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| **Student declaration**  I certify that the assignment submission is entirely my own work. I fully understand the consequences of plagiarism. I understand that making a false declaration is a form of malpractice. | | | |
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**Introduction**

The field of law offers a perspective that can assist in analyzing the frameworks societies have created to regulate behavior at both group levels. The concepts and institutions, within the system derived from philosophy, history and culture form a judicial system with the aim of upholding order and justice in society. Within this realm the English legal system holds authority due to its history and strong foundation in common law. It not applies to Welsh and English law. Also influences legal systems in other countries worldwide. Nations that have adopted law principles or were once British colonies often follow traditions. Considering these factors this study focuses on matters pertaining specifically to "Womens work" and the gender pay gap in the UK. The objective is to explore the nature of the legal system and illustrate its impact, on global regulations by addressing pertinent social issues.

**Task 01**

**Understanding the Basics of Law**

The core principle of law revolves around a set of guidelines that define behavior and address actions. The main objectives of implementing laws are to protect rights prevent violations and ensure equal treatment, for all individuals (Barnard & others 2021). The process through which laws are created is quite intricate. In a system the legislative, executive and legal branches of government collaborate to develop legislation. Elected officials primarily draft laws that collectively form the legislation.

In the UK the initial document that initiates the process is known as a bill. It may propose laws or modifications to existing ones. Parliament comprising the House of Commons and the House of Lords plays a role in this process. Following its introduction by government bodies, business organizations, individual members of parliament or the House of Lords legislation undergoes an evaluation procedure (Partington, 2021). This is where the standard process begins as committees in the House of Commons conduct research discussions and assessments, on proposed legislation.

If the House of Lords approves the measure it will be referred to them. The two Houses engage in a process called "ping pong" to exchange bills until they reach an agreement, on the wording of their laws. Once both chambers of Congress approve it and receive the assent from the monarch the measure will become law. It is highly encouraged for people to actively participate in the process and express their ideas at every stage since it can take an amount of time. This is especially true when it comes to laws like the Human Rights Act.

Law plays a role because human interactions are complex and often subject to disputes. It helps settle conflicts, safeguard human rights and maintain order. The rule of law is influenced by norms, attitudes and expectations (Honore, 1996) as it reflects them. By enforcing laws and punishing wrongdoers fairness is ensured. Laws provide benefits as they establish guidelines for behavior in society across different areas such as finance or traffic regulations. There are mechanisms, in place to hold lawbreakers accountable and provide justice for victims through compensation. Legislation empowers regulators. Can also be influenced by changes.

As our society has evolved towards achieving justice there have been changes made to regulations that previously restricted same sex marriages and the voting rights of women.

**Contemporary Issues**

The changing world continuously presents challenges and issues, in the legal field, which significantly impact people and society. One of the concerns of our time is the intersection of laws and technology. The rapid development of technology has given rise to matters particularly regarding data privacy, cybersecurity and artificial intelligence. It is vital for courts to carefully consider issues related to internet privacy problems, governance of platforms and ethical implications arising from emerging technologies (Lloyd, 2020). Additionally there are concerns about how technology affects freedoms and the delicate balance between privacy and security within the court system.

In society two major challenges that demand attention are warming and environmental policy. Legal frameworks addressing pollution control conservation efforts and sustainable development must adapt to address environmental issues. Environmental regulations have reaching impacts as they influence businesses, industries well as individuals whose lives are directly affected by environmental changes. Human rights and social justice stand out as themes, in legal discussions.

Discussions regarding the reformation of the system continue to revolve around pressing matters, including discrimination, equal access, to justice and inequalities based on race and gender (Morgan, 2015). Implementing legislation that safeguards populations promotes diversity. Eliminates deep seated biases can contribute to a society that is more just and equitable.

The progress of law often faces obstacles due to conflicts and the pursuit of global justice. When developing solutions for issues related to treaties, refugee rights and cross border conflicts it is crucial to consider these intricate geopolitical factors. Presently one of the challenges lies in persuading people to embrace change within their criminal justice system. Additionally safeguarding civil rights remains a concern. Public policy discussions are heavily influenced by matters such as prison reform, police accountability and striking a balance, between freedom and maintaining safety (Ashworth & Horder 2016). In cases considerable efforts are required to establish a justice system that's fairer and more egalitarian since criminal law has far reaching implications.

