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# Is the Gender Pay Gap Another Feminist Myth?

## If Not, Is It Finally Time for The Status Quo To Be Redefined?

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### **Abstract**

With feminism on the rise, the word about the gender pay gap is gaining more awareness by the day gets more and more attention each day. The gender pay gap is defined as the difference in the average gross hourly earnings calculated and compared between women and men. In specific, it is based on salaries paid directly to employees before any added income tax and with the deduction of social security contributions. There are some commentators, however, who argue that the gender pay gap is largely a myth, mainly because of the argued lack of depth in the detailed comparison of the pay gap figures. According to the relevant statistics, however, working women in the EU earn on average 16% less per hour than men. The statistics agency Eurostat reports that the UK has the fourth-largest gender pay gap in the European Union. In the UK, according to the Office for National Statistics' latest review, the gender pay gap among all employees, was at 17.3% in 2019. It therefore needs to be ascertained why the gender pay gap still exists and it also needs to be explained, why some academics regard it as a myth.

### **Keywords**

Gender pay gap; pay gap; feminism

## Historic Background

Women's fight for equal pay has a long historic background.<sup>1</sup> On an international level during WW1 & WW2, women worked jobs which were ordinarily undertaken by men.<sup>2</sup> Despite working the same role, they were paid a lower wage than their male counterparts.<sup>3</sup> Women did not keep a passive position towards this. A motion of strikes started among women workers nationwide.<sup>4</sup> Also, later during the 1920s and 30s women workers in the UK, continued the campaigns, with women's suffrage and other unions supporting women.<sup>5</sup> The reactions became more broadly solidified during World War II and from the 1950s and afterwards, when women's presence has been significantly increased in the labour force and in trade unions.<sup>6</sup> In 1968 a big strike by the women machinists at the Ford Car Plant in Essex was held.<sup>7</sup> This paved the way for the 1970's Equal Pay Act, which became implemented in 1976.<sup>8</sup> This piece of legislation allowed equal pay and terms of employment for both sexes to become legally binding for the first time. However, employers seem to continue up to this date to ignore it, just as females worldwide continue to campaign against it.<sup>9</sup>

## Causes

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<sup>1</sup> Striking Women, 'Gender pay gap and the struggle for equal pay' (*Striking Women*) <<https://www.striking-women.org/module/workplace-issues-past-and-present/gender-pay-gap-and-struggle-equal-pay>> accessed 24 March 2020.

<sup>2</sup> Drew Lamberger, 'History of the Gender Pay Gap' (*Sutori*) <<https://www.sutori.com/story/history-of-the-gender-pay-gap--ytEHgzHk3j9jUGdfBJkPFo1E>> accessed 24 April 2020.

<sup>3</sup> Ibid.

<sup>4</sup> Striking Women, 'Women and Work: World War I: 1914-1918' (*Striking Women*) <<https://www.striking-women.org/module/women-and-work/world-war-i-1914-1918>> accessed 24 April 2020.

<sup>5</sup> Striking Women (n 7)

<sup>6</sup> Striking Women, 'Women and Work: Post World War II: 1946-1970' (*Striking Women*) <<https://www.striking-women.org/module/women-and-work/post-world-war-ii-1946-1970>> accessed 24 April 2020.

<sup>7</sup> Kevin Wilson, 'The Ford sewing machinists strike and the history of the struggle for equal pay' (*British Politics and Policy*, 7 June 2018) <<https://blogs.lse.ac.uk/politicsandpolicy/the-1968-ford-sewing-machinists-strike-and-the-history-for-equal-pay-for-women/>> accessed 24 April 2020.

<sup>8</sup> Equal Pay Act 1970.

<sup>9</sup> Wilson (n 13); Jon Henley, 'Swiss women strike to demand equal pay' (*The Guardian*, 14 Jun 2019) <<https://www.theguardian.com/world/2019/jun/14/swiss-women-strike-demand-equal-pay>> accessed 24 April 2020.

