

Unequal pay for equal work illegal: CCMA

PRETORIA: The Commission for Conciliation, Mediation and Arbitration (CCMA) says every employer must take steps to eliminate discrimination in the workplace by ending unfair practices such as paying employees disproportionately for the same work.



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Speaking at a labour law road show in Mbombela, National Senior Commissioner at the CCMA Winnie Everet said unequal pay for equal work constitutes unfair discrimination and is prohibited in terms of the amended Employment Equity (EE) Act.

"Failure to abide by the principle of equity amounts to unfair discrimination, unless the employer can demonstrate rational justification," Everet said.

According to the EE Act, no employees doing the same work, work that is substantially the same or work that is of equal value should be directly or indirectly treated differently.

Discrimination in any employment policy or practice may occur in the form of race, sex, gender, pregnancy, marital status, family responsibility, ethnic or social origin, sexual orientation, colour, age, disability, religion and culture, among others.

"The Act also prohibits discrimination in terms of conditions of employment to include variables such as different medical aid or provident fund and even working hours," said the department.

The department said even before the amendments to EE Act, pay discrimination was recognised as a form of discrimination.

"The purpose of amending the EE Act is to eliminate unfair pay discrimination, comply with the International Labour Organisation's conventions and improve access for lower income workers to challenge unfairness.

"Discrimination in terms of unequal pay is now prohibited. Failure to apply the principle of equal pay for work of equal value

amounts to unfair discrimination, unless an employer can show that it is based on fair criteria and that differences in wages can be fair if it is because of skills, experience, responsibilities and qualifications," the department said.

The Department of Labour and CCMA are currently conducting joint road shows on national labour law amendments, which started in Cape Town on 16 February.

Briefings to stakeholders have been held to date in Kimberley, Bloemfontein, Johannesburg, Durban and Polokwane.

The department and CCMA plan to host more road shows at Kat Leisure Osner Hotel Office Suites in East London next Monday; ETC Conference Centre in Struandale in Port Elizabeth on Tuesday; Safari Lodge Hotel & Convention Centre in Rustenburg on Thursday, and CSIR Conference Centre in Meiring Naude Road in Pretoria on Friday.

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