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# The Gender Pay Gap Information Regulations Public Consultation

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November 2024

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# 1. Introduction

This consultation sets out our plans to develop Regulations which will require employers in Northern Ireland to disclose and publish information showing whether gender pay disparities exist between male and female employees.

## 2. About this consultation

### 2.1 Who is this consultation aimed at?

This consultation is primarily aimed at employers, but the Department for Communities (DfC) wishes to consult as widely as possible and is also keen to hear from business organisations, the voluntary and charity sector, civil society organisations (particularly women’s organisations), trade unions and employment lawyers.

### 2.2 Purpose of this consultation

The Department has a statutory obligation to make Regulations that will require employers to disclose and publish information showing whether there is a Gender Pay Gap between male and female employees and, where one exists, an employer must publish an action plan to eliminate those differences. This consultation is seeking views on the proposed detail of the Regulations. The responses to this consultation will inform the development of the Regulations.

### 2.3 Scope of this consultation

This consultation applies to Northern Ireland. A similar consultation was carried out in England, Wales and Scotland by the Government Equalities Office in 2015.

### 2.4 Duration of this consultation

The consultation period begins on **25 November 2024** and runs until **14 February 2025**.

### 2.5 How to respond to this consultation

Early responses are encouraged but all responses should arrive no later than **5pm on 14 February 2025**. Responses are requested through the preferred method of the online survey, which can be found at **this online survey**.

Alternatively, if you would like to download a copy of the questionnaire it can be obtained on the **DfC website** and responses can be returned by email to **gender.policy@communities-ni.gov.uk**.

Please email us at this address also if you would like a hard copy of the questionnaire posted out to you.

Responses to this consultation by post should be sent to:

Consultation Co-ordinator  
Gender Policy Unit  
Department for Communities  
Level 7, Causeway Exchange, 1-7  
Bedford Street, Belfast, BT2 7EG

If responding in an alternative format, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were assembled. Before you submit your responses, please read the “Privacy, Confidentiality and Access to Consultation Response” section below (in section 3.3), which gives guidance on the legal position.

Any queries about the subject matter of this consultation should be addressed to The Department for Communities, Gender Policy Unit at: **gender.policy@communities-ni.gov.uk**

## 2.6 Consultation response

The Department for Communities will consider the responses received and publish the consultation report on the Departmental website.

In line with good practice and sustainable development this document has been published electronically.

## 3. How we consult

### 3.1 Feedback on Consultation Process

The Department for Communities values your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation does not adhere to the values expressed in the Eight Steps to Good Practice in Public Consultation - Engagement or that the process could be improved, please address them to:

Consultation Co-ordinator

Gender Policy Unit

Department for Communities

Level 7, Causeway Exchange, 1-7  
Bedford Street, Belfast, BT2 7EG

or by email to: [gender.policy@communities-ni.gov.uk](mailto:gender.policy@communities-ni.gov.uk)

### 3.2 Freedom of Information

The information you send us may need to be passed to colleagues within the Department for Communities in Northern Ireland (“the Department”).

Following the end of the consultation the Department for Communities shall publish a summary of responses received.

### 3.3 Privacy, Confidentiality and Access to Consultation Responses

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UKGDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

If staff would like to discuss the content of this DPN or the template Privacy Notice, please contact:

Departmental Data Protection Officer

Karen McMullan

Information Management Branch

Causeway Exchange

1-7 Bedford Street

Belfast County Antrim BT2 7EG

Email - **Karen.McMullan@  
Communities-ni.gov.uk**

## 4. Background

### 4.1 Policy Responsibility

Policy responsibility for gender equality transferred to the Department for Communities (DfC) from OFMDFM (now TEO) following the restructuring of NICS Departments in May 2016. In line with that policy responsibility, the then Communities Minister agreed to accept statutory responsibility for Section 19 of the Employment Act (Northern Ireland) 2016.

The Transfer of Functions Order (TOFO) (which would have transferred this responsibility to DfC) was not formally signed off prior to the dissolution of the Assembly in January 2017 and responsibility was transferred officially on 1 June 2021 by virtue of the Departments (Transfer of Functions) Order (Northern Ireland) 2021.

