involvement**

We would like to draw your attention to the implementation of the 2022 gender pay gap reporting regulations.

***Text for employers of 250 plus employees:*** This means that as an employer of more than 250 employees, you will be producing the first gender pay gap report in 2022.

***Text for employers of fewer than 250 employees:*** Even though you currently employ fewer than 250 employees, we would recommend that as part of your commitment to gender pay gap reporting that you carry out your first report this year. As reporting will be extended to organisations with 150 or more employees in 2024, and 50 or more employees in 2025, [name of union] believes that this will be an opportunity for you to be fully prepared to implement these obligations and also to establish good practice on pay reporting in [name of company/organisation].

As a union committed to fair pay and gender equality, we strongly support the full and effective implementation of gender pay gap reporting. This is crucial to ensure pay transparency and which can, along with other measures, be an important tool to reduce unequal pay. [name of union] believes that collective bargaining is one of the most important ways to promote transparency and effective responses to the gender pay gap. In addition, with the involvement of [name of union] workers will become more aware of the beneficial impact of gender pay gap reporting and the steps you are taking to address an identified gender pay gap.

We request that you seriously consider how you will consult with [name of union] both prior to the publication of the report and also in the follow-up after the publication of the report. We would request a meeting with you in the next month to discuss this with you and to put in place a plan for gender pay gap reporting with union involvement.

Yours....etc, etc.

## The process of gender pay gap reporting: what role for union negotiators?

- ✓ Make a strong case for union representatives to be involved in the design of the gender pay gap reporting.
- ✓ Be prepared and if necessary, provide training for union representatives on their role, including what issues to raise with management.
- ✓ Verify that all elements of pay and bonuses have been included in the relevant reporting period. If, for example, some bonuses are excluded, this could distort the organisations final figure on the gender pay gap.
- ✓ Consult with your members to ensure that you are aware of all potential bonus or other payments in kind provided to employees in the company.
- ✓ Request from the company the full salary scales, pay range and bonuses provided. If this information is not made available to you, consult with your members and carry out a small survey of your members to find out their pay levels and bonuses to help you verify pay ranges and pay grades.<sup>8</sup>
- ✓ Check if data is already collected on the gender pay gap in your union (as an employer) and in any workplaces recognised for collective bargaining? If data is already collected on the gender pay gap, check that it includes all elements of the gender pay gap reporting set out in the regulations.
- ✓ If the organisation has a performance-related pay system, ask for information on how performance-related pay is calculated and awarded, and if there are gender gaps in who receives performance-related pay.
- ✓ Be familiar with the steps you need to take in finding out about the process for gender pay gap reporting, identify who in the organisation will be responsible for carrying out the reporting and how identified gender pay gaps will be addressed.
- ✓ Ensure that workplace representatives are informed about the processes for gender pay gap reporting, including how gender pay gap issues can be addressed in action plans and collective bargaining.

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<sup>8</sup> For an example of a survey template and questions to include in a survey see: <https://equalitytrust.org.uk/sites/default/files/Equal%20Pay%20Toolkit%20Print%20Version.pdf>

- ✓ Ensure that when employers publish information about their gender pay gap they consult with trade unions and publish joint action plans to close the gap, setting out realistic timeframes and mechanisms to review the implementation of actions.
- ✓ The full report and related action plan should be communicated to workers in accessible ways and made publicly available. Draw up simple information about the findings of the gender pay gap report in leaflets, newsletters, union bulletins and newsletters, at branch meetings and on the union's web page, and ensure that all workers, including part-time and temporary workers receive this information.

### **Raise awareness with union colleagues about the gender pay gap**

- ✓ Produce leaflets and posters setting out in simple terms that employers have a responsible to report on the gender pay gap (the difference between women's and men's pay), and that is being implemented because women still earn lower pay, including bonuses, than men in most occupations and sectors.
- ✓ Carry out surveys and consultations with workers to find out about their pay levels and their perceptions about unequal pay, and communicate the results to members.
- ✓ Point out that all women workers are included, including part-time and temporary workers.
- ✓ Give information about why gender pay gap reporting is an important union issue, and that the union is fighting for fair pay for women workers.
- ✓ Communicate this information through union bulletins and newsletters, at branch meetings and on a new page on gender pay gap reporting on the union's web site.
- ✓ Invite union representatives from other workplaces to share their experiences of gender pay gap reporting where it has already been carried out.