**Task 02**

**Relevant Acts**

The United Kingdom has implemented a series of laws to address the gender pay gap and protect womens rights in terms of compensation. These legal frameworks aim to promote equality and justice, in the workplace. One key milestone was the passage of the Equal Pay Act in 1970, which prohibited gender based pay discrimination for work. This paved the way for achievements (Blackman & others 2020). Another significant step forward was taken with the introduction of the Sex Discrimination Act in 1975 which built upon the principles of the Equal Pay Act. It not tackled gender discrimination in employment. Also advocated for equal remuneration for equal effort establishing a more comprehensive legal framework to combat gender inequality.

In order to consolidate discrimination laws, including those related to pay requirements into a unified legislation the Equality Act of 2010 was enacted (Moeckli & others 2022). This act not encompassed measures against gender based wage discrimination. Also addressed other forms of discriminatory practices. Furthermore recognizing the need for work arrangements to support individuals balancing their professional and family responsibilities the Work and Families Act of 2006 was introduced.

To enhance transparency around salary discrepancies based on gender and raise awareness about workplace inequalities Gender Pay Gap Reporting Regulations were implemented in 2017. These regulations require companies to disclose their gender pay gap figures. By doing it compels employers to confront any disparities based on gender when it comes to compensation.

Overall these legislative measures have played a role in promoting fairness and combating inequality, within UK workplaces.

The law enables women to have the option of work hours which can contribute to a welcoming and satisfying work environment. This may have an impact, on their career and ability to earn an income.

**Consequences of Breach**

In the UK there are regulations that ensure women receive pay and failing to comply with these rules can have serious consequences. Violating pay standards can lead to penalties imposed by employment tribunals. These penalties may include compensation orders to address income imbalances and provide redress, for those affected (Horder, 2022). Moreover individuals who have been wronged have the right to file lawsuits against their employers either individually or on behalf of their organizations. This could result in employers having to invest time and resources in legal battles. Courts also have the authority to issue orders and other remedies to compel pay discriminating employers to rectify their practices.

If the gender pay gap persists businesses may be required to compensate employees who have been adversely impacted. These compensations might involve addressing instances of pay practices. Financial penalties and compensation payments can pose a threat to an organizations stability. Moreover violating pay laws can damage a companys reputation. Negative media coverage and public scrutiny may erode trust, among employees, customers and the general public.

In todays era of media and heightened awareness, about justice disparities, in wages have the potential to ignite online movements prompt consumer boycotts and fuel public demonstrations. Violations of pay can be scrutinized by entities (Ullah, 2021). Based on their investigations these agencies have the authority to impose fines or compel businesses to implement actions.

**Procedure and Actions in Case of Breach**

There are actions individuals, in the UK can take if they believe they haven't received compensation. If someone feels they were paid less for the work it's important to gather much evidence as possible including job titles, contracts pay statements and any other relevant documents. It is advisable for victims to raise the issue internally within their company using the channels. It may also be necessary to file a complaint outlining the concerns regarding pay equity. Throughout the investigation process victims should actively participate in all scheduled sessions. Provide supporting documentation, for their claims (McLeod, 2013). Once the internal investigation concludes it is the employers responsibility to share the findings with employees and offer guidance related to the inquiry. Victims should carefully consider this response to determine whether or not their concern has been resolved.

If resolution cannot be reached through Acas Early Conciliation or internal settlement discussions victims have the option of seeking justice through an employment tribunal by contacting Acas (Duchini & others 2020).

To address wage inequality allegations it is important to provide an account with supporting evidence. The individual making the claim must attend hearings present their evidence and respond to any counterarguments put forth by the employer during the employment tribunal process. It is advisable for victims to seek guidance, from professionals who specialize in employment law. These experts can assess the strength of the case suggest remedies and outline the steps to secure a successful claim on behalf of their client. In case either party receives a ruling, from the employment tribunal they have the option to appeal to a tribunal. However before proceeding with an appeal victims should carefully consider their reasons. Consult an attorney if needed.

**Case Law: Asda Stores Ltd.**

The retail employees, at Asda launched a petition for pay arguing that their work is just as important to the company as the work of their colleagues in the distribution facilities. They claimed that despite having roles their contributions are valued equally compared to the male staff in the distribution centers (Franck & Prapha 2021). The case was heard by bodies including the Employment Tribunal, Employment Appeal Tribunal and Court of Appeal. In 2019 the UK Supreme Court compared the duties of workers in distribution centers with those of retail workers and allowed equal pay claims to proceed. Following this ruling further investigation into whether the work's truly equal could be conducted. The court emphasized that jobs don't need to be identical but should have worth based on factors like knowledge, effort and responsibility. This decision had implications for companies facing claims and established a precedent, for examining salary fairness across different professions.