### 4.2 Statutory Requirements

The Employment Act (Northern Ireland) 2016 received Royal Assent on 22 April 2016 and became law. Section 19 of the Employment Act (Northern Ireland) 2016 sets out the requirement for employers to publish information relating to the pay of employees for the purpose of showing whether there are differences in the pay of male and female employees, i.e. the Gender Pay Gap.

Section 19 stipulated that (i) regulations must be made by 30 June 2017 and (ii)

within 18 months of the day on which this Act received Royal Assent (i.e. by 22 October 2017) 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.

These dates were not achieved given that statutory responsibility for Section 19 did not formally transfer to DfC until June 2021 (see 5.1).

### 4.3 Changes required to Section 19

In order to ensure that Section 19 can safely be implemented, amendments will be required to the existing primary legislative elements.

Amendments can only be made via a new legislative Bill.

### 4.4 Timeline for Gender Pay Gap Information regulations

It is estimated that it will take upwards of 18 months to develop the policy proposals and for the passage of the required primary legislative amendments through the Assembly. It is the Department's intention that the Gender Pay Gap Information regulations will be made as soon as possible after those amendments have received Royal Assent, likely in early 2027.



#### 4.5 Why are we making Regulations?

Despite a reduction over time in the Gender Pay Gap (GPG), women in Northern Ireland still earn less than men. GPG reporting is a valuable tool for assessing levels of equality in the workplace. There are numerous actions an employer can take to tackle and reduce the Gender Pay Gap. One of the greatest benefits of GPG reporting is greater transparency of the gender pay difference. This greater transparency supports and increases the likelihood that actions will be taken to narrow and eventually eliminate the gap.

The objective of this intervention is to encourage employers to:

1. identify Gender Pay Gaps;
2. analyse the drivers behind them;
3. explore the extent to which their own policies and practices may have contributed to the gaps; and
4. take remedial action.

Subject to the approval of the Northern Ireland Assembly, the Regulations will be made **as soon as possible after** the Primary Legislative amendments receive Royal Assent and will apply to the public, private and voluntary sectors.

#### 4.6 What is the Gender Pay Gap?

Whilst both equal pay and the Gender Pay Gap deal with the disparity of pay men and women receive in the workplace, they are two different issues:

- Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equal Pay Act (NI) 1970.
- The Gender Pay Gap is a measure of the difference between men's and women's average earnings across an organisation or the wider labour market and is expressed as a percentage of men's earnings.

#### 4.7 The Gender Pay Gap in Northern Ireland

The Gender Pay Gap is lower in Northern Ireland (NI) than in any other part of the United Kingdom (UK). This can be largely attributable to NI having a higher proportion of public sector jobs than the rest of the UK.

The NI public sector made up 27.1%<sup>1</sup> of all employee jobs in June 2024, while the private sector made up 73.0%. Northern Ireland has consistently had a higher proportion of public sector jobs per population than the UK as a whole. In the rest of the UK the public sector makes up 17.9%<sup>2</sup> of all employee jobs while the private sector is 82.1% (as at June 2024).

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1 Quarterly Employment Survey | Northern Ireland Statistics and Research Agency (nisra.gov.uk)

2 Private Sector Employment as % of Total Employment;UK;HC;SA;Percentage - Office for National Statistics (ons.gov.uk)

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In the NI Annual Survey of Hours and Earnings (ASHE)<sup>3</sup> Report published in November 2023, males earned more than females when comparing average<sup>4</sup> earnings<sup>5</sup> for all employees<sup>6</sup>. For example, when calculating for **all** NI sectors (Public, Private and Voluntary) females earn 7.8% less than males.

In the public sector the gender pay difference is less pronounced with females earning 6.2% less than males. Pay transparency is more common in the public sector, with pay systems tending to be more structured

and more likely to be the result of negotiated collective bargaining - factors that have been shown to support more equitable outcomes.

The gender pay difference is much more pronounced in the private and voluntary sector with females earning 14.8% less than males.