The reasons why the gender pay gap exists may need to be searched in the wider phenomenon of gender inequality. In the Victorian times for example, women were thought from their nature to be destined in doing the housework and raise the children.<sup>10</sup> This inequality has existed through most, if not all, human societies around the world.<sup>11</sup> Most given explanations for the gender pay gap indicate that, the reason behind it is the low quality work that women undertake.<sup>12</sup> Either that would be because they would need to take frequent leaves for family reasons, or because of the nature of their work in general, since it is believed that they are more frequently employed in part-time jobs and rarely in the science and engineering field.<sup>13</sup> Some arguments even include women as having a more agreeing personality trait, something that makes more likely the chance to be paid less.<sup>14</sup> The main argument that is put forward towards this, is that men would need to do the jobs outside the house, since they would be more demanding and they are physically stronger than females.<sup>15</sup> This does not justify however, the reason why men should not do the household chores or that women are not able to drive a tram. As it was later proven in World War I and after the Industrial Revolution, this is all a matter of tradition and not really a muscle issue.<sup>16</sup> These traditions consequently created a never-ending vicious cycle for women.<sup>17</sup> They have grown to become the roots of the mindset that people have, influencing in this way the job choice that young females take.<sup>18</sup> In the past, this resulted in females not getting paid sufficiently to be able to live

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<sup>10</sup> Kara L. Barret, 'Victorian Women and Their Working Roles' (*State University of New York College at Buffalo - Buffalo State College Digital Commons at Buffalo State*, May 2013) <[https://digitalcommons.buffalostate.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=english\\_theses](https://digitalcommons.buffalostate.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=english_theses) > accessed 24 April 2020.

<sup>11</sup> Emma Griffin, 'What's to blame for the gender pay gap? The housework myth' (*The Guardian*, 12 Mar 2018) <<https://www.theguardian.com/commentisfree/2018/mar/12/history-blame-gender-pay-gap-housework> > accessed 25 March 2020.

<sup>12</sup> Dr Charlotte Gascoigne, 'The real reasons behind the gender pay gap' (*Timewise*) <<https://timewise.co.uk/article/article-real-reasons-behind-gender-pay-gap/> > accessed 24 April 2020

<sup>13</sup> 'The Gender Pay Gap and Pay Discrimination – Explainer' (*Fawcett Society*, October 2019) <<https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=7aed6cd4-5e2e-4542-ad7c-72dbbbe14ee3> > accessed 24 April 2020.

<sup>14</sup> Zoe Williams, 'Why gender pay-gap truthtellers are on the rise' (*The Guardian*, 23 April 2019) <<https://www.theguardian.com/world/2019/apr/23/gender-pay-gap-alt-right> > accessed 16 March 2021.

<sup>15</sup> Griffin (n 17).

<sup>16</sup> Striking Women (n 10).

<sup>17</sup> Striking Women (n 7).

<sup>18</sup> Ibid.

independently, so they had to be economically dependent on men.<sup>19</sup> It is argued that low wages were a way which allowed men define their dominance over women.<sup>20</sup>

## Contemporary Reality

This historic background has paved the road for today's society's norms and reasons. This is prominent that one of them is discrimination towards the female sex.<sup>21</sup> The undervalue of the skills that women have is a usual phenomenon and one of the prominent examples of this are jobs specifically addressed traditionally to women or men respectively.<sup>22</sup> Allegedly, more than 40% of women work in the health, education and public administration fields, while only 29% of scientists and engineers in the EU are females.<sup>23</sup> This phenomenon is called "occupational/sectoral segregation".<sup>24</sup> Women working in technology or that hold executive positions are also fewer than men.<sup>25</sup> In particular, less than 6.9% of top companies' CEOs are women.<sup>26</sup> Also, according to the Office for National Statistics women over 40 years are more likely to work in lower-paid occupations and less likely to work as managers, directors or senior officials in comparison to younger women.<sup>27</sup> In terms of different occupations, female managers are at the greatest disadvantage, earning 23% less per hour than male managers.<sup>28</sup>

Nevertheless, the gender pay gap is not always being excused by the reason of a different occupation. Pure discrimination for women in the workplace includes work within the same occupational categories or even being demoted after returning from

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<sup>19</sup> Griffin (n 17).

<sup>20</sup> Ibid.

<sup>21</sup> Brigid Francis-Devine, Douglas Pyper, Feargal McGuinness, 'The gender pay gap' (*House of Commons Library*, 6 March 2020) <<https://commonslibrary.parliament.uk/research-briefings/sn07068/>> accessed 25 March 2020.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> European Parliament (n 2).

<sup>26</sup> Ibid.

<sup>27</sup> Smith (n 6).