### **SIPTU case study: preparing for gender pay gap reporting**

SIPTU participated in ICTU's training on gender pay gap reporting held in February and March 2022. During this time SIPTU planned its implementation of a strategic union-wide approach to gender pay gap reporting and tackling the gender pay gap through collective bargaining. SIPTU wants to ensure that its organisers and reps are equipped to carry out negotiations on gender pay gap reporting. The union wants to see collective bargaining addressing both gender pay gap reporting and also the wider issue of unequal pay. In SIPTU's press release of 8 March 2022 welcoming the government's commitment to gender pay gap reporting, Ethel Buckley, SIPTU Deputy General Secretary, said:

*"According to the regulations, employers will have to publish their reports in December this year. We look forward to sitting down with employers when they share their pay data with SIPTU. We intend to engage in a nationwide collective bargaining campaign to eliminate policies, practices and procedures which are causing the gap in female and male earnings and to put in place union-employer remedial action plans that will equalise pay."*

SIPTU has the objective to mainstream gender pay gap reporting into collective bargaining, through training and awareness raising, starting in the summer of 2022 with training of the Union's Strategic Management Team and its Organisers engaged in collective bargaining. SIPTU College has also developed training courses for shop stewards. Shop stewards in organisations that come under the remit of the regulations (over 250 employees) will be offered training first.

## **Going beyond gender pay gap reporting: addressing the gender pay gap and equal pay in collective bargaining**

Gender pay gap reporting can be an important lever for unions to bring the gender pay gap and equal pay come onto collective bargaining agendas.

Unions should persuade employers to be proactive and go beyond what is in the regulations. For example, this could be in developing joint actions plans and concrete follow-up actions; in addressing gender, ethnicity, disability and other grounds of discrimination; and in arguing that all employers, regardless of whether they are covered by the regulations, should carry out equal pay reporting.

## What can collective bargaining teams do?

- ✓ Build the capacity of collective bargaining teams and ensure that gender pay gap reporting and equal pay are included in negotiations at workplace and/or sectoral levels.
- ✓ Ensure women's representation on collective bargaining teams, and if there is low representation of women, put in strategies to address this.
- ✓ Ensure that collective bargaining teams are given guidance about of what employers obligations and what they are expected to report on.
- ✓ Provide guidance and training to collective bargaining teams about the causes of the gender pay gap and unequal pay, and the strategies that can be implemented to address them.
- ✓ Do not assume that gender pay gap reporting is a gender equality issue, bring the issue into the mainstream of pay and other bargaining for all workers. Make sure that equal pay is one of your main bargaining strategies.
- ✓ Use gender pay gap reports, once published, as a basis for bargaining to address the causes of the gender pay gap, including the under-valuation of work predominantly carried out by women.
- ✓ Go beyond the regulations, where possible, to ensure that gender pay gap reporting in the future addresses other forms of discrimination leading to pay gaps based on ethnicity or disability.

## Negotiate for equal pay through new strategies

- ✓ Address the problem of women's low-paid work and living wages.
- ✓ Target low pay industries where there are low rates of unionisation and build organising and recruitment strategies around low pay and the gender pay gap.
- ✓ Strategies can include negotiating for higher pay increases in sectors or jobs that are predominately female; flat rate percentage increases; or reducing the number of pay bands and/or merging pay bands to ensure that women have higher wages.
- ✓ Negotiate strategies to make performance-related pay and individually negotiated pay transparent, and negotiate to ensure that these systems to do not disadvantage women workers and lead to a wider gender pay gap.

## **Address the motherhood pay gap**

- ✓ Negotiate to close the motherhood gender pay gap, through measures such as enhanced maternity pay, balancing work and family life, provision of affordable childcare, and removing barriers to women's access to higher paid occupations. This also means addressing the causes of women's over-representation in part-time work.
- ✓ Negotiate policies that address the unequal sharing of work and family life, including fully paid parental leave policies for fathers, and policies that promote shared care responsibilities, such as shared parental pay packages.
- ✓ Ensure the right of all male and female workers to shared parental leave and to work flexible hours, including reduced hours and part-time work that are fairly rewarded.