**Median Gross Hourly earnings excluding over-time**

Part-time and Full-time

	Men	Women	Difference	%Difference
Northern Ireland – all sectors	£14.92	£13.75	£1.17	7.8%
Public sector	£18.16	£17.03	£1.13	6.2%
Private	£14.10	£12.02	£2.08	14.8%
Non-profit body or mutual association	£15.51	£12.88	£2.63	17.0%

The Gender Pay Gaps for all employees (regardless of working pattern) in both NI and the UK have consistently been in favour of males. However, the difference in male and female earnings in both regions has narrowed over the last two decades.

The results from the 2023 ASHE NI Report indicate that the Gender Pay Gap for all employees in NI is 7.8% in favour of males, who earn £1.17 more per hour on average than females (£14.92 compared

to £13.75 for females). Although this is slightly wider than the 7.5% Gender Pay Gap recorded in 2022 and much higher than the 5.9% and 4.7% recorded in 2020 and 2021 respectively, it is still below all the rates prior to 2020. The lower gaps in 2020 and 2021 are a likely result of the furlough scheme, whilst the increases over the last two years coincide with increases in private sector earnings, where there is a larger proportion of male employees.

3 Annual Survey of Hours and Earnings | Northern Ireland Statistics and Research Agency (nisra.gov.uk)

4 Median is used in this example

5 Gross hourly earnings excluding overtime

6 Part-time and full-time employees

In the UK, males (£17.05) also earned more on average than females (£14.62) in 2023. This equates to a UK Gender Pay Gap of 14% in favour of males, more in line with the gap recorded in NI 20 years ago. In contrast to NI, which has shown variation in the Gender Pay Gap over the last three years, the gap for the UK has remained fairly consistent (between 14% and 15%).

It is the relatively lower pay of the private sector in NI and the notably smaller Gender Pay Gap in the NI public sector (compared to those in NI and UK private sector, and UK public sector) that drives the difference between the NI and UK Gender Pay Gap.

When hourly earnings for males and females are disaggregated by working pattern, it shows that part-time earnings for females (£11.70) were higher than part-time earnings for males (£11.50), and full-time earnings for females (£16.40) were higher than full-time earnings for males (£15.84). This is in contrast to earnings for all employees (full and part-time combined), where hourly earnings for males (£14.92), were £1.17 higher than for females (£13.75). NI remains the only region in the UK where full-time females earn more per hour on average than full-time males.

These higher earnings for ‘all’ males are primarily due to a larger proportion of males (85% compared with 60% of females) in full-time work, which has higher hourly rates of pay on average than part-time employment and proportionately fewer low-paid jobs.

The higher earnings for ‘all’ males, despite the reverse for each separate working pattern, is an example of Simpson’s paradox and is illustrated in the **Gender Pay Gap explanation** on the NISRA website.

#### 4.8 The Causes of the Gender Pay Gap

Many of the causes of the Gender Pay Gap are overlapping, can originate from within and outside the workplace and can have a significant cumulative impact on a woman’s earning potential during her lifetime. These Regulations are only one element in addressing the Gender Pay Gap.

Although girls often do well at school, they tend to end up employed in sectors that offer narrower scope for financial reward. Gender can also impact on work patterns. For example, with regards to the part-time and full-time split, part-time workers are more likely to be female. The Northern Ireland Labour Force Survey published on 9 July 2024<sup>7</sup> shows that women account for 77.8% (144,000) of those in part-time employment in NI while men occupy 59.6% (402,000) of those in full-time employment.

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7 Labour Force Survey Annual Tables 2023 | Northern Ireland Statistics and Research Agency (nisra.gov.uk)

This also shows that of those in employment 90.7% of males are employed full time, with only 9.3% part time, compared with 65.4% of females who are employed full time and 34.6% part time.

Women's employment within the part-time sector tends to be due to the woman's 'traditional' role as 'carer'. Women are likely to experience more interruptions in their careers than men, having to take time out in order to have and care for children.

Many of the highest paying occupations are disproportionately made up of male employees, including managers, directors and senior officials (**63%**).

Similarly, women are often concentrated in lower paid occupations or job types than men. For example, women make up **67%** of those in Administrative and Secretarial Occupations and **86%** of those in Caring, Leisure and Other Service Occupations.

