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TO

Make provision for certain employers to be required to publish information about differences in pay relative to protected characteristics.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment to the Equality Act 2010

- (1) The Equality Act 2010 is amended as follows.
(2) After section 78 (gender pay gap information) insert—

“78A Workforce information

- (1) The Secretary of State must provide by regulations for employers to publish annually information relating to— 5
 (a) the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in pay between persons who differ in respect of particular protected characteristics; and 10
 (b) the total number and percentage of employees who disclose one or more protected characteristics.
- (2) Regulations made under subsection (1) must provide for information reported by employers to include disaggregated data for each of the protected characteristics. 15
- (3) This section does not apply to—
 (a) an employer who has fewer than 250 employees;
 (b) a person specified in Schedule 19 to the Equality Act 2010;
 (c) a government department or part of the armed forces not specified in that Schedule. 20
- (4) Regulations under this section may prescribe—
 (a) descriptions of employer;
 (b) descriptions of employee;

- (c) how to calculate the number of employees that an employer has;
 - (d) descriptions of information;
 - (e) the time at which information is to be published;
 - (f) the form and manner in which it is to be published. 5
- (5) Regulations under subsection (4)(e) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months.
- (6) Regulations under this section may make provision for a failure to comply with the regulations— 10
 - (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale; or
 - (b) to be enforced by the Equality and Human Rights Commission under sections 20 to 32 of the Equality Act 2006 as if regulations under this Act were provisions of that Act. 15
- (7) Reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.
- (8) Regulations under this section must be made by the Secretary of State before the end of the period of one year beginning with the day on which this Act comes into force.” 20
- (3) In section 208 (ministers of the Crown, etc.), after subsection (5)(b) insert—
 - “(ba) regulations under section 78A (workforce information);”

2 Public consultation

- (1) Before making regulations under section 78A of the Equality Act 2010, the Secretary of State must carry out a public consultation on what provision should be made with persons listed in subsection (2). 25
- (2) For the purposes of subsection (1), the Secretary of State must consult—
 - (a) charities and non-governmental organisations which represent groups with particular protected characteristics;
 - (b) the Office for National Statistics; 30
 - (c) business representative organisations and professional bodies;
 and other persons the Secretary of State considers appropriate.
- (3) The Secretary of State must begin the consultation within two months of this Act coming into force and the consultation must be completed within six months of its beginning. 35

3 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Workforce Information Act 2020.

Workforce Information Bill [HL]

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Lord Shinkwin

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