Unite the Union

Unite is the UK and Ireland's largest private & public sector trade union, with over 1 million members across all sectors of the economy, including health, transport, manufacturing, financial services, food and agriculture, information technology, service industries, construction, energy and utilities, local government and the not-for-profit sector. Unite also organises in the community, enabling those not in employment to join our union.

Equality is a pivotal element of Unite's comprehensive agenda, which encompasses job security, equitable pay, and favourable working conditions. To ensure that these values are actively promoted and upheld, we have established a dedicated equality department. This department supervises multiple Equality Committees, each designed to address the specific needs and challenges faced by various groups, including women, individuals with disabilities, members of the LGBT+ committee, as well as Black and Asian Ethnic Minorities (BAEM) groups, in addition to young workers. These committees play an essential role in advocating for inclusive practices and fostering an environment where every member can thrive, thereby enhancing the overall integrity and fairness of our organisation.

Unite has consistently championed equal opportunities, striving to eliminate barriers in the workplace and across all facets of society. As part of our commitment to this mission, we have conducted a thorough consultation process to gather comprehensive insights and concerns from our members working across all sectors of industry. Through this effort, we aim to amplify the voices of underrepresented groups and ensure their experiences shape our advocacy for a fairer, more inclusive environment for everyone.

Response to the Equal Pay and Pay Discrimination Consultation 2026

Introduction

Unite the Union strongly supports the Government’s commitment to reforming equal pay legislation. We welcome this consultation as an important opportunity to address the longstanding inequalities that remain within the workplace, despite more than 50 years of equal pay legislation.

In our view, the current equal pay framework is inadequate. It relies too heavily on individual workers bringing legal claims, lacks sufficient transparency and effective enforcement, and places an unreasonable burden on those seeking justice.

Unite believes that meaningful reform must move away from a reactive, complaints-led system towards one based on prevention, transparency, collective bargaining and proactive enforcement. We also strongly support extending effective equal pay protections to Black and disabled workers and addressing the inequalities created by outsourcing.

1. Strengthening Equal Pay Law Through Prevention

Unite believes the existing equal pay system is fundamentally reactive. Workers frequently discover discrimination only after years of unequal treatment, leaving them to navigate complex, lengthy and expensive legal proceedings.

Employment tribunal backlogs, weak regulatory enforcement and the lack of access to information make it increasingly difficult for workers to challenge pay discrimination.

We therefore call for a fundamental shift towards preventing discrimination before it occurs, rather than relying on individuals to pursue claims after the damage has been done.

Employers must take greater responsibility for ensuring their pay structures are fair, transparent and free from discrimination.

2. Greater Pay Transparency

Unite supports the Government's proposals to require employers to publish salary information in job advertisements or before interviews.

We believe applicants should have access to clear information about pay rates, pay bands, pension arrangements, bonuses and opportunities for pay progression before accepting employment.

However, we believe the proposals must go further. Unite calls for:

- A ban on employers asking applicants about their previous salary history.
- A prohibition on pay secrecy clauses.
- Workers to have the right to access information about pay structures and progression.
- Greater alignment with the EU Pay Transparency Directive.

Greater transparency would allow workers and trade unions to identify and challenge discrimination at an earlier stage, helping to reduce gender, ethnicity and disability pay gaps.

3. Mandatory Job Evaluation Schemes and Equal Pay Audits

Unite believes mandatory job evaluation schemes and equal pay audits are essential to tackling workplace pay discrimination.

We support introducing these requirements initially for large employers with 250 or more employees, but believe they should ultimately extend to smaller employers (50+)

Proper job evaluation is one of the most effective ways of identifying work of equal value, while regular equal pay audits can uncover inequalities that might otherwise remain hidden.

We believe employers should have a continuing statutory responsibility to review their pay structures and address unjustified disparities, rather than waiting for an employment tribunal to identify discrimination following an individual claim.

We also call for statutory guidance, standardised methodologies, regular reviews, effective enforcement powers and financial penalties for non-compliance.

4. Reintroducing Statutory Questionnaires

Unite strongly supports the reintroduction of statutory questionnaires in pay discrimination disputes.

Their abolition in 2014 removed an important mechanism through which workers could obtain information from employers before pursuing legal action.

We believe statutory questionnaires would:

- Reduce the imbalance of information between employers and workers.
- Help workers establish whether pay discrimination may have occurred.
- Encourage early resolution and settlement.
- Reduce lengthy disclosure disputes and unnecessary tribunal proceedings.

We call for statutory questionnaires to be mandatory and to apply to sex, race and disability pay discrimination claims.

5. A Stronger Equal Pay Regulatory and Enforcement Unit

Unite supports the establishment of a properly resourced Equal Pay Regulatory and Enforcement Unit within the Equality and Human Rights Commission (EHRC).

However, we believe this must be accompanied by substantial additional resources and meaningful enforcement powers.

