



## 2016 CHAPTER 15

PROSPECTIVE

### *Gender pay and disclosure of information*

#### **Gender pay gap information**

**19.**—(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

- (a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and
- (b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) The Department may prescribe by regulations a limit to the total number of employees and workers in an organisation below which this section does not apply.

(5) Regulations under subsection (4) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The regulations must prescribe—

- (a) descriptions of employer;
- (b) descriptions of employee;

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016. Cross Heading: Gender pay and disclosure of information. (See end of Document for details)*

- (c) how to calculate the number of employees that an employer has;
- (d) a standardised method for calculating any differences in the pay of male and female employees;
- (e) descriptions of information;
- (f) a requirement that information include statistics on workers within each pay band in relation to—
  - (i) ethnicity, and
  - (ii) disability;
- (g) the time at which information is to be published; and
- (h) the form and manner in which it is to be published.

(7) The first regulations under this section must be made by 30 June 2017.

(8) Regulations under subsection (6)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(9) The regulations shall make provision for a failure to comply with the regulations—

- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;
- (b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(10) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(11) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.

[<sup>F1</sup>(12) For the purposes of this section, “the Department” means the Department for Communities.]

#### Textual Amendments

- F1** S. 19(12) substituted (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), art. 1(2), **Sch. para. 1** (with art. 2(2)(a)(b))

#### Modifications etc. (not altering text)

- C1** S. 19: Transfer of functions (2.6.2021) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/114\)](#), arts. 1(2), **3** (with art. 2(2)(a)(b))

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