



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

#### CHAPTER 4

##### EQUALITY OF TERMS

### **131 Assessment of whether work is of equal value**

- (1) This section applies to proceedings before an employment tribunal on—
  - (a) a complaint relating to a breach of an equality clause or rule, or
  - (b) a question referred to the tribunal by virtue of section 128(2).
- (2) Where a question arises in the proceedings as to whether one person's work is of equal value to another's, the tribunal may, before determining the question, require a member of the panel of independent experts to prepare a report on the question.
- (3) The tribunal may withdraw a requirement that it makes under subsection (2); and, if it does so, it may—
  - (a) request the panel member to provide it with specified documentation;
  - (b) make such other requests to that member as are connected with the withdrawal of the requirement.
- (4) If the tribunal requires the preparation of a report under subsection (2) (and does not withdraw the requirement), it must not determine the question unless it has received the report.
- (5) Subsection (6) applies where—
  - (a) a question arises in the proceedings as to whether the work of one person (A) is of equal value to the work of another (B), and

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**Status:** Point in time view as at 01/10/2010.

**Changes to legislation:** Equality Act 2010, Section 131 is up to date with all changes known to be in force on or before 24 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)

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- (b) A's work and B's work have been given different values by a job evaluation study.
- (6) The tribunal must determine that A's work is not of equal value to B's work unless it has reasonable grounds for suspecting that the evaluation contained in the study—
  - (a) was based on a system that discriminates because of sex, or
  - (b) is otherwise unreliable.
- (7) For the purposes of subsection (6)(a), a system discriminates because of sex if a difference (or coincidence) between values that the system sets on different demands is not justifiable regardless of the sex of the person on whom the demands are made.
- (8) A reference to a member of the panel of independent experts is a reference to a person—
  - (a) who is for the time being designated as such by the Advisory, Conciliation and Arbitration Service (ACAS) for the purposes of this section, and
  - (b) who is neither a member of the Council of ACAS nor one of its officers or members of staff.
- (9) “Job evaluation study” has the meaning given in section 80(5).

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**Commencement Information**

- II** S. 131 wholly in force; s. 131 not in force at Royal Assent see s. 216; s. 131 in force at 1.10.2010 by S.I. 2010/2317, art. 2(1)(9)(f) (with art. 15, and subject to transitional provision in art. 7)

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