A proportion of the gap is due to differences in years of experience in full-time work, the negative effect on wages of having previously worked part-time or having taken time out of the workplace to look after family.

#### 4.9 Calculating Gender Pay Gaps

Some companies may already calculate their pay gap. While there is no single measure that adequately deals with the complex issue of the differences between men's and women's pay, Office of National Statistics (ONS) currently use gross median<sup>8</sup> hourly earnings excluding overtime when calculating the Gender Pay Gap:

- The median level of earnings reflects the mid-point value if all a company's employees' earnings are arranged in order (and is less affected by very high or very low figures).
- Using hourly earnings accounts for the fact that men work on average more hours than women.
- Including overtime can skew the results because men work relatively more overtime than women.

Although average hourly pay provides a useful comparison of earnings of men and women, a Gender Pay Gap does not necessarily signify unlawful discrimination or reveal differences in rates of pay for comparable jobs.

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<sup>8</sup> Median: calculated by arranging the figures in order and taking the middle value. If there is no middle value because there is an even number of figures, the median is mid-way between the two middle points. Because the median is less affected by values at the extremes than the mean, it can be a better guide to typical values than the mean.

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#### **4.10 The benefits of identifying and eliminating the Gender Pay Gap**

An employer may be unaware that a Gender Pay Gap exists within their organisation until it analyses its pay information at a macro level. By encouraging employers to identify the Gender Pay Gap within their organisations and by encouraging robust equal pay practises this will further assist in closing the gap between men's and women's pay.

Publication of a Gender Pay Gap can ultimately increase employee confidence in the remuneration process and help employers identify new opportunities to increase female participation rates.

Monitoring the pay gap between men and women is crucial to ensuring everyone is fairly rewarded for their work and enjoys the same opportunities.

Greater transparency around the Gender Pay Gap can also enhance an employer's corporate reputation. By identifying those employers that are consistently and successfully ensuring that their female employees are rewarded equally provides an opportunity to recognise and disseminate good practise more effectively. It could also potentially attract more highly skilled applicants.

Transparency will also provide Government with evidence to inform and implement initiatives to further accelerate the narrowing of the Gender Pay Gap.

## 5. Draft Proposals for the Regulations

### 5.1 The Regulations

Subject to Northern Ireland Assembly approval, the regulations are to come into force in **early 2027**, although employers will not be expected to publish the required information immediately.

### 5.2 Section 19 of the Employment Act (NI) 2016

Section 19 of the Employment Act (NI) 2016 (**Annex A**) is the enabling power to make regulations that “require employers to publish 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 details of the methodology used to calculate any statistics contained in the information.” Definitions and interpretations for terminology used can be found at **Annex B**.

### 5.3 Summary of the Draft Regulations

#### Scope

The regulations will require employers, with **250** or more relevant employees within the **public, private and voluntary sector**, to publish their overall gender pay information. At June 2024 this represented approximately 345 employers in NI. Imposing a lower threshold may put additional and disproportionate financial burden on

smaller organisations and would bring into scope employers who might have difficulty in complying with confidentiality and data protection obligations in respect of individual employees.

#### Pay

To ensure comparability with the England, Scotland and Wales gender pay data, we have been consistent with the definition of pay used by ONS for the ASHE survey. The Regulations will clearly outline which elements of remuneration should and should not be captured in the gender pay and bonus gap calculations.

#### Calculating Gender Pay Gaps

The Regulations will require employers to calculate Gender Pay Gaps using data from a specific pay period (snapshot date) every year.

An April reference date largely avoids seasonal fluctuations in the workforce. This avoids the need for overly complex calculations to capture all those employed during a twelve-month period, including those individuals that get promoted or leave.

The Regulations will require employers to publish their overall mean **and** median Gender Pay Gaps as they are complementary indicators. As well as giving employers a better understanding of any pay gaps identified, this will facilitate comparisons with national and international figures:

- Reflecting the full earnings distribution, the mean can be useful because women are often over-represented at the low earning extreme and men over-represented at the high level extreme.
- By identifying the wage of the middle earner, the median is the best representation of the ‘typical’ difference as it is unaffected by a small amount of very high earners.

