

Answering questions

An employee or worker might use a question and answer process if they believe they're not getting equal pay or equal terms and conditions.

They might send you a statement by email or letter to explain what happened and ask questions. They might ask their trade union representative to send the statement on their behalf.

As an employer, you should take any complaint seriously. You should follow these steps if an employee, worker or their trade union representative sends you a statement.

By law you do not have to answer their questions about equal pay and terms and conditions. However, you should do so to try to resolve the problem and avoid possible legal action.

If the employee or worker makes a claim to an employment tribunal, the judge might use your answers as evidence. If you did not provide a response, the tribunal might also take that into account.

Step 1: Read and investigate the person's statement and questions

Read the person's statement. This will probably include:

- a description of what's happened to them
- why they think they've been discriminated against by not getting equal pay or equal terms and conditions
- any questions they have

Get as much information as you reasonably can. For example, you might need to carry out a [workplace investigation](#).

Step 2: Decide if the work is equal

Decide if you agree, partially agree or disagree that the work is:

- 'like work' – work where the job and skills are the same or similar
- 'work rated as equivalent' – work that's found to be equivalent, usually using a job evaluation process
- 'work of equal value' – work that is not similar but is of equal value

If you disagree because you believe there is an 'objective justification' for the pay difference, you must explain how both of the following apply:

- there's a good business reason behind the discrimination
- the discrimination is 'proportionate, appropriate and necessary' – this means the business need is more important than any discriminatory impact on affected employees

Financial reasons alone are unlikely to justify discrimination.

[Find out more about objective justification](#)

Explaining your decision

If you agree you have not provided equal pay or equal terms and conditions, tell the employee or worker and explain what steps you're taking to put this right. This might include reviewing their pay package to resolve any unintended discrimination.

If you disagree because there are 'material factors' (special circumstances) which justify differences in pay or other terms and conditions, you need to explain these. For example, if staff work in different parts of the country, or if you need to match the market rate to recruit or retain staff for specific jobs.

If you're not sure about whether the pay difference may be justified, it's a good idea to [get legal advice](#).

Find out more about:

- [equal pay and the law](#)
- [using protected characteristics to make decisions](#)

Step 3: Respond to the employee or worker

Consider the information you have found out through your investigation and answer all of the questions, sharing as much information as you can.

Reply as soon as possible to the request. If you cannot meet a deadline set by the person, let them know and agree on an alternative date.

You should send your response back to the employee or worker in the way they requested it, for example by email, letter or through their trade union representative. You can also have a meeting with them to go through your response if they want to.

If you do not understand the person's questions, ask them for more information.

If you decide not to answer a question, explain why.

If the employee or worker has asked you to provide statistics or policies, you should give them as much information as you can. For example they might ask you to provide:

- information on the percentages of men and women in the workforce
- copies of recruitment or equality and diversity policies

Sharing sensitive or confidential information

Where the information is considered to be commercially sensitive or confidential present the answer in a way that does not identify the people involved.

Explain your reasons if you're unable to give this information. For example, you can only provide confidential information with the consent of the person involved, or because of a legal duty. Make sure you follow data protection law (UK GDPR).

Get more advice and support

If you need help with an equal pay issue you can:

- [contact the Acas helpline](#)
- [get legal advice](#)