

EAST LoTHIAN COUNCIL

Policy Statement on Equal Pay

Human Resources
March 2023

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POLICY STATEMENT ON EQUAL PAY

East Lothian Council's commitment to Equal pay sits alongside a suite of policies and actions which aim to address inequalities, and the conditions that create and sustain them.

It is well documented that some people are more at risk of poverty than others because of one or more of the protected characteristics¹ set out in the Equality Act 2010. Women find it harder to escape poverty and are more likely to experience persistent poverty than men. There is also particularly high risk of poverty among disabled women, Black and Minority Ethnic (BME) women, lone parents, and refugee women due to the additional barriers to economic resources and support services they face. A key factor to this is the gender pay gap, occupational segregation and women's overrepresentation in lower paid work which puts them at a greater risk of poverty.

The Equality Act 2010 (the Act) gives women (and men) a right to equal pay for equal work. It replaces previous legislation, including the Equal Pay Act 1970 and the Sex Discrimination Act 1975, and the equality provisions in the Pensions Act 1995.

Equal pay law applies to pay and contractual terms and conditions, including but not limited to:

- basic salary
- basic wages
- overtime pay
- redundancy pay
- sick pay

Further information is available from the [Equality and Human Rights Commission](#)

The Gender pay gap is different to equal pay and refers to the difference in average pay between the men and women in the workforce. East Lothian Council reports its gender pay gap information annually.

¹ Protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

1. Statement of Intent

- 1.1 The council's Equal Employment Opportunities Policy sets out the organisation's commitment to eliminate discrimination, advance equality of opportunity and promote good relations between different groups.
- 1.2 A key consideration in meeting that commitment is the need to ensure that the council's pay, grading and benefit arrangements are transparent, based on objective criteria and free from unfair bias related to the protected characteristics covered by the Equality Act 2010. To achieve this objective the council will continuously monitor the application of its pay and grading systems with a view to identifying and eliminating any inequitable or unlawful pay practices.
- 1.3 The council will also monitor the application of other relevant employment policies and practices to ensure that they do not adversely impact on equality in respect of access to pay, benefits or career development.
- 1.4 By tackling the potential sources of pay discrimination and removing barriers to equality, the council believes it sends a positive message to both its workforce and customers alike.

2. Implementation

- 2.1 With appropriate resources, the policy will be implemented through the application of sound and legally robust pay and reward practices.
- 2.2 Any proposed changes to pay and other associated employment practices will be subject to consultation with the recognised trade unions and other relevant stakeholders.
- 2.3 Following the implementation of Single Status across the Authority in 2008, the council operates measures to continue to monitor issues related to equal pay within the organisation.

3. Scope

- 3.1 This policy statement covers the four discrete employee groups comprising the council's workforce. Pay and conditions of service for each of those groups derive from separate Schemes of Pay and Conditions of Service

negotiated nationally and supplemented where appropriate by local collective agreements.

The national negotiating bodies are:

- Scottish Joint Council for Local Government Employees;
- Scottish Joint Committee for Craft Operatives;
- Scottish Negotiating Committee for Teachers; and
- Joint Negotiating Committee for Chief Officials of Local Authorities (Scotland).

4. Specific Actions

4.1 In addition to addressing the priorities set out within the wider Corporate Equality Outcomes, the council is committed to implementing specific actions in relation to equal pay. Those actions are to:

- In consultation with relevant trade unions, conduct regular equal pay reviews within the council and thereby:
 - identify and understand the reasons for any differences in pay within and between employee groups;
 - eliminate pay gaps/ differences that cannot satisfactorily be explained on grounds other than those relating to a protected characteristic;
- Provide appropriate training and guidance on equal pay for those involved in determining pay and grading matters in terms of job evaluation, new appointments, progression, grievances and providing advice;
- Review policies and practices to reduce any potential equal pay or gender pay gaps
- Gather evidence on the extent of occupational segregation within the council and set appropriate objectives for remedial action as necessary, and
- Continue to monitor equalities and address any issues.

5. Monitoring and Reporting

5.1 In accordance with the requirement under the Public Sector Equality Duty, to publish data on the gender pay gap every

two years, data on gender pay and gender occupational segregation in the council will be addressed in the biennial review of this policy. Information on the recruitment, development and retention of employees will also be published every two years as part of the council's Equality Mainstreaming Report.

- 5.2 Details of actions taken to implement the outcome of Integrated Impact Assessments will also be posted on the council's website and as part of the council's Equality Mainstreaming Report.

6. Review

- 6.1 This policy will be reviewed every four years.
- 6.2 The Head of Corporate Support, on behalf of the council's Corporate Management Team, has overall responsibility for implementation of the commitments outlined within this policy.

7. Gender Pay Gap

- 7.1 The council's gender pay gap as at 31st March 2023 is set out below:

Mean Average Hourly Rate		Mean Average Pay Gap between Female and Male Employees
Female Employees	Male Employees	
£19.08	£19.43	1.78 %

The council's current pay gap is lower than the average rate for Scottish Local Authorities (3.54%) as reported in the 2021/22 Local Government Benchmarking Framework.

