DIFFERENT BUT EQUAL

Equal value: a guide to comparing jobs

FACTORS TO CONSIDER

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CONTENTS

INTRODUCTION

In 2002, the Equal Opportunities Commission published the *'Equal Pay Review Kit'*, giving guidance to employers on good equal pay practice. A guide to accompany it for small businesses, *'Equal Pay, Fair Pay'*, was produced in 2003, in CD-ROM format. The kit recommends that employers carry out a pay review, by taking five steps to ensure that pay rates in their organisations are fair and equal. One of the most important steps in the process is to identify where men and women are doing jobs which are the same or of equal value, that is those involving similar levels of skill and knowledge. While the EOC *'Equal Pay Review Kit'* and *'Equal Pay, Fair Pay'* provide some guidance for small employers on how to determine whether or not a man and a woman are doing jobs which are of equal value, we recognise that small businesses in particular find it difficult to assess whether or not two jobs, while very different in the tasks performed, are of equal worth in relation to the levels of skill and knowledge. Consequently, we have produced this guide, which will help even the smallest business to assess whether or not their staff are receiving equal pay.

All employers are required by law to pay men and women the same rates of pay where they are doing the same job or a job which is of equal value. The Equal Pay Act does not define what is meant by the term "equal value" but the Act generally refers to it being determined by considering the demands made by jobs in terms of effort, skill and decision. "Demands" are essentially the inputs into a job with regard to achieving an expected output. Job evaluation methods are designed to measure the demands of

the job that focus on the job not the jobholder. However, care must be taken to ensure that the demands are considered fairly and consistently when estimating "equal value".

While we recommend that employers carry out an analytical job evaluation exercise, we recognise that for many small businesses that will not be possible. This guide provides some assistance with approximating whether organisations have jobs that could be considered to be equal in value. However, it is by no means a comprehensive system of establishing equal value between two jobs. Only those organisations which have carried out a valid robust analytical job evaluation exercise, free from sex bias, will be able to rely on it as an absolute defence to an equal value claim.

The guidance recommended in this document should not be considered as a defence to equal value claims since it is not designed for particular jobs. It should, however, be used for establishing whether there are reasonable grounds for further investigation, and if you act on the findings, should give you confidence that you are going some way to meeting your obligations under the Equal Pay Act.

This guide does require the person using it to be familiar with the jobs in an organisation and to discuss the jobs being considered with relevant jobholders.

When assessing whether or not two jobs are of equal value, care must be taken to ensure that traditional assumptions about the value attributed to work predominantly carried out by women do not operate to undervalue the jobs done by women. For example, care must be taken to ensure that "mental concentration" or "manual dexterity" in a woman's job is not underrated when compared with "physical effort" in a man's job. Further, you must ensure that all the demands involved in both of the jobs being compared are included in the assessment, and you do not unwittingly leave out skills involved in the job undertaken by the woman, for example caring skills are often overlooked. Further guidance in avoiding sex bias in your assessment can be found in the EOC's Good Practice Guide - Job Evaluation Schemes Free of Sex Bias which is available on at www.eoc.org.uk and which we recommend you read as an accompaniment to this guide.

PRACTICAL GUIDE

The most straightforward way of working out whether two jobs may be approximately equal in value is to undertake what is known as a 'factor comparison exercise'. A factor comparison exercise first establishes the factors that are present within the jobs.

This is a general guide and is not intended for any particular organisation. However, this exercise will provide you with an understanding of the generic factors that can either be used directly or may be adjusted by you for your own organisation. In either case, this exercise will only provide the organisation with an approximate picture of the demands of the job, so that remedial steps can be taken if necessary.

THE METHOD

The legislation does not make direct reference to the term 'factors'. The Equal Pay Act refers to headings such as skill, effort and decision-making, and although these three factors are not compulsory, the legislation gives a clear indication that these factors should be used to determine equal pay between different jobs. Factors are normally discrete demands found in a job or a range of jobs. Most factors within job evaluation schemes fall within the generic headings of knowledge, skills, responsibility, effort and working conditions but they do not necessarily have the same names, nor fall neatly within five factors. For the purposes of this exercise, however, these generic headings will be used.