## **Ensure that recruitment, promotion and career development opportunities are equal and non-discriminatory**

- ✓ Check that external recruitment and internal promotions are free from gender bias and discrimination. Promote equal opportunities principles in these processes.
- ✓ Provide positive actions, including training and mentoring, to enable women to progress into higher-paid and senior-level positions.

## **Take account of lifetime earnings and the pensions pay gap**

- ✓ Address the systematic lower lifetime earnings of women workers and the consequences of a significant gender pensions gap. Currently in the EU the pension pay gap, at 29%, is significantly wider than the gender pay gap.

## **Tackle historical gender bias in pay setting and job classification systems**

- ✓ Check if existing job classification/pay and grading system need revising. Ensure that the pay and grading systems are not based on historical gender bias, and that all grades/jobs have been evaluated according to responsibility and skills required for the job.
- ✓ Implement gender-neutral criteria in pay and grading systems in order to address situations where feminised jobs are classified into separate, more restrictive and less valued pay bands, compared to masculinised jobs.

Negotiate for a simplified number of pay bands, or single pay bands, as this can help to reduce the possibility of unfair or discriminatory pay.

Ensure there is no difference in non-basic pay, performance and bonus payments for women's and men's jobs.

### **Tackle the undervaluing of women's work through gender neutral job evaluation**

- ✓ If a previous job evaluation scheme has been carried out, ask management to carry out a joint review to identify any potential gender bias that may have led to jobs being under-valued.
- ✓ Provide training and guidance for union representatives on carrying out gender neutral job evaluation, including their involvement in the design and implementation of job evaluation schemes.
- ✓ Draw up a list of union-friendly job evaluation experts and advisors who can assist union representatives in building union capacity, through training and guidance, in carrying out gender-neutral job evaluation.
- ✓ Carry out gender neutral job evaluation ensuring that the assessment of different jobs is tackled objectively and with no gender bias, under relevant criteria **skill, effort, responsibility and working conditions**.
- ✓ Make sure there is no reinforcement of gender stereotypes and that job evaluation recognises and values women's work and skills equally. Address gender bias and the undervaluing of women's work, where women's skills are often regarded as 'natural' female characteristics rather than acquired skills, as is the case with the undervaluing of care work.
- ✓ Continue to argue for cross-sectoral job comparisons or hypothetical comparators, particularly where women's jobs are clustered into highly-feminised occupations where there are no comparators.

## Implement a system for equal pay audits

- ✓ Negotiate with employers to carry out a more in-depth analysis of women's and men's pay through a detailed equal pay audit.<sup>9</sup>
- ✓ Be familiar with the four main steps in carrying out an equal pay audit.  
Step 1: Determine the scope of the audit and identify the data required.  
Step 2: Carry out an analysis of employees who are (or may be) doing equal work, including work of an equal value. Step 3: Collate and compare pay data to identify any significant pay gaps. Step 4: Review the results. Step 5: Prepare the audit report and action plan.
- ✓ Include in equal pay audits an assessment of factors that may contribute to women's lower pay such as the undervaluing of work, occupational segregation and access to career progression.
- ✓ Draw up guidance for union negotiators on what to include in gender pay audits and how to report on the findings, including drawing up action plans.



<sup>9</sup> For more information about carrying out an equal pay audit see: <https://equalitytrust.org.uk/sites/default/files/Equal%20Pay%20Toolkit%20Print%20Version.pdf>

# Further information and resources

## **Government guidance on gender pay gap reporting:**

How to report on the Gender Pay Gap, 2021: <https://www.gov.ie/en/campaigns/0cb29-gender-pay-gap-information-act-2021/>

What is the Gender Pay Gap Information Act 2021? <https://www.gov.ie/en/publication/29606-what-is-the-gender-pay-gap-information-act-2021/>

How to calculate the gender pay gap metrics: Guidance note, 2021: <https://www.gov.ie/en/publication/1abe5-how-to-calculate-the-gender-pay-gap-metrics-guidance-note/>

Gender Pay Gap Information Reporting: Your questions answered (Employers), 2021: <https://www.gov.ie/en/publication/19875-gender-pay-gap-information-reporting-faqs-for-employers/>