8. Ethnicity Pay Gap

- 8.1 The council's ethnicity pay gap as at March 31st 2023 is set out below:

Ethnicity	Number of Staff	Combined Hourly Rate	Average Hourly Rate
Ethnic minorities	110	£2209.40	£20.09
Other	4677	£89607.89	£19.16

Total	4787	£91817.29	£19.18
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Standard Calculation

Other average salary – Ethnic minorities average salary =
paygap (monetary)
19.16 – 20.09 = -0.93

Paygap (monetary) / Other average salary x 100 = **paygap (%)**
-0.93 / 19.16 x 100 = -4.85 %

East Lothian Council Ethnicity Pay Gap = -4.85 %

9. Disability Pay Gap

9.1 The council's disability pay gap as at March 31st 2023 is set out below:

Disability	Number of Staff	Combined Hourly Rate	Average Hourly Rate
Disabled	207	£3704.44	£17.90
Non-Disabled	3755	£73038.54	£19.45
Unknown	825	£15074.30	£18.27
Total	4887	£91817.29	£19.18

Standard Calculation

Non-Disabled average salary – Disabled average salary =
paygap (monetary)
19.45 – 17.9 = 1.55

Paygap (monetary) / Other average salary x 100 = **paygap (%)**
1.55 / 19.45 x 100 = 8 %

East Lothian Council Disability Pay Gap = 8 %

9.2 These are the statistics of those declaring themselves as disabled as defined by the Equality Act 2010.

9.3 Given the significant number of employees for which disability status is unknown, due to non-disclosure by

employees, the pay gap has been calculated with reference only to employees where their disability status is known.

10. Occupational Segregation

- 10.1 The council recognises that occupational segregation is one of the key barriers to preventing women and men from fulfilling their potential, and consequently contributes to the gender pay gap.
- 10.2 At the same time, it can have a damaging impact due to the delineation of men and women into different types of employment; segregation that can fail to make the most efficient use of the potential workforce and can contribute to skills deficits which impact on service delivery and outcomes.
- 10.3 The challenge for the council is therefore to address the inherent issues relating to horizontal segregation in the service areas currently dominated by either female or male employees.
- 10.4 The tables below outline the council's data on gender based occupational segregation. In addition, in line with the reporting requirements, information is provided on occupational segregation in relation to ethnicity and disability.

East Lothian Occupational Segregation by Gender March 2023

		Salary Bands													Chief Officers	Apprentice	Craft	Psych	Teachers	Grand Total
Department	Gender	1	2	3	4	5	6	7	8	9	10	11	12	13						
Chief Exec, Council Resources, Internal Audit	F				54	9	88	57	19	22	18	10	1	2	4					284
	M				9	3	10	23	16	11	8	8	1	7						96
East Lothian Health & Social Care Partnership	F	1			21	57	121	69	61	56	33	13	3	2						437
	M				2	6	4	15	13	15	11	3	2	1	1					73
Education & Children's Services	F		6	33	201	259	83	232	85	50	44	12	2	3	3			9	950	1972
	M			2	4	12	8	13	18	11	10	9	1	2					263	353
Place	F	137	15	31	201	54	77	47	94	57	34	17	3	5	3	1			4	780
	M	9	1	22	201	40	98	41	71	66	36	25	3	15	2	15	140		7	792
Grand Total		147	22	88	693	440	489	497	377	288	194	97	16	37	13	16	140	9	1224	4787

East Lothian Occupational Segregation by Disability March 2023

Salary Bands

Department	1	3	4	5	6	7	8	9	10	11	13	Chief Officers	Apprentices	Craft	Psych	Teachers	Grand Total
Chief Exec, Council Resources, Internal Audit			6		4	3	3	2									18
East Lothian Health & Social Care Partnership			1	3	5	7	2	6	2								26
Education & Children's Services		1	7	18	3	14	9	2	4	1					1	28	88
Place	5	6	20	5	9	4	7	5	4	7	2			1			75
Grand Total	5	7	34	26	21	28	21	15	10	8	2			1	1	28	207

Salary Bands

Department	Ethnicity	1	2	3	4	5	6	7	8	9	10	11	12	13	Apprentice	Chief Officers	Craft	Psych	Teachers	Grand Total
Chief Exec, Council Resources, Internal Audit	Ethnic Minorities				1			2		1	2	1								7
	Other				62	12	98	78	35	32	24	17	2	9		4				373
East Lothian Health & Social Care Partnership	Ethnic Minorities					3		4	1	3	1		2							14
	Other	1			23	60	125	80	73	68	43	16	3	3		1				496
Education & Children's Services	Ethnic Minorities			1	6	4	1	6	2	4	3								27	54
	Other		6	34	199	267	90	239	101	57	51	21	3	5		3		9	1186	2271
Place	Ethnic Minorities	1		1	8	2	3	1	7	6	2		1	2					1	35
	Other	145	16	52	394		172	87	158	117	68	42	5	8	16	5	140		10	1537
Grand Total		147	22	88	693	440	489	497	377	288	194	97	16	37	16	13	140	9	1224	4787