<sup>28</sup> Eurostat, 'The life of women and men in Europe — A statistical portrait — 2017 edition' (*Eurostat*) <<https://ec.europa.eu/eurostat/en/web/products-digital-publications/-/KS-02-17-602>> accessed 25 March 2020.

maternity leave.<sup>29</sup> Other than that, since women are directly connected with motherhood and being the caretakers of the entire family, this frequently has a negative reflection on their career.<sup>30</sup>

The median hourly pay for full-time employees, which is the point at which half of people earn more and half earn less, was 8.9% less for women than men in April 2019.<sup>31</sup> Many big companies still also insist on illegal pay culture.<sup>32</sup> Among them seems to be the BBC with various pay gap allegations and one of them was the resignation of its China editor, Carrie Gracie.<sup>33</sup> Allegedly, only a third of its 96 top earners are women, while the top seven are all men.<sup>34</sup> A reality is also, that women get paid 22% less on apprenticeships than their male equivalents.<sup>35</sup> There are stats that show other than that, women resemble the 60% of those earning less than the living wage.<sup>36</sup> They are thus, more likely to live in poverty than men.<sup>37</sup> As single parents women are more likely to be in charge of their children following a separation, along with the issue of discrimination in the job market. When public services are cut also, women are more affected since it is often the case that they use them more and they are more likely to work in the sector.<sup>38</sup> Women of an older age are especially faced with an advanced risk of poverty and social exclusion.<sup>39</sup> This is justified by the

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<sup>29</sup> European Parliament (n 2).

<sup>30</sup> Striking Women (n 7).

<sup>31</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>32</sup> Alexandra Topping, 'Gender pay gap: companies under pressure to act in 2019' (*The Guardian*, 01 January 2019) <<https://www.theguardian.com/world/2019/jan/01/gender-pay-gap-2018-brought-transparency-will-2019-bring-change>> accessed 14 March 2021.

<sup>33</sup> Marie Anne Denicolo, 'BBC gender pay gap sparks human rights probe' (2018) CRJ 7 1, 1.

<sup>34</sup> Graham Ruddick, 'BBC facing backlash from female stars after gender pay gap revealed' (*The Guardian*, 20 Jul 2017) <<https://www.theguardian.com/media/2017/jul/19/evans-lineker-bbc-top-earners-only-two-women-among-best-paid-stars>> accessed 25 March 2020.

<sup>35</sup> Julia Kollewe, 'Gender pay gap: women effectively working for free until end of year' (*The Guardian*, 9 Nov 2015) <<https://www.theguardian.com/world/2015/nov/09/gender-pay-gap-women-working-free-until-end-of-year>> accessed 25 March 2020.

<sup>36</sup> Ibid.

<sup>37</sup> European Parliament, 'The Parliament's fight for gender equality in the EU' (*European Parliament*, 5 August 2019) <<https://www.europarl.europa.eu/news/en/headlines/priorities/social/20190712STO56961/the-parliament-s-fight-for-gender-equality-in-the-eu>> accessed 25 March 2020.

<sup>38</sup> 'Maria Arena: Female poverty is the result of a lifetime of discrimination' (*European Parliament*, 19 April 2011) <<https://www.europarl.europa.eu/news/en/headlines/society/20160418STO23760/maria-arena-female-poverty-is-the-result-of-a-lifetime-of-discrimination>> accessed 14 March 2021.

<sup>39</sup> European Parliament (n 2).

fact that the gap is rather prominent in pension income, which stood at 35.7% in 2017.<sup>40</sup>

## The Antipode

According to the EU's statistics, the pay gap in the UK is amongst the highest within the EU at 20.8%.<sup>41</sup> Those who believe that the gender pay gap is a myth, however, are focusing on the significant decrease of the percentage.<sup>42</sup> Another argument is that women working part time are being paid better than men.<sup>43</sup> Reportedly, the counterpart median hourly pay was 3.1% higher for women than for men, excluding the overtime pay.<sup>44</sup> Also the firm believers of the non-existence of the phenomenon, argue that the higher the level of education is the higher the monetary recompense will be.<sup>45</sup> This argument is based on the rapid increase in the female higher education levels which exceed these of the opposite gender, over the past decades.<sup>46</sup> Women have also been engaging more in our contemporary times with historically, men-dominated pre-occupations.<sup>47</sup> In July 2019 there have been more women than ever in the European Parliament, accounting for 41% of MEPs.<sup>48</sup> Another argument people denying the gender pay gap have is that statistics never showcase the exact reality of the phenomenon.<sup>49</sup> Also, there are employment fields where women represent the

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<sup>40</sup> Denitza Dessimirova, Maria Audera Bustamante, 'The gender gap in pensions in the EU' (European Parliament, July 2019).

<[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631033/IPOL\\_BRI\(2019\)631033\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631033/IPOL_BRI(2019)631033_EN.pdf)> accessed 25 March 2020.

<sup>41</sup> European Parliament (n 2).

<sup>42</sup> Ibid.