The proposed Unit should be able to:

- Compel employers to disclose relevant pay information.
- Conduct investigations into suspected pay discrimination.
- Require employers to undertake job evaluations and equal pay audits.
- Impose sanctions where employers fail to comply.
- Support affected workers and take enforcement action.

We also believe trade unions must have a meaningful role in the governance of the Unit. The experience of trade unions in equal pay litigation, collective bargaining and workplace representation is essential to making the proposed system effective.

Furthermore, we believe its powers should extend beyond investigation and advice to include binding compliance notices, mandatory pay correction plans, civil penalties and compensation for affected workers.

6. Extending Equal Pay Protections to Race and Disability

Unite strongly supports extending effective equal pay protections to Black and disabled workers.

Discrimination relating to race and disability is no less harmful than sex-based pay discrimination, and workers should have equivalent opportunities to challenge unequal pay.

We recognise the continuing ethnicity and disability pay gaps and the significant inequalities that exist within individual workplaces.

We support extending equal pay protections while ensuring that existing discrimination rights are not weakened. In particular:

- Existing discrimination protections must be maintained.
- Compensation levels must not be reduced.
- The flexibility of discrimination claims, including the use of hypothetical comparators, must be preserved and widened.
- New rights must be at least as strong as those available under sex-based equal pay legislation.

We also call on the Government to deliver its commitment to mandatory ethnicity and disability pay gap reporting and action plans for employers with 50 or more employees.

7. Outsourcing Must Not Undermine Equal Pay

Unite remains deeply concerned about the impact of outsourcing on pay equality.

Outsourcing has fragmented workforces, weakened workers' ability to establish comparable pay and created barriers to challenging discrimination.

We believe the Government's proposed duty on contracting parties to take reasonable steps to uphold pay equality does not go far enough.

Our position is that stronger protections are required, including:

- Greater use of insourcing, particularly within public services.
- Extending Freedom of Information obligations to contractors delivering public services.
- Extending the Public Sector Equality Duty to all parties exercising public functions.
- Including outsourced workers within pay gap reporting requirements.
- Reforming legislation to allow outsourced workers to compare their pay with directly employed workers.

We also believe outsourced workers should retain comparator rights against the original employer, and public contracts should include clear equal pay requirements, with breaches potentially resulting in contract termination.

8. Moving Towards Collective Enforcement and Reducing Reliance on Tribunals

Unite believes one of the fundamental problems with the current equal pay system is its overwhelming reliance on individual employment tribunal claims. Unite notes that we have already have over 77,000 open tribunal cases.

Equal pay cases can take years, and in some instances more than a decade, to resolve. The existing tribunal system is already under considerable pressure, and extending equal pay protections to race and disability without reforming enforcement arrangements risks placing further strain on an already overstretched system. The Sainsbury’s equal pay cases, which have been ongoing since 2015 and could continue for several more years, highlights the urgent need for significant reform of the equal pay system. The lengthy legal process demonstrates how difficult, costly and time-consuming it can be for women to secure equal pay, often leaving workers waiting years for justice. The system must be reformed to ensure greater accountability, faster resolutions and fairer outcomes, so women are not forced to spend years fighting for the pay they deserve.

We believe workers should not have to individually pursue lengthy legal proceedings to secure equal pay.

Instead, employers should have a positive statutory duty to eliminate unjustified pay disparities. They should be required to demonstrate that their pay structures comply with equal pay legislation, with regulators and trade unions able to enforce these obligations without relying solely on individual claimants.

We also support greater opportunities for collective and representative legal action, allowing trade unions to bring proceedings on behalf of groups of workers without requiring every individual claimant to be identified at the outset.

9. A Specialist Equal Pay Tribunal or Commission

Given the complexity of equal pay litigation and the existing pressures on employment tribunals, Unite would support consideration of a specialist Equal Pay Tribunal or Pay Equity Commission.

We believe equal pay disputes require specialist expertise and a dedicated approach to enforcement.

Such a body could:

- Conduct investigations into pay discrimination.
- Make binding determinations.
- Supervise equal pay audits.
- Order employers to implement corrective action plans.
- Impose appropriate penalties for non-compliance.

We believe this would provide a more effective approach to resolving equal pay disputes while reducing pressure on the mainstream employment tribunal system.

Conclusion

Unite welcomes the Government's commitment to equal pay reform. However, we believe the proposed changes must go further if they are to deliver meaningful and lasting improvements for workers. Our position is clear: equal pay discrimination will not be eliminated through individual litigation alone. We need a fundamental change in how equal pay rights are protected, enforced and upheld. We are calling for a system built around prevention, transparency, mandatory job evaluation, regular equal pay audits, stronger enforcement powers and meaningful trade union involvement. We also believe that effective equal pay protections must extend to Black and disabled workers, while ensuring that outsourcing cannot be used to undermine workers' rights or create further inequalities. Ultimately, employers must be made responsible for ensuring their pay structures are fair and trade unions must have the powers and resources to hold them accountable.