In a factor comparison exercise, evaluations can be made for each factor between each of the jobs. You will need to decide whether one job is more demanding, equally demanding or less demanding in each factor than the other. For ease, we have attributed a simple points system to each of these answers as follows.

For example, under the factor Knowledge, job A is more demanding than job B.

IS JOB A -	PLEASE TICK ONE ONLY	SCORE
MORE DEMANDING THAN JOB B OR	✓	+1
EQUALLY DEMANDING AS B OR		0
LESS DEMANDING THAN B?		-1

In making this decision, you are not looking for two jobs to be the mirror image of each other before they can be considered equally demanding. However, different descriptors should assist to guide you as to what might be considered different generally.

If, however, in comparing the two aspects of the jobs you find that there is a substantial difference between them you may wish to indicate this with a higher number to reflect the scale of difference. If you do this you should note down why this is so.

When the comparisons have been made for each of the factors, you can then examine the profile of different jobs as set out in the workbook that accompanies this guide (see 'Workbook for Comparing Jobs').

Before a decision can be made under each factor, you must first take each job in turn and think about the job requirements under the different headings. The following pages provide some notes for consideration when examining each of the jobs. Before you make any comparisons, it is worth discussing the different demands with experienced jobholders. Remember to focus on the needs of the job and not on the person who is undertaking the job.

Where jobs change over time, try to focus on what is required over a number of cycles or changes. Comparing two jobs, using job evaluation methods, does not need to be restrictive and inflexible. Be careful to treat both jobs the same in terms of the relevant period for consideration.

NOW MOVE ON TO THE EXERCISE OF COMPARING TWO JOBS

The following pages will provide guidance under each of the factor headings.

Use the accompanying booklet ('Workbook for Comparing Jobs') to make a note of the nature of the demands of each job.

Further copies of this workbook can be downloaded from www.closethegap.org.uk.

PRELIMINARY QUESTIONS

Before you begin the comparison proper you first need to ask yourself a number of questions about the payment system within your organisation.

Is payment based on individual rates, taking account of both the nature of the job and the person's performance in the job?

NO If the answer is solely on the nature of the job then you can use an analytical approach to weighing up the different demands of the job to see whether the jobs are similar in their demands.

YES If the answer is yes, then you need to work out what proportion of the pay is job related. Once you have done this then you can use the same method described below to determine the job related aspects of pay.

Does your organisation have "spot" salaries or "grouped" salaries which form a pay band or grade?

The answer does not make a difference to the method of determining whether two jobs should be equal but it may make a difference in how the results are interpreted. For example, if after taking account of performance no two jobs are paid the same in your organisation you are paying "spot" rates and you would expect a high degree of similarity in your results before considering the jobs equal. If on the other hand there are jobs that are paid the same within your organisation, although they may be different, then you are likely to consider a wider set of results for comparison.

SKILLS

There are a number of headings to consider when examining the skills required for particular jobs. In this section, we will specifically look at communication skills and physical skills.

COMMUNICATION SKILLS

Consideration should be given to the nature of communication and the interpersonal skills required to carry out the job role effectively. Take into consideration the nature and purpose of the communication but do not assess the responsibility of the communication. This should be assessed under the responsibility factor that we will discuss in the next section.

ASK YOURSELF

IS THE JOB HOLDER REQUIRED TO

- Act courteously during the course of employment
- Give or receive factual information either in writing or verbally where the request or use of the information is precise, *for example inform a customer the time of the next available appointment where appointments are clearly marked in a book*
- Give or receive factual information that requires a degree of translation, *for example give instruction on routine matters*
- Give factual information in communications to influence an outcome, *for example informing a customer / client of a special offer*
- Give factual information in communications to influence an outcome where in general the information is unwelcome *for example informing someone of consequences if a particular path is not followed*
- Give views / opinions in communications to influence an outcome *for example persuade someone of a point of view where there is no authority in the relationship*

Consideration should also be given to other elements that may influence the communications, such as conditions in which the job holder works that may influence the difficulty in carrying out the communications.