<sup>43</sup> Rachel Kryz, 'Women earning more than men in part-time work' (*Inclusive Employers*) <<https://www.inclusiveemployers.co.uk/news/equality/women-earning-more-men-part-time-work>> accessed 25 April 2020.

<sup>44</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>45</sup> Ibid.

<sup>46</sup> Stéphan Vincent-Lancrin, 'The Reversal of Gender Inequalities in Higher Education: An On-going Trend' (*OECD Centre for Educational Research and Innovation (CERI)*, 2008) <<https://www.oecd.org/education/ceri/41939699.pdf>> accessed 25 April 2020.

<sup>47</sup> 'Women in Male-Dominated Industries and Occupations: Quick Take' (*Catalyst*, 05 February 2020) <<https://www.catalyst.org/research/women-in-male-dominated-industries-and-occupations/>> accessed 14 March 2021.

<sup>48</sup> European Parliament (n 43).

<sup>49</sup> Andrews (n 3).

majority of the working hands.<sup>50</sup> For example, sewers, therapists or nurses.<sup>51</sup> Other than that, there is the argument that women tend to be more socially active whereas, men find it more difficult to reach out and engage with civil society.<sup>52</sup>

### **The Answer to the Pay Gap Deniers**

Nevertheless, the truth is that the gap is decreasing very slowly, especially in recent years.<sup>53</sup> Among all employees, the gap fell from 17.8% in 2018 to only 17.3% in 2019.<sup>54</sup> The figures from 2019 only represent a decline of 3.3 percentage points, in correlation to them from a decade ago, which were up to 12.2%, while there is only 0.6 percentage points difference since 2012.<sup>55</sup>

Also, while a much higher share of women are employed part-time than men, it is only logical and consequential that they would earn much less per hour as part-time workers than those working full-time.<sup>56</sup> Nevertheless, even the part time job gap is measured, according to the Simpson's paradox.<sup>57</sup> Experience working part-time also appears to have very little impact on growth in hourly wages compared to experience in full-time work.<sup>58</sup> Moreover, women tend to do more hours of unpaid work and in contrast to men fewer are occupied in the workforce.<sup>59</sup> For men, employment advancement rates are not essentially affected by the arrival of a first child, whereas women were shown to be significantly more likely than men to still work in part-time

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<sup>50</sup> Eli Lehrer & Catherine Moyer, 'Putting Men Back to Work' (*National Affairs*, 2017) <<https://www.nationalaffairs.com/publications/detail/putting-men-back-to-work> > accessed 2 April 2020.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Smith (n 6).

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>57</sup> Jonathan Athow, 'Decoding the gender pay gap: how a Bletchley Park codebreaker helped explain a strange paradox' (*Office for National Statistics*, 16 April 2019) <<https://blog.ons.gov.uk/2019/04/16/decoding-the-gender-pay-gap-how-a-bletchley-park-codebreaker-helped-explain-a-strange-paradox/>> accessed 4 April 2020.

<sup>58</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>59</sup> European Parliament (n 43).



jobs by the time their first child reaches adulthood.<sup>60</sup> Additionally, even though, the gap has been reduced among workers qualified to GCSE or A level standard, little change has been noticed within the group workers qualified to degree level over this period.<sup>61</sup>

## Solutions

In terms of legislation, gender pay equality was introduced in the European Union, as early as the Treaty of Rome, also known as the Treaty on the Functioning of the European Union, article 157.<sup>62</sup> It set out the European principle that the two genders should receive equal pay for equal work. In the UK, the Equal Pay Act and the Sex Discrimination Act were repealed on 1 October 2010 and replaced by the all-encompassing Equality Act 2010.<sup>63</sup> In the Equality Act, sections 64 -71, legislate sex equality, including work, pay and pension.<sup>64</sup>

In December 2010, the coalition government, published its report “Equality strategy — building a fairer Britain”. In the report it was stated: “We expect and want the voluntary approach to work.”<sup>65</sup> In 2015, the UK Government, via the “Think Act Report” scheme, sought to encourage businesses to report on their gender pay gaps voluntarily.<sup>66</sup> Only 7 organisations signed up for it and it was consequently proved unsuccessful.<sup>67</sup> Thus, it included in the Equality Act 2010 legislation, the Gender Pay

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<sup>60</sup> Richard Partington, ‘Mothers working part-time hit hard by gender pay gap, study shows’ (*The Guardian*, 5 Feb 2018) <<https://www.theguardian.com/society/2018/feb/05/mothers-working-part-time-hit-hard-by-gender-pay-gap-study-shows>> accessed 5 April 2020.

<sup>61</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>62</sup> Art. 157 Treaty on the Functioning of the European Union 1957.