To generate average earnings figures unaffected by the number of hours worked, employers will need to calculate an hourly rate of pay for each relevant employee. This mirrors the accepted methodology used by ONS.

### **Gender Bonus Gap**

The Regulations will also require employers to publish their overall mean **and** median gender bonus gaps. The two figures complement each other, as together they provide greater transparency around the distribution of bonuses in an organisation.

- Employers will need to publish the difference between the mean bonus payments paid to men and women within their organisation. The ‘mean’ takes into account the full distribution of bonuses paid by an employer.
- Employers will also be required to publish the median bonus payments paid to men and women which represents the ‘typical’ difference because it identifies the bonus paid to the middle recipient.

This means that it is unaffected by a small number of employees receiving very small or very large bonuses.

Only those employees who receive bonuses should be included in the calculation. The regulations will provide clear guidance on how to comply with the gender bonus gap reporting requirements.

To supplement the gender bonus gap, the Regulations will require employers to publish the proportion of male and female employees that received a bonus. Awarded bonuses will be recorded on payroll systems and one of our policy aims is to highlight any differences in the bonuses paid to men and women.

### **Salary Quartiles**

Employers will be required to report on the number of men and women in each quartile of their pay distribution. Employers will calculate their own salary quartiles based on their overall hourly pay range. Employers should generate quartiles by dividing the workforce into four groups, each with an equal number of employees.

Quartiles split an ordered data into four equal groups, where each group contains a quarter of the data. The objective is to identify the numbers of women and men in each quarter by the overall pay distribution. This is straightforward to produce and will help employers consider where women and men are concentrated in terms of their remuneration.



This method is preferable to calculating each quartile by dividing the full salary range into four equal parts. Many organisations may employ a small number of very highly paid individuals who would distort the overall distribution, pushing the majority of the staff into the lowest quartile. Similarly, it is possible that one or two of the quartiles calculated on this basis may include no employees at all. As such, this information would have very limited meaning to employees considering the published information. The favoured methodology outlined here will better facilitate discussions around the gender balance within an organisation's pay hierarchy.

### **Standardised Methodology**

A standardised methodology for calculating the mean and median Gender Pay Gaps and the mean and median gender bonus gaps and salary quartiles can be found at **Annex C**.

### **Ethnicity and Disability**

These regulations will also require employers to publish information including statistics on workers within each pay band in relation to ethnicity and disability.

Whilst there is currently no legal obligation for employers to record an employee's ethnic origin, where this is available it should be recorded. Where the relevant employee has notified the employer of a disability, the employer should report on this also.

### **Action Plan**

Where differences exist in the pay of male and female employees, employers must publish an action plan to eliminate those differences. A copy of this action plan must be sent to all employees and any trade union recognised by the employer.

Given the disparity in Gender Pay Gaps between organisations and sectors, the variation in causes of the gap in individual organisations, and the different actions employers can take to address those causes, it is not possible to anticipate or define the scale or nature of any action plan an organisation may develop.

The Department does not intend to prescribe the content of action plans and cannot therefore anticipate the cost of production. Employers are however, encouraged to produce plans proportionate to the level of Gender Pay Gap within their respective organisations, which identify the reasons for differences in pay between their female and male workforce, and detail the actions to address causes within their control.

### **Form and Manner of Publication**

A consistent measure that can be compared across employers and sectors is an important step. To ensure comparability employers will be required to publish their Gender Pay Gap information in a format similar to the examples below:



<b>Median Pay</b>			
Men	Women	Difference	% Difference
£10.32	£8.23	£2.09	20.3%

<b>Mean Pay</b>			
Men	Women	Difference	% Difference
£13.10	£10.46	£2.64	20.2%

<b>Median Bonus Pay</b>			
Men	Women	Difference	% Difference
£2,741	£1,126	£1,615	58.9%

<b>Mean Bonus Pay</b>			
Men	Women	Difference	% Difference
£3,968	£1,882	£2,086	52.6%