- THE NATURE OF THE CUSTOMER / CLIENT

  For example, giving or receiving factual information either in writing or verbally may be made more difficult where the questioner does not speak the language so although the request is precise, the meaning of the request is not clear

  OR

- Giving factual information in communications to influence an outcome may be more difficult if the information is being given to someone who is confused or otherwise unable to understand. Barriers to communication should always be taken into consideration

  THE NATURE OF THE COMMUNICATION

  For example, the communication may be more complex; having numerous influencing factors that require demonstration and explanation, or sensitive due to the nature of confidentiality and the personal circumstances of the communication; for example, embarrassing through to devastating

PHYSICAL SKILL

The following should be considered but not taken as an exhaustive list of the physical skills that are required in jobs.

FINE CO-ORDINATION OF FINGERS

Often described as dexterity, it may be more demanding the smaller the item, speed, accuracy and / or working in an area where there are obstacles making something more difficult to manipulate

GROSS CO-ORDINATION OF BODY OR LIMBS

Which generally combines with use of the senses such as sight and / or hearing for example driving at speed can require quick co-ordination of limbs and sight

FINGER TIP SENSORY PERCEPTION

For example feeling for pulse before taking bloods or reading braille

BALANCE WORKING AT HEIGHTS

RESPONSIBILITY

Each job has a degree of responsibility or accountability within it but some more so than others. This factor attempts to differentiate between jobs in terms of the nature and level of responsibilities in practice.

The nature of the responsibilities / accountabilities generally fall into a number of different categories. Here they will be considered first in terms of resources available to the organisation, and secondly in terms of the accountability of impact on external resources through customers, clients, etc.

INTERNAL RESOURCES

THE RANGE OF INTERNAL RESOURCES CAN INCLUDE

- Finances - *for example, in terms of investing and allocating internal resources and reducing costs*
- Machinery and equipment - *for example, in terms of maintenance, use of and determining use of*
- Facilities and buildings - *for example, in terms of securing buildings, maintaining buildings and infrastructure*
- Staff and contractors - *for example, in allocating work, checking work, developing staff, maintaining the health and safety of staff and / or contractors*
- Information - *for example, in terms of keeping records / information, transferring information, securing*

In determining which job is more demanding with regards to responsibility for resources the answers to the following questions need to be considered -

WHAT IS THE NATURE OF THE RESPONSIBILITY / ACCOUNTABILITY? – IS IT

- Carrying out specified tasks? *for example, locking up, operating machinery / equipment, measuring or weighing products, counting money, entering / transferring data*
- Exercising judgment or making decisions within existing guidelines / procedures limits / budgets? *for example, deciding who members of a team should be, selecting appropriate machinery / equipment for purchase, developing procedures from good practice, planning work schedules*

- Carrying out duties which are more general in nature? *for example, composing letters, preparing reports*
- Designing systems / processes / products / services from guidelines / procedures? *for example, design a new filing system for other users, writing code to create a new software programme, designing new workflow processes*
- Creating new systems / products / services

WHAT ARE THE POSSIBLE AND PROBABLE CONSEQUENCES OF ACTIONS / INACTIONS? IN ANSWERING THIS YOU MAY WISH TO CONSIDER

- How frequently are checks made?
- What proportion of resources are being considered?
- What is the nature and impact of possible errors?

EXTERNAL RESOURCES

THE RANGE OF WHICH MIGHT INCLUDE

- Provision of services to clients or potential clients - *for example responsibility in ascertaining the needs of the client, meeting the needs of the client, consoling a client, providing designs to meet client demands, providing effective training to clients*
- Provision of goods / products for customers / clients to meet client needs in terms of time and nature
- Obtaining sales or other income from contracts etc., which meet business needs

NOTE: we are using the term 'client' here but this could refer to customer, consumer, patient, buyer, user, etc.

In determining which job is more demanding with regard to responsibility for resources the answers to the following questions need to be considered -

- WHAT IS THE NATURE OF THE RESPONSIBILITY ACCOUNTABILITY? IS IT
  - Carrying out specified tasks, *for example, taking or placing telephone orders*
  - Carrying out general duties, *for example, responding to customer complaints*
  - Exercising judgment or making decisions within existing guidelines / procedures / limits / budgets, *for example, determining discounts on pricing, deciding on which bids to make, or clients to take on*
  - Creating new designs, *for example, designing new computer games, architectural plans*
- WHAT ARE THE POSSIBLE AND PROBABLE CONSEQUENCES OF ACTIONS / INACTIONS? IN ANSWERING THIS YOU MAY WISH TO CONSIDER
  - How frequently are checks made?
  - What proportion of resources are being considered?
  - What is the nature and impact of possible errors?

