



## Equality Act 2010: Equality of Terms

### *The Complainant's Questions to the Employer*

- **Please read the Guidance Notes before completing this form** (these can be found on the Government Equalities Office website: [www.equalities.gov.uk](http://www.equalities.gov.uk)). You may find it helpful to prepare what you want to say on a separate piece of paper.
- If you do not have enough space on the form then continue on an additional piece of paper which should be attached to the form and sent to the employer.

**1.** Enter the name of the person to be questioned (the employer)

**To:**

Enter the employer's address of

**2.** Enter your name (you are the complainant)

**I**

Enter your address of


**think that I may not have received equality of terms in accordance with the Equality Act 2010 for the following reasons:**

*Please give a short summary in the box below of why you believe that you have not been treated equally in matters of pay or other terms of your contract of employment. You may find it helpful to complete this summary after you have completed the rest of your questions form and are clear who you are comparing yourself with, and what your claim is about.*

*The concept of "equality of terms" includes both your pay and other terms and conditions of your contract of employment. To claim equality of terms, you should have reason to believe that a person of the opposite sex is being treated more favourably for doing "equal work".*

You can find further help and advice on equality of terms from the Equality and Human Rights Commission at: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the complainant to write their questions to the employer.

**3.** Please give the name(s), if possible, of the person or persons with whom equality of terms is being claimed. These are referred to as your “comparators”.

Please provide details of their work location and job titles to help your employer to identify them, especially if you do not know their names.

In order to bring a claim you must compare yourself with a person of the opposite sex who is doing “equal work”.

See the Guidance Notes for further information about comparators.

**4.** In this form the term “equal work” is used to describe work that is the same or broadly similar (known as “like work”); work rated as equivalent under a job evaluation study; or work of equal value.

**My questions to you are:**

**4(1).**

See the Guidance Notes for further details of what is meant by these expressions. You may also wish to indicate over what time period you think your comparator has received more favourable terms than you.

You may wish to specify what element(s) of your pay and benefits package you feel are not equal to that of your comparator, for example, a lower weekly salary or annual salary, no bonus payments, fewer days holiday etc.

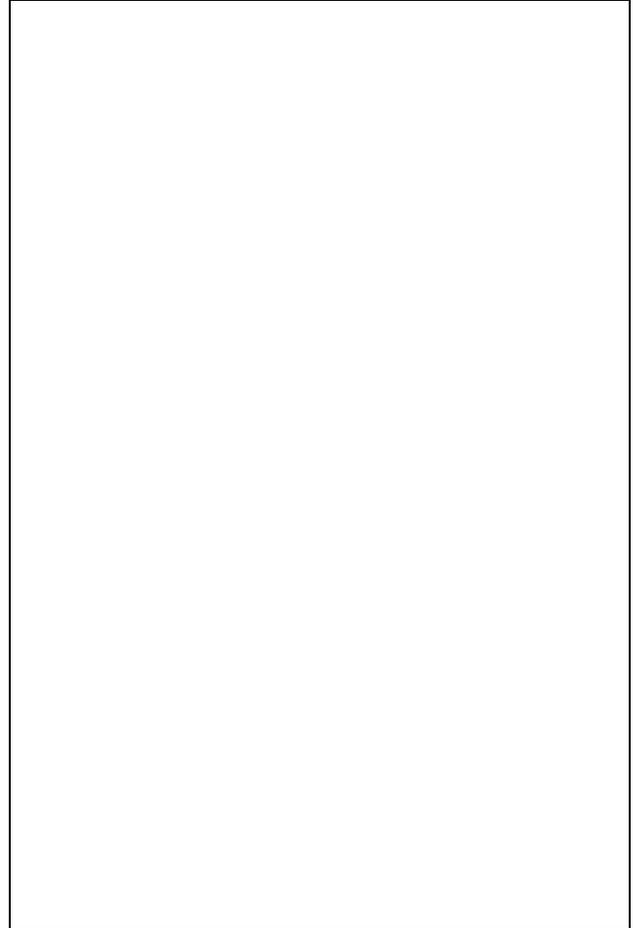
**I am claiming equality of terms with the following comparator(s):**

**The Equality Act 2010 requires equality of terms between men and women where they are employed on equal work which comprises like work, work rated as equivalent, or work of equal value.**

**Do you agree that I have not received equality of terms in accordance with the Equality Act 2010?**

*(if appropriate, further details are provided below)*

*See Part 2 (paragraph 2 and 3) of the Guidance Notes for further information about comparing your pay and benefits package.*



**4(2)**

**Do you agree that my work is equal to that of my comparator(s)?**

**4(3)**

**If you do not agree that I am doing equal work, please explain why you disagree.**

**4(4)**

**Do you agree that I have received less favourable pay or other contractual terms than my comparator(s)?**

**4(5)**

**If you agree that I have received less favourable pay or other contractual terms, please explain the reason(s) for this difference.**

**4(6)**

**If you do not agree that I have received less favourable pay or other contractual terms than my comparator(s), please explain why you disagree**

**5.**

*Question 5 provides you (the complainant) with the opportunity to ask any other relevant questions you think may be important. For example, you may want to know:*

- *details of how pay is determined for you and your comparator(s) within the organisation e.g. how starting salaries are set; how the pay system is structured; job grading systems or how skills and experience are reflected in the pay system;*
- *information relating to the pay and benefits package of you and your comparator(s) e.g. basic pay, benefits such as company car, private health insurance and occupational pension;*
- *whether your employer thinks there are significant differences between your duties and those of your comparator(s);*
- *details of the duties (e.g. job description and person specification) of your post and the post(s) of your comparator(s);*
- *whether the organisation has an equal opportunities policy and what steps have been taken to implement the Equality and Human Rights Commission's Code of Practice on Equal Pay?*

**Please answer the following relevant questions (if necessary use a separate piece of paper):**

6.