<b>Proportion of Employees that Received Bonus Pay</b>			
	Total no. of employees	No. of employees that received a bonus	%
Men	400	100	25%
Women	200	10	5%

<b>Salary Quartile by Gender</b>		
Quartile	Women	Men
Upper (75-100%)	40%	60%
Upper middle (50%-75%)	45%	55%
Lower middle (25%-50%)	54%	46%
Lower (0-25%)	73%	27%

It is crucial that the required Gender Pay Gap information is produced in a comparable manner and is widely and easily accessible in order to facilitate transparency and scrutiny. We believe that online publication is the most effective way to make it available. The Regulations will require employers to publish their gender pay information on a searchable UK website that is accessible to employees and the public.

### **Frequency and Timing of Publication**

Section 19 of the Employment Act (NI) 2016 prescribes that the Regulations will require employers to, after the first publication of the information (April 2028), publish gender pay information at least every 36 months and no more frequently than every 12 months. We believe that it would be appropriate to publish this information **annually** as this will help demonstrate progress and transparency. Publishing this information annually will allow employers to take timely remedial action where a difference in gender pay exists whilst demonstrating to its employees and customers consistent efforts to promote workplace gender equality.

### **Implementation Costs**

The implementation of Section 19 will incur some costs for employers within its scope, including the analysis

and publication of information. The Department recognises that some employers may need to introduce new structures, systems or processes to conduct gender pay analyses and to publish relevant information. Employers will be given reasonable time to prepare before they are required to publish information for the first time. Guidance will be made available to employers before regulations are commenced.

The regulations will contribute to the overall objectives of increasing Gender Pay Gap transparency and driving action to reduce the gap, whilst not becoming disproportionately costly or onerous to employers.

### **Compliance**

As a requirement under Section 19, failure to comply with Gender Pay Gap reporting by employers will be subject to the compliance and enforcement arrangements contained within that Section.

### **Departmental Requirement**

The Regulations prescribe that we will consult with trade unions with a view to publishing a strategy which will include an action plan on eliminating the differences in the pay of male and female employees.

## 6. Consultation Questions

Please indicate whether you are responding as an:

- Employer with 250 or more employees
- Employer with less than 250 employees
- Member of the public (individual)
- On behalf of an organisation
- Other (please specify)

### **Scope:**

The Regulations for England, Scotland and Wales outline that employers with 250 or more employees fall within the scope of their Gender Pay Gap legislation and are required to complete a return.

### **Q 1. Do you agree that the threshold of 250 employees is also appropriate for Northern Ireland? If not, what do you think is an appropriate threshold?**

The current proposal considers that all employers who employ 250 employees or more (i.e. in the public, private and voluntary sectors) will fall within the scope of the legislation.

### **Q 2. Do you agree with this aspect of the legislation, i.e. the scope should include all sectors?**

### **Standardised Methodology:**

A standardised methodology for calculating gender pay information has been presented in Section 5.3 of the Consultation Document.

### **Q 3. Do you agree that this methodology should be used?**

### **Calculating the Gender Pay Gap:**

For the purposes of calculating the Gender Pay Gap we have relied on the ONS (Office of National Statistics) definition of calculating 'pay' as this allows for comparability with England, Scotland and Wales.

### **Q 4. Do you agree that we use the ONS (Office of National Statistics) definition of calculating 'pay'?**

In order to identify any Gender Pay Gap and / or gender bonus gap it is proposed that employers will report gender pay using both the mean and median figures.

### **Q 5. Do you agree with the proposal to use mean and median figures?**

### **Q 6. For employers that will be within the scope of these regulations, can you currently calculate Gender Pay Gap figures from your systems?**

It is proposed that employers, when undertaking gender pay calculations, draw information from a specific "snapshot date" of 5 April each year.

### **Q 7. Do you agree with the proposal to use this specified snapshot date when calculating gender pay information?**

**Form, Manner and Timing of publication:**

**Q 8. Do you think the regulations should specify where the employer publishes their Gender Pay Gap information – for example, a prominent place on their website? (If not on their website, where do you believe the information should be published and why?)**

**Q 9. Do you agree that the publication of Gender Pay Gap information will encourage employers to take action to close the Gender Pay Gap?**

It has been proposed in the Consultation Document that employers publish Gender Pay Gap information on an annual basis.

