



**BRITISH
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FAQ's- Women's Representative

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As well as the links provided in this document, please reach out to your union for help and support. We can be contacted on BVU@unitetheunion.org.

I know/suspect I am getting underpaid, compared to my male colleague(s), what can I do?

The Equality Act 2010 **prohibits pay secrecy clauses** that try to prevent employees from discussing pay information **when they are seeking to uncover differences** that may be linked to a protected characteristic (age, disability, gender, marriage and civil partnership, race, pregnancy and maternity, religion or belief, sex and sexual orientation) which could in turn lead to a claim of discrimination.

It also protects employees from being victimised for making a complaint or allegation about equal pay or giving evidence or information about such a complaint.

The Equality Act 2010 and Equal Pay Act (NI) also makes it unlawful to discriminate between men and women in pay and **other terms of their contracts of employment**, such as:

- piecework, overtime and shift payments output and bonus payments
- holidays and leave entitlements
- free accommodation
- sick pay
- performance-related pay
- occupational pension benefits



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- access to mobile phones, social benefits etc

In practice any term which is in the man's contract but missing from the woman's is to be treated as if it is in her contract. (This applies equally to men).

The Equality Act 2010 and Equal Pay Act (NI) apply to:

- All employees
- Full-time or part-time contracts
- Contract workers
- Trainees
- Apprentices
- Homeworkers

A woman is entitled to write to her employer asking for information that will help her establish whether she is getting equal pay and if not, what the reasons for the pay difference are. More [advice for employees](#) and [how to communicate with your employer](#) can be found on the ACAS website.

What is sexual assault and harassment? What can be done about it?

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Examples include:

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

Sexual harassment can happen to people of any gender or any sexual orientation. It can be carried out by anyone of any gender or any sexual orientation.





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You could experience sexual harassment from anyone you come into contact with because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- third parties – for example customers, clients and members of the public

Employers must take steps to prevent sexual harassment happening in the first place. Employers can be held responsible for the actions of employees. This is called vicarious liability. Employers also have a responsibility – a 'duty of care' – to look after the wellbeing of their employees. Not doing this could lead to a serious breach of an employee's employment contract. If an employee feels they have no choice but to resign, the employer could face a claim of sexual harassment and constructive dismissal.

Anyone who sexually harasses someone at work is also responsible for their own actions. Discrimination complaints and employment tribunal claims can be made against individuals as well as employers.

If you have been sexually assaulted or suffered from harassment at work, please contact the BVU for support. You can also find information about what to do on the [ACAS website](#), and can get support from the [Survivors Trust](#).

What are my rights when pregnant and on maternity/ paternity leave?

Please see our separate documents relating to your rights when pregnant, and on maternity/paternity leave.

What are my rights to flexible and/or part-time working?

The right to ask to work flexibly is now available to all employees from day one of employment. The right is no longer restricted to parents and carers and can be for any reason. The ACAS Code of Practice on requests for flexible working can be found [here](#).

Employees can ask for a change to the number of working hours, a change to working times, and to work for some or all of the time from home. The employees request must be in writing, and a template for this can be found [here](#).

The employer must deal with the request in a “reasonable manner” and notify the employee of their decision within 2 months of the request date (including any appeal). They cannot refuse the



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request, unless they have consulted the employee about the request. While there is no statutory right to be accompanied by a union rep or a colleague at a meeting to discuss a flexible working request, the ACAS Code says that this is good practice. It says that if the employee makes a reasonable request to be accompanied by a union rep, official or workplace colleague, the employer should allow it.

A request must be considered objectively and can only be rejected for one of these eight business reasons

- The burden of extra costs;
- Inability to organise work among existing staff;
- Inability to recruit extra staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Detrimental effect on ability to meet customer demand;
- Insufficient work for the periods the employee wants to work; or
- A planned structural change to the business.

It is not enough for the employer simply to assert one of the listed reasons. They must investigate whether the request can be complied with. A tribunal will not second-guess an employer's assessment that a proposed working pattern would be detrimental to the business and will expect to see the evidence that the employer used to make their assessment.

If an employer receives multiple requests, the employer should not prioritise requests that they think are most "worthy" but should take them on a "first come, first served" basis. The exception is where a request to work flexibly is made by a disabled employee as a reasonable adjustment. A refusal to allow flexible working so that an employee could leave an hour earlier to collect her child from nursery constituted sex discrimination in the case of *Thompson v Scancrown Ltd*.

