



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 3

EQUALITY OF TERMS

Disclosure of information

77 Discussions about pay

- (1) A term of a person's work that purports to prevent or restrict the person (P) from disclosing or seeking to disclose information about the terms of P's work is unenforceable against P in so far as P makes or seeks to make a relevant pay disclosure.
- (2) A term of a person's work that purports to prevent or restrict the person (P) from seeking disclosure of information from a colleague about the terms of the colleague's work is unenforceable against P in so far as P seeks a relevant pay disclosure from the colleague; and "colleague" includes a former colleague in relation to the work in question.
- (3) A disclosure is a relevant pay disclosure if made for the purpose of enabling the person who makes it, or the person to whom it is made, to find out whether or to what extent there is, in relation to the work in question, a connection between pay and having (or not having) a particular protected characteristic.
- (4) The following are to be treated as protected acts for the purposes of the relevant victimisation provision—
 - (a) seeking a disclosure that would be a relevant pay disclosure;
 - (b) making or seeking to make a relevant pay disclosure;
 - (c) receiving information disclosed in a relevant pay disclosure.

Changes to legislation: Equality Act 2010, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) The relevant victimisation provision is, in relation to a description of work specified in the first column of the table, section 27 so far as it applies for the purposes of a provision mentioned in the second column.

<i>Description of work</i>	<i>Provision by virtue of which section 27 has effect</i>
Employment	Section 39(3) or (4)
Appointment to a personal office	Section 49(5) or (8)
Appointment to a public office	Section 50(5) or (9)

78 Gender pay gap information

- (1) Regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.
- (2) This section does not apply to—
- (a) an employer who has fewer than 250 employees;
 - (b) a person specified in Schedule 19;
 - (c) a government department or part of the armed forces not specified in that Schedule.
- (3) The regulations 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.
- (4) Regulations under subsection (3)(e) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months.
- (5) The regulations may make provision for a failure to comply with the regulations—
- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale;
 - (b) to be enforced, otherwise than as an offence, by such means as are prescribed.
- (6) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

Commencement Information

II S. 78 in force at 22.8.2016 by [S.I. 2016/839](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)