**Q 10. Do you agree that employers should publish this information on an annual basis?**

**Ethnicity and Disability:**

Section 19 of the Employment Act (Northern Ireland) 2016 stipulates that the information provided by employers on Gender Pay Gap, must include statistics on ethnicity and disability.

**Q 11. Do you have any comments on providing Gender Pay Gap information relating to a workers  
a) ethnicity and/or b) disability**

**Action Plan:**

Employers will be required to produce and publish an action plan setting out what actions they will take to eliminate gender pay differences within their organisations.

**Q 12. Do you agree that employers should produce and publish action plans?**

**Monitoring:**

In England, Scotland and Wales, enforcement powers fall within the remit of the Equality and Human Rights Commission (EHRC).

**Q13. In your opinion which body / organisation should be responsible for monitoring and enforcing the gender pay information that employer's will be expected to calculate and publish, in Northern Ireland?**

**Implementation Costs**

**Q 14. If you are an employer, what is your assessment of the costs to your business of conducting gender pay analysis and publishing the information?**

**Compliance:**

The requirements for the information to be signed off and published by employers are intended to ensure reliability of, and accountability for, the data and to identify for the public record those employers who have complied.

**Q 15. What sanctions, other than an offence, do you believe would be appropriate if an employer fails to comply with these regulations?**

**Q 16. Is there anything else you would like to add?**

# Annex A

## **Section 19 of the Employment Act (Northern Ireland) 2016**

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;

(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.

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

# Annex B

## Definition and Interpretations for Terminology

Relevant employer	An employer who has 250 or more employees on the snapshot date
Relevant employee	A person who is employed by the relevant employer on the snapshot date.
Snapshot date	Employers will be required to take a snapshot of employee data at a point in time. This date will be the 5 <sup>th</sup> April in the year to which the information required relates to and each subsequent anniversary of that date.
Piecework	The work in respect of which an employee is entitled to be paid by reference to a number of pieces made or processed, or a number of tasks performed, instead of by reference to a period of time worked.
Ordinary Pay	<p><b>Includes</b> the following:</p> <ul style="list-style-type: none"> <li>• Basic pay;</li> <li>• Allowances;</li> <li>• Pay for piecework;</li> <li>• Pay for leave</li> <li>• Shift premium pay</li> </ul> <p>Excludes the following:</p> <ul style="list-style-type: none"> <li>• Remuneration referable to overtime;</li> <li>• Remuneration referable to redundancy or termination of employment;</li> <li>• Remuneration in lieu of leave; or</li> <li>• Remuneration provided otherwise than in money</li> </ul>
Bonus Pay	<p>Any remuneration that;</p> <ul style="list-style-type: none"> <li>• Is in the form of money, vouchers, securities, securities options, or interests in securities;</li> <li>• Relates to profit sharing, productivity, performance, incentive or commission</li> </ul>
Pay Period	In relation to a relevant employee means the period in respect of which the relevant employer pays the employee basic pay, whether weekly, fortnightly, monthly or any other period and within which the snapshot date falls.
Piecework	The work in respect of which an employee is entitled to be paid by reference to a number of pieces made or processed, or a number of tasks performed, instead of by reference to a period of time worked.
Mean	This means the sum of all the values in a list divided by the number of values.
Median	This means the middle value in a list where the values are listed in numerical order, from lowest to highest.

# Annex C

## Methodology

### “hourly rate of pay”

The “hourly rate of pay”, in relation to a relevant employee, is to be determined as follows—

#### Step 1

Identify all amounts of ordinary pay and bonus pay paid to the employee during the relevant pay period.

#### Step 2

Where an amount identified under Step 1 is an amount of ordinary pay, exclude any amount that would normally fall to be paid in a different pay period.

#### Step 3

Where an amount identified under Step 1 is an amount of bonus pay, and is paid in respect of a period (“the bonus period”) which is not the same length as the relevant pay period, divide the amount by the length of the bonus period (in days) and multiply it by the length of the relevant pay period (in days).

