



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 4

EQUALITY OF TERMS

131 Assessment of whether work is of equal value

- (1) This section applies to proceedings before an employment tribunal on—
 - (a) a complaint relating to a breach of an equality clause or rule, or
 - (b) a question referred to the tribunal by virtue of section 128(2).
- (2) Where a question arises in the proceedings as to whether one person's work is of equal value to another's, the tribunal may, before determining the question, require a member of the panel of independent experts to prepare a report on the question.
- (3) The tribunal may withdraw a requirement that it makes under subsection (2); and, if it does so, it may—
 - (a) request the panel member to provide it with specified documentation;
 - (b) make such other requests to that member as are connected with the withdrawal of the requirement.
- (4) If the tribunal requires the preparation of a report under subsection (2) (and does not withdraw the requirement), it must not determine the question unless it has received the report.
- (5) Subsection (6) applies where—
 - (a) a question arises in the proceedings as to whether the work of one person (A) is of equal value to the work of another (B), and

Status: This is the original version (as it was originally enacted).

- (b) A's work and B's work have been given different values by a job evaluation study.
- (6) The tribunal must determine that A's work is not of equal value to B's work unless it has reasonable grounds for suspecting that the evaluation contained in the study—
 - (a) was based on a system that discriminates because of sex, or
 - (b) is otherwise unreliable.
- (7) For the purposes of subsection (6)(a), a system discriminates because of sex if a difference (or coincidence) between values that the system sets on different demands is not justifiable regardless of the sex of the person on whom the demands are made.
- (8) A reference to a member of the panel of independent experts is a reference to a person—
 - (a) who is for the time being designated as such by the Advisory, Conciliation and Arbitration Service (ACAS) for the purposes of this section, and
 - (b) who is neither a member of the Council of ACAS nor one of its officers or members of staff.
- (9) "Job evaluation study" has the meaning given in section 80(5).