

**States of Jersey Scrutiny Office**

**Gender Pay Gap Review Panel**

**October 2018**

1. The NASUWT welcomes the opportunity to make a submission to the Gender Pay Gap Review Panel.
2. The NASUWT is the largest union in Jersey representing teachers and school leaders.

**GENERAL COMMENTS**

3. The NASUWT is committed to working with the States of Jersey to address all forms of discrimination.
4. The NASUWT has been concerned for some time that the lack of equalities legislation in Jersey means that tackling discrimination is not seen as important.

5. Although recent legislative changes by the States, such as improving family-friendly legislation, are welcome, there remains much work to do before Jersey aligns itself with other jurisdictions in terms of equalities legislation.
6. Whilst the Union welcomes any initiative aimed at reducing inequality and discrimination, the Panel should take into account that the presence of a gender pay gap does not in itself mean that there are discriminatory practices in existence.
7. Ensuring that equal pay for work of equal value exists in an organisation whilst also ensuring that recruitment practices are non-discriminatory is crucial in achieving true equality.

### **SPECIFIC COMMENTS**

#### **Q1) Do you think there is a gender pay gap in Jersey?**

8. Within the teaching profession, the NASUWT would presume that a gender pay gap does indeed exist.
9. The Union would base its presumption on its experience in other jurisdictions where the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 apply. These gender pay gap reporting requirements have uncovered gender pay gaps in many educational employers. We also have data from the Isle of Man where 50% of

primary headteachers are male, whilst males form a very small proportion of the total primary workforce.

10. Furthermore, the non-existence of a gender pay gap would be highly unlikely in a context where the pay of teachers and school leaders is differentiated by grade.
11. The data collection requirements placed on employers in the UK, such as through the gender pay gap reporting regulations, but also through education-specific requirements such as the school workforce census in England, allows for discriminatory practices to be identified and highlighted.
12. Additionally, in its work with multi-academy trusts (MATs) in England, the NASUWT has uncovered pay-progression-related discriminatory practices in relation to other protected characteristics or part-time workers.
13. Without the NASUWT's proactive requests for information from MATs, these practices would have remained hidden.
14. Given that discriminatory practices have been uncovered amongst numerous employers in the UK, it is highly likely that similar practices exist in Jersey.

**Q2) Do you have any evidence to support your perception?**

15. The NASUWT does not have any evidence that a gender pay gap does or does not exist in education in Jersey.
16. The absence of evidence, however, should not be taken as an absence of a problem.
17. For several years the NASUWT, through its annual pay claims, has highlighted that the data collection system of the States in relation to its workforce is woefully inadequate and does not allow for the investigation of any discriminatory practices in relation to pay.
18. This problem goes beyond gender pay, as there could also be issues with other characteristics that would be considered protected under the UK Equality Act, as well as issues around part-time teachers.
19. The States' refusal to take positive action on data collection to address the concerns stated in the NASUWT's pay claims is deeply regrettable, as it has allowed discriminatory practices in Jersey to remain hidden, and must be rectified as a matter of urgency.

**Q3) What initiatives do you think could be implemented in order to reduce a gender pay gap?**

20. Due to the extreme paucity of available data, it is difficult to answer this question in a meaningful way.

21. One initiative would be to ensure that all employers are collecting and publishing adequate equalities data to ensure that discriminatory practices can be highlighted.
22. This must be the first step before further steps can be designed and implemented, as the scale and origin of the problem must be known before appropriate actions can be taken.
23. Notwithstanding this, the NASUWT would guard against any simplistic steps that can introduce perverse incentives which act against the principle of equality.
24. For example, an employer outsourcing lower paid jobs is likely to produce a more positive gender pay gap report, even if the outsourcing leads to detrimental changes to pay and employment conditions for the affected workers.
25. The UK gender pay gap reporting regulations also take no account of the principle of equal pay for work of equal value. It is therefore entirely possible for an employer to have very poor practices whilst having a positive report, and vice versa.
26. Guidance published by ACAS makes clear that:  
  
‘The causes of the gender pay gap are varied and overlapping. Some causes originate outside of the workplace, such as stereotypical

representations of men and women and standards in careers advice and guidance for girls. Factors involving the workplace include:

- fewer women working in certain more highly paid professions or areas of an organisation, such as those involving science, technology, engineering and maths (STEM);
- unsupportive and rigid corporate cultures;
- lack of well paid part-time/flexible work;
- women remaining less likely to progress to senior levels in an organisation, making up just over a third of managers, directors and senior officials;
- constrained individual choice, unconscious bias and discrimination - women keen to move into senior or managerial roles are sometimes held back by: a lack of diverse senior female role models; mentoring and/or sponsorship; networking opportunities;
- particular assumptions about mothers not wanting, or not being in a position to accept, promotion.'

27. Each of these potential factors merit attention and a need for further interrogation in relation to employment practices in Jersey. However, this will require a commitment from all employers to collect and publish data about their workforces.

Chris Keates

**General Secretary**

For further information on the Union's response, contact:

Wayne Bates

NASUWT

Hillscourt Education Centre

Rose Hill

Rednal

Birmingham

B45 8RS

0121 453 6150

[www.nasuwt.org.uk](http://www.nasuwt.org.uk)

[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)