

JACS – Written Submission for Gender Pay Gap Review Panel

Terms of Reference:

1. To determine whether there is a gender pay gap in the public and private sector in Jersey
2. To examine other jurisdictions in order to obtain international evidence on the gender pay gap
3. To assess what measure are being taken to promote more equal, inclusive and transparent workforce environments
4. To explore the sociological factors associated with the gender pay gap

Whilst the number of enquiries that JACS received in respect of pay and benefits disparity is very small they are not specifically linked to gender, and may be more around equal pay for equal work. During 2018 JACS have (to date) been contacted by 7558 people, however only 4 of these (all male employees) have been in relation to equal pay/benefits, who were querying if the law protected them from being treated less favourably than other members of the team doing the same role. In 2 of these cases the other team members who were earning a higher level of pay were females, therefore the males could lodge claims for sex discrimination should they choose to do so. One other query was in respect of being paid less possibly due to their race and the final query was whether or not an employer could offer flexible working to female employees only.

There could be several reasons why there may be disparity in pay and benefits within individual companies, with one of these being market forces. If an employer needs someone to undertake a specific role within a business it may mean that the right person for the role needs to be offered a different salary or more holidays to secure them otherwise they could go to a competitor. Another reason is around company mergers or buyouts where one of the companies involved had different terms and conditions to the other and these have remained in place – this would be the same under TUPE in the UK.

Changes introduced to the Employment (Jersey) Law 2003 on 1 September 2018 allow for any employee (regardless of length of service) to make an application for flexible working to make changes to their working hours. This gives employees the opportunity to request part-time hours, term time only working, different start/finish times. The flexible working request no longer requires the employee to be caring for another person in order to make such a request it can be for any reason at all therefore this could include school runs, breast feeding, a better work/life balance for example a fitness programme or even volunteering. These changes are not gender specific therefore although it is still early days at the moment we could see employers responding to flexible working requests in ways that open up employment opportunities eg an increase in part-time vacancies, and these would not be just for women or older employees as is often the case now.

The lack of non regular working hour employment opportunities in the past have meant that those who take a career break for example to care for children or elderly parents has been shown to be problematic when care givers wish to return to work. It can mean that individuals who return to work may end up doing different roles or are out of the workplace for longer than was first anticipated, so they then face a gap in skills and knowledge, thus undermining their employability value. However, the lack of non-standard working hour vacancies has also meant that there have been significant entrepreneurial opportunities developed.

Other recent changes to the Legislation include extending maternity and parental leave which provides parental leave for up to 26 weeks which can be taken within the first 52 weeks of the child's life. This will allow parents (not just the birth mother) an opportunity to take some time out

of the workplace to spend with the child which may encourage employers to approach flexibility and non regular work patterns in a different way as this time out is not just for female employees.

A further concern is that age becomes an issue when looking to upskill and provide training in workplaces (JACS have received 41 queries in 2018 on age discrimination). By way of an example, individuals who have worked for a period of time in a business and have been content to just continue in their role, therefore are not offered (say) digital skills training, and then find themselves not have the required skill-set to remain with the company. Research from the Centre for Ageing Better found that, while 40% of employees over the age of 50 were aware of their employer having a policy on age discrimination, 47% said it made no difference. Only 28% felt they could speak to a manager about career plans or adjusting their current role, for example by moving to more flexible hours or staging retirement.

The charity's report includes a number of practical pointers for employers in how to become more inclusive of older workers. These include:

- Being more flexible about working patterns: employers should work harder to help people know their options;
- Hiring "age positively": actively target candidates of all ages and minimise age bias in recruitment processes;
- Health support: enable early and open conversations about health conditions and access to support;
- Career development for all ages: provide opportunities for employees to develop their careers at mid-life and beyond;
- Creating an age positive culture: support interaction and networking between staff of all ages and equip HR and managers to sustain this culture.

<https://www.ageing-better.org.uk/news/being-age-friendly-employer>

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