KNOWLEDGE

The difficulties in determining appropriate knowledge for consideration should not be underestimated. Thought should be given to the different aspects of knowledge. You should not rely solely on the nature of qualifications that a person requires to get a job. Think about the nature of the knowledge that is actually used in the job. Do not be swayed by whether the knowledge has been acquired formally or informally, for example, by work experience or by gaining formal qualifications.

RANGE OF KNOWLEDGE

THINK ABOUT THE JOB REQUIREMENTS TO USE

- literacy and numeracy *at different levels, for example: to read, spell, compose, translate interpret, to add / subtract, understand multiple regression, categorise, undertake analysis*
- priorities and planning work *within different parameters*
- company administrative procedures including health and safety procedures *at different levels, for example: memorise, recite, describe, apply*
- company policies *at different levels, for example: memorise, recite, apply*
- occupational knowledge which may include
    - machinery, equipment (including computers) and tools *at different levels for example – operate, application and / or performance, maintain, repair*
    - rules and / or procedures *at different levels for example memorise, recite, apply*
    - principles
    - concepts and theories
- context and variables affecting the work
- context and variables affecting the work of others

DEPTH OF KNOWLEDGE / MENTAL SKILLS

Consideration should be given here to the nature of the manipulation of knowledge required for the job; this is in terms of the mental skill and depth of knowledge required. The depth of knowledge ranges considerably from “shallow” to “deep” and the level of knowledge required will depend on the nature of what has to be known and the application intended for the work. For example, machines vary in their complexity. Consider, for example, the difference between a simple calculator to translate currencies and a computer - they are both machines but one is more complex to master than another. In determining the level of understanding required for a computer, you would need to know what the computer is being used for. Is it being used simply to input data into a menu driven system, or to manage a database with multiple variables and uses? Thus the level of knowledge and understanding required will depend on the application.

ASK YOURSELF

IS THE KNOWLEDGE ONE OF A REQUIREMENT TO KNOW SPECIFIC FACTS?

For example, to recall of specific information, to know particular terminologies, repeat specific facts / information, to answer specific queries etc. Jobs that require this type of knowledge often follow simple routines and where judgement is generally limited to following set procedures that are known and clear.

This may be more demanding where the range of knowledge required is greater or where the level of detail is greater. It may also be more demanding where the knowledge needs to be recalled at short notice and referencing is difficult or less efficient.

IS THE REQUIRED KNOWLEDGE DEALING WITH SPECIFICS?

For example organising and planning that perhaps requires the use of conventions, patterns, trends, sequences, classifications and / or categories. For example, organising events, repairing machinery by following procedures.

This may be more demanding where factors or priorities are conflicting.

IS THE REQUIRED KNOWLEDGE CONCEPTUAL IN NATURE, TO ENABLE CRITICAL EVALUATION OR APPLY IN DESIGN?

For example, is the job likely to require judgement and / or problem solving but generally follow rules, although these may not always be simple to translate. Is the job likely to require designing or creating new methods or procedures based on good practice.

This is again likely to be more demanding where factors or priorities are conflicting.

IS THE REQUIRED KNOWLEDGE THEORETICAL IN NATURE, TO GUIDE WORK PRACTICES WHERE GUIDANCE IS UNAVAILABLE?

For example, using higher level of abstraction, generalisation and complexity, such as; in designing research, testing theories, designing new machines. Jobs are likely to require making complex judgments where little guidance is available through past practice internally or externally to the organisation.

KNOWLEDGE DEVELOPMENT

Most work requires an element of updating of knowledge and understanding relating to the above types of knowledge. In some circumstances it might be necessary to reward those areas where updates are constant, or knowledge development is continual. In general if this is required, the depth of knowledge that needs updating should be considered.

EFFORT

There are two aspects to effort that may require consideration when examining the effort required in particular jobs. In this section, we will look specifically at mental effort and physical effort.

MENTAL EFFORT

In considering mental effort you should consider the demands of the job which may result in mental fatigue. In other words, how much of the job requires concentration and the nature of that concentration.