Employers must not discriminate when handling requests to work flexibly. This is something to watch out for in relation to both the employee making the request and anyone else who may be affected by it. Working from home and working part time are arrangements that typically help workers with childcare or other caring responsibilities, and it is widely accepted that this applies to significantly more women than men. Interfering with such arrangements or refusing to agree them without justification can therefore constitute indirect sex discrimination.

An employee must not be subjected to a detriment or dismissed for a reason concerned with a request for flexible working. Any dismissal wholly or mainly for this reason would be automatically unfair.





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What are my rights to time off as a parent/ carer?

Time off for dependants

By law, anyone legally classed as an employee can take time off to help a dependant with an **emergency**. The law is the Employment Rights Act 1996.

An employee's dependants can include:

- their husband, wife, civil partner or partner
- their child
- their parent
- a person who lives in their household (not tenants, lodgers or employees)
- a person who relies on them, such as an elderly neighbour

The law does not say how much time an employee can take off, or how many occasions. It just says the amount should be 'reasonable'. This right is available from the first day of employment.

The employer should be as flexible as they can be, depending on the employee's circumstances. How much time they need will depend on what has happened.

An employee can take time off if they need to help a dependant when there's an unexpected problem or emergency. For example:

- helping a dependant who is ill, injured or assaulted
- taking a dependant to hospital when they go into labour unexpectedly
- a child's school unexpectedly closes
- a dependant dies

An employer might choose to pay their employees for this type of leave, but they do not have to.

To find out what they're entitled to, employees should:

- check their organisation's policy, if there is one
- check their employment contract
- talk to their employer

An employee who requests time off for urgent domestic reasons should provide enough information for their employer to know that the leave is for those purposes.

Requests for time off to care for dependants (for example where childcare arrangements break down), are not necessarily limited to last-minute incidents, so long as the employee can show they tried their best to make alternative arrangements.





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Emergency leave does not include leave for planned events like medical appointments for dependants.

More information about “Time off for dependents” can be found on the [ACAS website](https://www.acas.org.uk)

Unpaid parental leave

Parents have the right to unpaid time off work when they need to look after their children. This is called 'ordinary parental leave' or unpaid parental leave.

To qualify for unpaid parental leave, you must

- Be an employee with **one year's continuous service**;
- Have, or expect to have, parental responsibility for the child; and
- Give 21 days notice of their intention to take leave.

The key statutory provisions of unpaid parental leave are that:

- Each parent is entitled to take up to a total of 18 weeks unpaid leave for each child until the child's 18th birthday.
- Leave must be taken in blocks of 1 week
- Leave is limited to 4 weeks in any one year

The purpose of the leave must be to care for the child. Examples include

- To spend more time with them;
- To look after them during school holidays;
- To care for them when they're off school sick;
- To go to school open days or events with them;
- To settle them into new childcare arrangements; or
- To visit grandparents with them

Under the statutory scheme, the employer can make the employee postpone their leave for up to six months if taking it would cause undue disruption to the business, except where leave is requested immediately after the birth. However, the employer cannot prevent the leave being taken at all.

Carer's leave

The Carer's Leave Act 2023 which applies to England, Wales and Scotland but not Northern Ireland, came into force on 6th April 2024. The right to carer' leave **applies from day one** of employment. It





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gives employees who have caring responsibilities the right to unpaid carer's leave. Parents can take this in addition to the unpaid parental leave explained above.

The right to unpaid carer's leave only applies to employees, and they must meet the following requirements

- Have a dependant with a "long-term care need"
- Want to be absent from work to provide or arrange care for that dependent;
- Have not already used up their carer's leave entitlement; and
- Give notice.

Needing long term care means that the dependent

- Has an illness or injury (physical or mental) that requires, or is likely to require, care for more than three months;
- Has a disability for the purpose of the Equality Act 2010
- Requires care for a reason connected with their old age

The maximum amount of carer's leave is one week in each rolling 12-month period. It can be taken as one-week block or as individual days or half days

More information about Carer's leave and notice requirements can be found on the [ACAS website](https://www.acas.org.uk).