



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

### CHAPTER 3

#### EQUALITY OF TERMS

#### *Supplementary*

#### **79 Comparators**

- (1) This section applies for the purposes of this Chapter.
- (2) If A is employed, B is a comparator if subsection (3) or (4) applies.
- (3) This subsection applies if—
  - (a) B is employed by A's employer or by an associate of A's employer, and
  - (b) A and B work at the same establishment.
- (4) This subsection applies if—
  - (a) B is employed by A's employer or an associate of A's employer,
  - (b) B works at an establishment other than the one at which A works, and
  - (c) common terms apply at the establishments (either generally or as between A and B).
- (5) If A holds a personal or public office, B is a comparator if—
  - (a) B holds a personal or public office, and
  - (b) the person responsible for paying A is also responsible for paying B.
- (6) If A is a relevant member of the House of Commons staff, B is a comparator if—

*Status: Point in time view as at 29/05/2020.*

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- (a) B is employed by the person who is A's employer under subsection (6) of section 195 of the Employment Rights Act 1996, or
  - (b) if subsection (7) of that section applies in A's case, B is employed by the person who is A's employer under that subsection.
- (7) If A is a relevant member of the House of Lords staff, B is a comparator if B is also a relevant member of the House of Lords staff.
- (8) Section 42 does not apply to this Chapter; accordingly, for the purposes of this Chapter only, holding the office of constable is to be treated as holding a personal office.
- (9) For the purposes of this section, employers are associated if—
- (a) one is a company of which the other (directly or indirectly) has control, or
  - (b) both are companies of which a third person (directly or indirectly) has control.

**80 Interpretation and exceptions**

- (1) This section applies for the purposes of this Chapter.
- (2) The terms of a person's work are—
- (a) if the person is employed, the terms of the person's employment that are in the person's contract of employment, contract of apprenticeship or contract to do work personally;
  - (b) if the person holds a personal or public office, the terms of the person's appointment to the office.
- (3) If work is not done at an establishment, it is to be treated as done at the establishment with which it has the closest connection.
- (4) A person (P) is the responsible person in relation to another person if—
- (a) P is the other's employer;
  - (b) P is responsible for paying remuneration in respect of a personal or public office that the other holds.
- (5) A job evaluation study is a study undertaken with a view to evaluating, in terms of the demands made on a person by reference to factors such as effort, skill and decision-making, the jobs to be done—
- (a) by some or all of the workers in an undertaking or group of undertakings, or
  - (b) in the case of the armed forces, by some or all of the members of the armed forces.
- (6) In the case of Crown employment, the reference in subsection (5)(a) to an undertaking is to be construed in accordance with section 191(4) of the Employment Rights Act 1996.
- <sup>F1</sup>(7) .....
- (8) Schedule 7 (exceptions) has effect.

**Textual Amendments**

**F1** S. 80(7) omitted (13.3.2014) by virtue of [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), [Sch. 1 para. 35\(3\)](#)

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#### **Commencement Information**

- II** S. 80 wholly in force; s. 80 not in force at Royal Assent see s. 216; s. 80(8) in force for certain purposes at 4.8.2010 by [S.I. 2010/1966](#), [art. 2](#); s. 80 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(5\)\(e\)](#) (with [art. 15](#))

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