## **Examples of gender pay gap reports and guidance from unions**

An Post. Gender Pay Gap Report 2021: [https://www.anpost.com/AnPost/media/PDFs/An\\_Post\\_Gender\\_Pay\\_Gap\\_Report\\_2020.pdf](https://www.anpost.com/AnPost/media/PDFs/An_Post_Gender_Pay_Gap_Report_2020.pdf)

FSU. The Gender Pay Gap Won't Close Itself: Report and Roadmap for Action, 2021. [https://www.fsunion.org/assets/files/pdf/fsu\\_gender\\_pay\\_gap\\_report.pdf](https://www.fsunion.org/assets/files/pdf/fsu_gender_pay_gap_report.pdf)

Unite the Union. Gender Pay Gap Report (UK), 2021: [https://www.unitetheunion.org/media/4593/9777\\_genderpaygap\\_report\\_final-final-digital.pdf](https://www.unitetheunion.org/media/4593/9777_genderpaygap_report_final-final-digital.pdf)

## **Guidance documents on equal pay, equal pay audits and gender neutral job evaluation**

Equality Trust (UK). Achieving Equal Pay in the Workplace. Your Guide to Changing Policy and Practice. <https://equalitytrust.org.uk/sites/default/files/Equal%20Pay%20Toolkit%20Print%20Version.pdf>

IHREC. Code of Practice on Equal Pay, 2022: [https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Equal-Pay-FA\\_Digital.pdf](https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Equal-Pay-FA_Digital.pdf)

ILO. Promoting Equity: gender-neutral job evaluation for equal pay. A step-by-step guide, 2009. Geneva, ILO. [https://www.ilo.org/declaration/info/publications/eliminationofdiscrimination/WCMS\\_122372/lang--en/index.htm](https://www.ilo.org/declaration/info/publications/eliminationofdiscrimination/WCMS_122372/lang--en/index.htm)  
ILO. Global Wage Report 2020-2021. Geneva, ILO. <https://www.ilo.org/global/research/global-reports/global-wage-report/2020/lang--en/index.htm>

Institute for Equality between Women and Men (Belgium). Checklist: Gender neutrality in job evaluation and classification. Brussels, Institute for Equality between Women and Men, 2010. [https://igvm-iefh.belgium.be/sites/default/files/downloads/39%20-%20Checklist\\_ENG.pdf](https://igvm-iefh.belgium.be/sites/default/files/downloads/39%20-%20Checklist_ENG.pdf)

UK Human Rights & Equality Commission, Equal pay audit for larger organisations: <https://www.equalityhumanrights.com/en/multipage-guide/equal-pay-audit-larger-organisations>

OECD. Can collective bargaining help close the gender wage gap for women in non-standard jobs. Policy Brief, 2021. <https://www.oecd.org/gender/collective-bargaining-and-gender-wage-gap-2020.pdf>

### **Pay transparency in the EU**

Resolution of the European Parliament on the draft Directive on Pay transparency: [https://www.europarl.europa.eu/doceo/document/A-9-2022-0056\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2022-0056_EN.html)

ETUC Resolution on Pay Transparency, 2019: [https://www.etuc.org/system/files/document/file2019-11/ETUC%20Resolution%20on%20Gender%20Pay%20Transparency%20Directive%20Adopted\\_1.pdf](https://www.etuc.org/system/files/document/file2019-11/ETUC%20Resolution%20on%20Gender%20Pay%20Transparency%20Directive%20Adopted_1.pdf)

EPSU / ETUC. Pay transparency and role of gender-neutral job evaluation and job classification in the public services, 2021: [https://www.epsu.org/sites/default/files/article/files/GP\\_Pay%20transparency%20and%20role%20of%20gender%20EPSU-ETUI%20report%20June%202021.pdf](https://www.epsu.org/sites/default/files/article/files/GP_Pay%20transparency%20and%20role%20of%20gender%20EPSU-ETUI%20report%20June%202021.pdf)

EPSU. Pay Transparency: why a strong EU Directive on pay transparency is important in the public services, 2021. <https://www.epsu.org/article/time-pay-transparency-now>



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