#### Step 4

Add together the amounts identified under Step 1 (as adjusted, where necessary, under Steps 2 and 3).

#### Step 5

Multiply the amount found under Step 4 by the appropriate multiplier (see paragraphs (2) and (3)).

#### Step 6

Divide the amount found under Step 5 by the number of working hours in a week for the employee (see regulation 7).

In this regulation, “the appropriate multiplier” means 7 divided by the number of days in the relevant pay period.

In determining for the purposes of this regulation the number of days in the relevant pay period or bonus period where those periods are (or are determined by reference to) a month or a year—

a month is treated as having 30.44 days;

a year is treated as having 365.25 days



### **Difference in mean hourly rate of pay**

The difference between the mean hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees must be expressed as a percentage of the mean hourly rate of pay of male full-pay relevant employees and is to be determined as follows—

$$\frac{(A-B)}{A} \times 100$$

where—

A is the mean hourly rate of pay of all male full-pay relevant employees; and

B is the mean hourly rate of pay of all female full-pay relevant employees.

### **Difference in median hourly rate of pay**

The difference in median hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees must be expressed as a percentage of the median pay of male full-pay relevant employees and is to be determined as follows—

$$\frac{(A-B)}{A} \times 100$$

where—

A is the median hourly rate of pay of all male full-pay relevant employees; and

B is the median hourly rate of pay of all female full-pay relevant employees.

### **Difference in mean bonus pay**

The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees must be expressed as a percentage of the mean bonus pay to male relevant employees and is to be determined as follows—

$$\frac{(A-B)}{A} \times 100$$

where—

A is the mean bonus pay paid during the relevant period to male relevant employees who were paid bonus pay during that period; and

B is the mean bonus pay paid during the relevant period to female relevant employees who were paid bonus pay during that period.

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### **Difference in median bonus pay**

The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees must be expressed as a percentage of the median bonus pay paid to male relevant employees and is to be determined as follows—

$$\frac{(A-B)}{A} \times 100$$

where—

A is the median bonus pay paid during the relevant period to male relevant employees who were paid bonus pay during that period; and

B is the median bonus pay paid during the relevant period to female relevant employees who were paid bonus pay during that period.

### **Proportion of male and female employees who received bonus pay**

The proportion of male relevant employees who were paid bonus pay must be expressed as a percentage of male relevant employees and is to be determined as follows—

$$\frac{A}{B} \times 100$$

where—

A is the number of male relevant employees who were paid bonus pay during the relevant period; and

B is the number of male relevant employees.

The proportion of female relevant employees who were paid bonus pay must be expressed as a percentage of female relevant employees and is to be determined as follows—

$$\frac{A}{B} \times 100$$

where—

A is the number of female relevant employees who were paid bonus pay during the relevant period; and

B is the number of female relevant employees.

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### **Proportion of male and female employees according to quartile pay bands**

The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands is to be determined as follows.

#### **Step 1**

Determine the hourly rate of pay for each male and female full-pay relevant employee and then rank those employees in order from lowest paid to highest paid.

#### **Step 2**

Divide the employees, as ranked under Step 1, into four sections, each comprising (so far as possible) an equal number of employees, to determine the lower, lower middle, upper middle and upper quartile pay bands.

#### **Step 3**

The proportion of male full-pay relevant employees within each quartile pay band must be expressed as a percentage of the full-pay relevant employees within that band as follows—

$$\frac{A}{B} \times 100$$

where—

A is the number of male full-pay relevant employees in a quartile pay band; and

B is the number of full-pay relevant employees in that quartile pay band.

#### **Step 4**

The proportion of female full-pay relevant employees within each quartile pay band must be expressed as a percentage of the full-pay relevant employees within that band as follows—

$$\frac{A}{B} \times 100$$

where—

A is the number of female full-pay relevant employees in a quartile pay band; and

B is the number of full-pay relevant employees in that quartile pay band.

Where employees receiving the same hourly rate of pay fall within more than one quartile pay band, the employer must (so far as possible) ensure that, when ranking the employees under Step 1, the relative proportion of male and female employees receiving that rate of pay is the same in each of those pay bands.

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