Please send your answers to the following address if different from my home address on page 2.

Address (if appropriate)

*Insert the address you want the reply to be sent to if different from your home address on page 2.*

*This form must be signed and dated. If it is to be signed on behalf of (rather than by) the complainant, the person signing should:*

- *describe himself/herself e.g. 'solicitor acting for (name of complainant)'; and*
- *give their name and business address (or home address, if appropriate).*

**Signed**

**Date**


**Your employer does not have to answer your questions. But by virtue of section 138 of the Equality Act 2010, these questions and any answers are admissible as evidence in proceedings under the Act and a tribunal may draw an inference from a failure to reply within 8 weeks or from an evasive or equivocal answer.**

## **How to serve the questions on your employer**

- We strongly advise you to keep a copy of the completed form in a safe place.
- Send the person to be questioned your completed questions form and a blank answers forms (i.e. whole of this document), and the guidance, either to their usual last known residence or place of business or, if you know they are acting through a solicitor, to that address.
- If your questions are directed to a limited company or other corporate body, or a trade union or employers' association, you should send the papers to the secretary or clerk at the registered or principal office. You should be able to find out where this is by enquiring at your public library. However, if you are unable to do so you will have to send the papers to the place where you think it is most likely they will reach the secretary or clerk. It is your responsibility, however, to see that the organisation's secretary or clerk receives the documents.
- You can either deliver the documents in person or send them by post, fax or e-mail. If you decide to send them by post you are advised to use first class post. You can use the recorded delivery service, so that, if necessary, you can produce evidence that they were delivered.
- If you decide to send the documents by email or fax you are advised to do what you can to ensure the documents are delivered, for example, requesting a "read" receipt on emails or checking the fax delivery status.
- Whatever method you choose to send them, you should make clear that the forms may require action.



3. Complete as appropriate

Set out below are my answers to your questions: \* Please delete as required.

4(1).

I agree/ do not agree \* that you have not received equality of terms in accordance with the Equality Act 2010.

4(2).

I agree/ do not agree \* that you are doing work equal to that of your comparator(s).

4(3).

If you **do not agree** that the complainant's work is equal to that of his or comparator(s), you should explain why you disagree.

We advise you to look at the Guidance Notes for information on "equal work".

I do not agree that you are doing work equal to that of your comparator(s), for the following reason(s).

4(4).

If you agree please complete 4(5) below: if you do not agree, please complete 4(6).

I agree/ do not agree \* that you have received less favourable pay or other contractual terms than your comparator(s).

**4(5).**

*If you agree, you should explain the reasons for any difference in pay or other terms.*

*The concept of “equality of terms” includes both pay and other terms and conditions of the contract of employment. If the complainant and her or his comparator are doing “equal work”, it is up to you to show that the difference in pay is genuinely due to a factor other than the difference in sex.*

*The Guidance Notes include further information about the material factor defence.*

*If you think the defence of material factor applies, please provide details of any such factors and an explanation of why you think the defence applies.*

*If the complainant has identified particular elements of their pay or benefits package (e.g. not receiving a bonus or a company car) that they think are unequal, you should also address these specific elements in your response.*

**I agree that you have received less favourable pay or other contractual terms than your comparator(s). The reasons for this difference are set out below.**

**4(6).**

*If you **do not agree** with the complainant's statement, you should explain why you disagree.*

*To answer the question you will need to know:*

- *What is included within the concept of equality of terms;*
- *in what situations the Act makes less favourable pay and other contractual terms unlawful; and*
- *what defence the Act provides to an employer.*

*See the Guidance Notes for further information.*

**5.** *If the complainant has asked any additional questions at 5 you should answer them here.*

**6.** *Delete the whole of this sentence if you have answered all the questions in the complainant's question form.*

*If you are unable or unwilling to answer some or all of the questions, please tick the appropriate box, identify the unanswered questions and give your reasons for not answering them.*

**I do not agree that you have received less favourable pay or other contractual terms than your comparator(s), for the following reason(s).**

**I have not answered the questions identified in the box below because I am**

- unable**
- unwilling**

**to do so for the reasons given.**

Reason(s):

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**7. The answers form must be signed and dated. If it is to be signed on behalf of (rather than by) the employer, the person signing should:**

- describe himself/herself e.g. 'solicitor acting for (name of employer)' or 'personnel manager of (name of firm, government department etc)'; and
- give his/her name and business address (or home address if appropriate).

<b>Signed</b>	<b>Date</b>
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<b>Description and Address (if appropriate)</b>
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**Please note:**

**You (the employer) do not have to answer the complainant's questions. However, if you do not answer within 8 weeks, or answer in an evasive or equivocal way an employment tribunal may draw an inference from this.**

### **How to serve the answers form on the complainant**

- If you wish to reply to the questions form, you should do so within 8 weeks of receiving this form.
- You should retain, and keep in a safe place, the questions sent to you and a copy of your answers.
- You can serve the answers form either by delivering it in person to the complainant or by sending it by post.
- If you decide to send it by post you are advised to use first class post. You can use the recorded delivery service, so that, if necessary, you can produce evidence that the answers were delivered.
- You should send the answers form to the address indicated in the complainant's question form.
- If you decide to send the documents by email or fax you are advised to do what you can to ensure the documents are delivered, for example, requesting a "read" receipt on emails or checking the fax delivery status.