
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which amend the Equal Pay Act (Northern Ireland) 1970, come into operation on 3rd April 2005.

Section 2A of the Act requires the industrial tribunal to follow a particular procedure when determining proceedings where there is a question as to whether the claimant and the comparator are doing work of equal value. Section 2A partly implements Council Directive [75/117/EEC](#) (O.J. No. L45, 19.2.75, p. 19), which provides among other matters for claims to equal pay for work of equal value.

Regulation 2 alters the procedure for such claims. It allows the industrial tribunal to choose to determine the question of equal value itself or to appoint an independent expert to prepare a report on that question. In a case where there has already been a job evaluation study which has given different values to the work of the claimant and the comparator, the industrial tribunal must determine that the work is not of equal value unless it has reasonable grounds for suspecting that the study discriminated on the grounds of sex, or there are other reasons why it is not suitable to be relied upon.

A Regulatory Impact Assessment in relation to revised Rules of Procedure for industrial tribunals, including new rules concerning equal value claims, was completed by the Department for Employment and Learning. A copy of the Regulatory Impact Assessment has been placed in the Library of the Northern Ireland Assembly. It is also available on the Department for Employment and Learning's website at www.delni.gov.uk