**Practices in Other Countries**

The German government is, against pay discrimination based on gender. They have implemented the General Equal Treatment Act (AGG) and Works Constitution Act to ensure pay. Companies with than 200 employees are required to conduct audits of their pay practices and share the results publicly. In the United States the Equal Pay Act of 1963 prohibits wage discrimination based on gender for job positions. The Lilly Ledbetter Fair Pay Act of 2009 allows employees to seek compensation for long term wage disparities (Harvey, 2023). Nordic countries such as Denmark, Norway and Sweden have implemented family policies that promote equality in caregiving. These policies include shared leave and affordable daycare options, among others. In Australia the Fair Work Act of 2009 guarantees compensation for workers based on their efforts. The Workplace Gender Equality Agency (WGEA) requires companies to disclose data on gender equality including any salary discrepancies they may have in order to foster transparency (Hideg, 2021). Iceland has been a frontrunner in achieving equality for women. Their Equal Pay Standard of 2018 mandates that companies review and verify that they offer compensation, for job opportunities.

**Evaluating Equal Pay Legislation's Protection for Women in UK**

According to the Office, for National Statistics (ONS) in the UK there is a pay gap of 14.9% between men and women. However for full time workers this gap has decreased to 8.3%, which's an improvement from 7.7% in 2021. There are a indicators regarding the gender pay gap; the average hourly gap has reduced from 15.07% in 2017 to 12.97% in 2022 and the median hourly gap has decreased from 13.21% in 2017 to 12.07% (ONS, 2022).

Unfortunately if current trends continue it will take 63 years for the UKs median hourly income gender pay gap to close completely. Closing the hourly wage gender pay gap will require around 37 years of progress. Significant disparities exist between men and womens earnings in sectors such as services, technology, construction, mining and quarrying, education and skilled occupations (Murray, 2016). The UK Parliament has received a report indicating that structural factors contribute largely to this pay gap disparity—issues such as discrimination penalties faced by part time workers unequal distribution of childcare responsibilities between genders—along with a concentration of paid jobs, within certain sectors.

Despite the challenges that exist there are encouraging indications of progress, in achieving gender equality. One such positive trend is the increasing representation of women, in paying occupations.

**Task 03**

In my assessment, on the topic of "Womens work" and the gender pay gap in the UK I took an approach by utilizing both library resources and modern electronic tools. For my research I primarily relied on papers, journals and legal resources available in the University Library collection. To execute this approach effectively I carefully examined materials such as Westlaw and LexisNexis for relevant case law legislative acts, as well as academic articles addressing gender pay gap inequality in the UK.

Within the library there was a wealth of information that provided me with an understanding of the foundations and origins of this topic (Clinch, 2001). Additionally I drew upon insights gained from seminars, lectures and books provided by our instructors to further enhance my knowledge of what was covered throughout the course. Access to resources played a role in completing my assessment successfully. The ESL/CCCU Blackboard platform proved valuable as it allowed me to access course materials efficiently engage in discussions with peers and stay updated with important information. It served as a source for all resources where students could access lecture notes or consult supplementary materials while also facilitating communication, with others.

In addition, to the resources provided by my institution I made use of sources such as scholarly databases, research repositories and reputable online newspapers. I gathered an understanding of the challenges faced by working women and the issue of gender pay gap through reliable news sources. Furthermore I utilized papers via my institutions online library portal and Google Scholar. Attending seminars seeking guidance, from professors and actively participating in class discussions greatly enhanced my grasp of this subject matter. These discussions fostered the development of ideas, diverse perspectives and critical thinking skills.

**Evaluation of Identified Issues**

As I reflected on the themes in my assessment I came to realize that the gender pay gap is an issue rooted in both bias and societal expectations. Despite the existence of laws their enforcement still poses challenges. Many individuals find it difficult to seek assistance, from the justice system as they are often burdened with the responsibility of providing evidence. Enhancing the implementation of these requirements and facilitating access to support could enhance the effectiveness of such regulations. One of the causes behind the pay gap between men and women is workplace segregation (Saari & others 2021). Women tend to be underrepresented in paying sectors while being overrepresented in paying fields compared to men. To address this issue concerted efforts are needed to eradicate gender stereotypes in workplaces and promote participation across all aspects of society.

