



Human Rights Consortium  
Community House  
6A Albert Street  
Belfast  
BT12 4HQ

**12<sup>th</sup> February 2025**

Consultation Co-ordinator  
Gender Policy Unit  
Department for Communities  
Level 7, Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG  
[gender.policy@communities-ni.gov.uk](mailto:gender.policy@communities-ni.gov.uk)

Dear Sir/Madam,

**Re: Consultation on The Gender Pay Gap Information Regulations**

The Human Rights Consortium is a coalition of 165 civil society organisations from across all sections of society who work together to promote and advance a human rights based Northern Ireland. We write in response to the Department for Communities' consultation on The Gender Pay Gap Information Regulations. We welcome the Department's initiative to address gender pay disparities and would urge you to ensure that the incorporation of the [European Union's Pay Transparency Directive \(Directive \(EU\) 2023/970\)](#) into Northern Ireland law is a key part of these reforms. This step will enhance Gender Pay Transparency and ensure compliance with the United Kingdom's obligations under Article 2 of the Windsor Framework.

**Obligations Under the Windsor Framework**

Article 2(1) of the Windsor Framework commits the UK to ensuring that certain rights, safeguards, and equality of opportunity protections in Northern Ireland are not diminished as a result of the UK's withdrawal from the EU. This includes an ongoing commitment to dynamic alignment with EU equality directives listed in Annex 1 of the Framework. Notably, [Directive 2006/54/EC](#) on equal opportunities and equal treatment of men and women in employment and occupation is included in Annex 1.

The EU Pay Transparency Directive, adopted on 10 May 2023, amends Directive 2006/54/EC to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through enhanced pay transparency and enforcement mechanisms. As such, the UK is obligated under Article 13(3) of the Windsor Framework to ensure that Northern Ireland's law keeps pace with these amendments.

## Advice from the Dedicated Mechanisms

Both the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) have emphasized the necessity of incorporating the Pay Transparency Directive into Northern Ireland law.

In their [joint briefing paper](#), they state:

*"The UK Government has also 'dynamic alignment' obligations arising out of WF Article 13(3), relating to WF Article 2(1), in relation to the six Equality Directives in WF Annex 1. Therefore, if the EU decides to amend or replace the rights in the Annex 1 Directives, the law in Northern Ireland must also develop to take account of this."*

We also note in the Equality Commission's own [response](#) to this consultation that:

*'the Commission considers that Department for Communities' consultation proposals, if implemented as drafted, are not sufficient to transpose the Pay Transparency Directive into Northern Ireland law, nor enough to comply with the UK Government's 'keeping pace' duty under WF Article 2'. (Pt17.4)*

The Commissions are mandated (in their role as the Dedicated Mechanisms) to oversee the UK Government's commitment to rights and equality in Northern Ireland under Article 2(1) of the Windsor Framework after the UK's withdrawal from the European Union. It would therefore be advisable for public authorities in Northern Ireland to take account of their expertise in this field.

## Enhanced Protections Offered by the Pay Transparency Directive

The Pay Transparency Directive introduces several key measures that go beyond the current proposals in The Gender Pay Gap Information Regulations:

**Pay Transparency Prior to Employment:** Article 5 requires employers to provide information about the initial pay level or its range in job vacancy notices or before interviews, ensuring candidates are aware of the pay scale for the position.

**Right to Information:** Article 7 grants employees the right to request information from their employer regarding their individual pay level and the average pay levels, broken down by sex, for categories of employees performing the same work or work of equal value.

**Reporting Obligations:** Article 9 mandates that employers with at least 250 employees report on the pay gap between female and male workers within their organization. This includes information on pay disparities in complementary or variable components such as bonuses or benefits in kind.

**Joint Pay Assessments:** Article 10 stipulates that when pay reporting reveals a gender pay gap of at least 5% that cannot be justified by objective, gender-neutral factors,

employers are required to conduct a joint pay assessment in cooperation with workers' representatives.

**Enforcement and Sanctions:** Chapter 3 of the Directive (Articles 14 to 37) includes a range of enforcement and implementation mechanisms designed to ensure the enactment of the Directive and ensure that workers who have suffered gender pay discrimination can receive appropriate redress and employers violating the Directive are penalised.

By integrating these provisions, Northern Ireland would not only fulfil its legal obligations under the Windsor Framework but also significantly advance gender equality in the workplace.

### **Article 2 screening**

Upon reviewing the Department's consultation documents and equality screening materials, we did not find any reference to Article 2 of the Windsor Framework in the development of the proposed regulations. It is concerning that the Department may not be actively screening policy and legislative proposals for compliance with Article 2. Such screening is essential, as it would have highlighted the existing duty to transpose the EU Pay Transparency Directive into Northern Ireland law. We recommend that the Department implements a robust mechanism to ensure all future policy and legislative proposals are thoroughly evaluated for compliance with Article 2 obligations.

### **Conclusion**

In light of the UK's commitments under the Windsor Framework and the enhanced protections offered by the EU Pay Transparency Directive, we strongly recommend that the Department for Communities take immediate steps to seek the incorporate of the Directive into Northern Ireland law. This action will ensure compliance with international obligations, domestic legal duties and demonstrate a robust commitment to closing the gender pay gap. We look forward to the Department's response and swift action on this critical issue.

Yours Sincerely,



**Kevin Hanratty**

Director

Human Rights Consortium