SO, FOR EXAMPLE, CONSIDER

VISUAL CONCENTRATION

Think about the time and the way in which the job demands alertness, and the degree and frequency of concentration required where a visual checking function is needed. Think about where the check is performed at speeds imposed by equipment or targets and also the level of detail or scale of movement or distinction that is being studied.

AURAL CONCENTRATION

Think about the attention and alertness, degree and frequency of concentration needed to listen to, and respond to, equipment or machine produced sounds when machine minding, or listening to others when operating a telephone switchboard.

MENTAL CONCENTRATION

Think about the degree of concentration required for the job, whether it is for problem solving, creative effort or emotional effort. Think about the demand for the job to portray a “face” to the public. This need not be face to face but can be over the telephone. This is particularly important for consideration where jobs are required to maintain the image of the organisation to others and include the effort involved in managing or controlling emotions at work.

FOR EACH OF THE OPPOSITE TYPES OF CONCENTRATION CONSIDER WHICH IS MORE DEMANDING

IN DOING SO THINK ABOUT THE LEVELS OF

- Frequency and length of time taken in the tasks being considered
- Intensity or complication or requirement for fine detail in the tasks
- Repetitiveness and monotony involved
- Requirement for accuracy and precision

ALSO THINK ABOUT WHETHER THE JOB REQUIRES

- Maintaining concentration on several things at the same time
- Maintaining concentration while shifting from one task to another
- Maintaining concentration in distracting circumstances

PHYSICAL EFFORT

It is important when considering the physical effort involved in the jobs that both efforts required for 'explosive effort' and 'stamina' are given equal consideration. This element takes into consideration those parts of the job that at the end of a day lead to physical fatigue. In doing so, it is essential to ensure that tasks are being performed within health and safety guidelines.

CONSIDER THE FREQUENCY AND TIME SPENT ON TASKS THAT REQUIRE

EXPLOSIVE EFFORT

For example, personally lifting or moving loads taking into consideration the weight itself and any assistance given by machinery or others. Consider whether the loads are bulky or unwieldy and / or difficult to grasp.

STAMINA

For example, amount of standing, walking, making or maintaining awkward positions with the body, operation of office machines or equipment, repeated fine muscle movements, such as those now being described as "keyboarding" (word processing). Remember, here you are not assessing the skill but the effort required in this work.

It is also important to consider the extent to which the effort required is imposed by the processes of the job or whether the jobholder can determine their own pace of work.

WORKING CONDITIONS

There are aspects of working conditions that require consideration. In this section, we will look specifically at risks and unpleasant conditions that place demands on the workplace environment and employees.

RISKS

Under this heading, you should consider demands related to adverse features of the work environment, which expose the employee to risk of physical harm or discomfort. This should be done with the understanding that -

- Most of these features are known to management and employees, and are covered by risk assessments.
- Training in safe working practices has been provided to reduce the level of risk.
- Protective clothing and equipment are provided to reduce the level of risk.

It is recognised that there remains a residual exposure of risk, which should be reflected in any assessment of the worth of jobs.

Consideration should be given to differences in the number and nature of risks, frequency of exposure, and probability and severity of the outcomes, which may arise from exposure to risk. There are potential health "hazards" arising from the increasing use of computers, for example, Repetitive Strain Injury (RSI) associated with intensive data input, more usually work performed by women. Concerns about back pain related to posture are also being raised and with it a challenge to the assumption that a "sitting down" job automatically rates less than one that involves standing.

UNPLEASANT CONDITIONS

Here consideration is given to the unavoidable surroundings or physical conditions under which the job is undertaken and the extent to which they make the job disagreeable or difficult. Care must be given not to place more emphasis on unpleasant conditions traditionally associated with industrial work such as "exposure to noise, dust, dirt, wet, heat, etc" without acknowledgement to working conditions which may be associated more with work traditionally carried out by women such as monotony, exposure to trauma or distress of, and from, others.

CONCLUSION

We hope that this short guide has provided you and your staff with an understanding of equal value and how quite different jobs in your organisation may be compared and paid equally.

Further information and advice can be found at -

www.closethegap.org.uk

www.eoc.org.uk

www.acas.org.uk

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close the gap

Women. Men. Different. Equal.
Equal Opportunities Commission Scotland

Equal

Europe and Scotland
Making it work together

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