The impact of working part time jobs on women is more pronounced than on men due, to their likelihood of engaging in employment for caregiving responsibilities.

It is important to establish policies that ensure compensation, for part time workers and potentially offer severe penalties aiming to reduce the wage disparity between full time and part time positions. It has been evident that women tend to take on caregiving responsibilities compared to men, which can hinder their ability to secure well paying full time jobs. By implementing measures such, as work arrangements and affordable childcare options we can strive towards a more equitable distribution of parenting duties and narrow the gender pay gap.

**Conclusion**

The issue of pay, in the United Kingdom is a pressing concern that needs comprehensive attention. The government has set three objectives for corporations to report on gender pay disparities; promoting transparency enhancing organizational accountability and taking necessary corrective actions. To effectively bridge the gap between men and womens wages it is crucial for the government to consider implementing policies that simplify reporting procedures and address inequality promptly. We must focus on eliminating segregation and reducing penalties for part time work. Additionally it is vital to enact laws that specifically support women who have caregiving responsibilities. In industries where the gender wage gap's most evident, such as services, technology, mining and quarrying construction, education and various professional fields targeted measures should be put in place. Collaborative efforts between the sector, private sector and civil society are essential, in addressing the issue of pay inequality.

**References**

Ashworth, A. and Horder, J. (2016), Principles of Criminal Law. 8th ed., Oxford: Oxford University Press.

Barnard, C., O'Sullivan, J. and Virgo, G.J., (2021), *What about law?: studying law at university*. Bloomsbury Publishing.

Blackman, D., Burgmann, M., Hall, P., Hayes, F., Junor, A. and Smith, M., 2020. From equal pay to overcoming undervaluation: the Australian National Pay Equity coalition 1988–2011. *Journal of Industrial Relations*, *62*(4), pp.582-607.

Clinch, P. (2001), Using a Law Library: A Student’s Guide to Legal Research Skills, 2nd ed.

Duchini, E., Simion, S. and Turrell, A., (2020), Pay transparency and cracks in the glass ceiling.

Franck, A. and Prapha, A., (2021), Not in This Together: How supermarkets became pandemic winners while women workers are losing out.

Harvey, A.M., (2023), Gender Pay Gap Elimination: A Hopeless Dream or a Conceivable Reality?. *Labor Law Journal*, *74*(4).

Hideg, I. and Krstic, A., 2021. The quest for workplace gender equality in the 21st century: Where do we stand and how can we continue to make strides?. *Canadian Journal of Behavioural Science/Revue canadienne des sciences du comportement*, *53*(2), p.106.

Honore, T. (1996), About Law: An Introduction, Oxford: Oxford University Press.

Horder, J., (2022), Criminal Law and Republican Liberty: Philip Pettit’s Account. *Criminal Law and Philosophy*, *16*(1), pp.193-213.

Lloyd, I., (2020), *Information technology law*. Oxford University Press, USA.

McLeod, I. (2013), Legal Method, 9th ed., Palgrave Macmillan.

Moeckli, D., Shah, S., Sivakumaran, S. and Harris, D. eds., (2022), *International human rights law*. Oxford University Press.

Morgan, J. (2015), Great debates in contract law, 2nd ed., Basingstoke: Palgrave Macmillan.

Murray, A. (2016), Information Technology Law: Law and Society, 3rd ed., Oxford: Oxford University Press.

ONS., (2022), *Gender pay gap in the UK: 2022,* [online] Available at: < [Gender pay gap in the UK - Office for National Statistics (ons.gov.uk)](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2022) > [Accessed on: 24th January, 2024]

Partington, M., (2021), *Introduction to the English legal system*. oxford university press.

Saari, M., Kantola, J. and Koskinen Sandberg, P., 2021. Implementing equal pay policy: Clash between gender equality and corporatism. *Social Politics: International Studies in Gender, State & Society*, *28*(2), pp.265-289.

Ullah, S., Adams, K., Adams, D. and Attah-Boakye, R., (2021), Multinational corporations and human rights violations in emerging economies: Does commitment to social and environmental responsibility matter?. *Journal of Environmental Management*, *280*, p.111689.