<sup>63</sup> Gov. UK, ‘Equality Act 2010: guidance’ (Gov.UK, 27 February 2013) <<https://www.gov.uk/guidance/equality-act-2010-guidance>> accessed 10 April 2020.

<sup>64</sup> S. 64 – 71 Equality Act 2010.

<sup>65</sup> Members of the Inter-Ministerial Group on Equalities, chaired by Theresa May, Home Secretary and Minister for Women and Equalities, ‘The Equality Strategy - Building a Fairer Britain’ (*Government Equalities Office*, December 2010). <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85301/equality-strategy-large-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85301/equality-strategy-large-print.pdf)> accessed 10 April 2020.

<sup>66</sup> ‘Policy paper Think, Act, Report’ (*Government Equalities Office*, 16 July 2015) <<https://www.gov.uk/government/publications/think-act-report/think-act-report>> accessed 12 April 2020.

<sup>67</sup> Kim Sartin, Cecilie Justesen, ‘Employment compliance update: Modern slavery, gender pay equality, and employee privacy’ (2016) CRJ 5 4.

Gap Information Regulations 2016 (“GPGR”), which would regulate mandatory gender pay gap reporting.<sup>68</sup>

Starting from 2017/18, public and private sector employers with 250 or more employees are required annually to publish data on the gender pay gap within their organisations.<sup>69</sup> According to the later published statistics, in the years 2018 and 2019, approximately 78% of employers disclosed that median hourly pay was higher for men than for women in their reporting organisation, while 14% of employers stated median hourly pay was higher for women.<sup>70</sup> Only 8% stated that median hourly pay was the same for both women and men.<sup>71</sup>

In the recent successful case of *Brierley and others v Asda Stores Ltd*, which is the first large scale equal pay claim brought in the private sector, hundreds of female Asda shop workers are claiming that they do work of equal value to men working in its distribution centres.<sup>72</sup> In his judgment, Lord Justice Underhill ruled that Asda applied common terms and conditions for both retail workers and distribution workers.<sup>73</sup> The hearing took into consideration whether the job roles are comparable, of equal value and if there is a reason other than sex discrimination that justifies the roles not being paid equally.<sup>74</sup>

It is obvious that steps have been taken in the UK for the minimization of the problem. However, these regulations do not apply to micro-businesses and SMEs (small and medium-sized enterprises), who are the employers of approximately 60% of the UK's working hands. Thus, they should not be seen as a solution to the nation's gender inequality issues.<sup>75</sup>

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<sup>68</sup> ‘Guidance Gender pay gap reporting: overview’ (Gov.UK, 22 February 2017) <<https://www.gov.uk/guidance/gender-pay-gap-reporting-overview>> accessed 12 April 2020.

<sup>69</sup> Francis-Devine, Pyper, McGuinness (n 27).

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> *Brierley and others v Asda Stores Ltd (No 2); Ahmed and others v Sainsbury's Supermarkets Ltd and another; Fenton and others v Asda Stores Ltd* [2019] 3 All ER 1046.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Louise Blacker, ‘Mandatory gender pay reporting: a way to bridge the gap?’ - ELN June 2015.

## Conclusion

To conclude, the gender pay gap has become a widely controversial subject of the contemporary ages. It mostly derives as a result from the general gender inequality, that dates back to the start of the known worldwide human history.<sup>76</sup> With women claiming their equality next to men, it is argued that in 2020 it has long become part of the past.<sup>77</sup> This is far from true, however. There has been evidently a significant progress towards its elimination, but this does not override the fact that it still exists.<sup>78</sup> The existence of the phenomenon is more complex and deeply rooted in various causes, most of which are of social origin and originate from an obsolete view of the women's role in civil society.<sup>79</sup> This may indicate that a sole set of equal pay regulations may not be adjudged sufficient to redress the balance.<sup>80</sup> Social gender norms must become challenged and balanced, in so that gender equality and subsequently gender pay equality, may be achieved. Maybe women do not need 'women traffic lights' after all, but just equal pay.<sup>81</sup>

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<sup>76</sup> Griffin (n 17).

<sup>77</sup> Andrews (n 3).

<sup>78</sup> European Parliament (n 2).

<sup>79</sup> Griffin (n 17).

<sup>80</sup> Blacker (n 81).

<sup>81</sup> Siobhan Simper, 'What the 'female' traffic light response reveals about how society views women' (*Independent Australia*, 29 March 2017) < <https://independentaustralia.net/life/life-display/what-the-response-to-female-traffic-lights-taught-me-about-how-society-views-women,10157> > accessed 24 March 2020.