

## Submissions Abstract Book - All Papers (All Submissions)

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The gender pay gap in higher education: A comparative study

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**Research Domain:** Academic practice ,work, careers and cultures (AP)

**Abstract:** Women in UK universities are paid a median hourly rate that is, on average, 16.5 per cent lower than men (Times Higher Education, 6 April 2018). The data indicates that women fare worse in higher education than in other sectors, where the median pay gap stands at 9.7 per cent.

Much of the previous research into the gender pay gap in higher education have followed the traditions of sociological study, or have been focused on analysis of the quantitative data (Ashencaen Crabtree & Shiel (2018), Johnson & Taylor (2018), Leuze, & Strauß (2016), Pritchard (2010)). This research will take a different approach by utilising the terminology found in the judgment in the seminal employment law case [Essop v Home Office](#) [2017] UKSC 27 (the *Essop* case) to code a breadth of empirical qualitative data so as to create a structured comparative analysis of the *legality* of workplace practices in four higher education institutions in England.

**Paper:**

### Context and aims

The main aims of this research project are to shine a light on the lived experience of women working in higher education institutions (HEIs). and to analyse the legality of work-based practices that have the potential to hinder career advancement. The research question is: What are the hidden barriers and context factors that impact on the career advancement of women in HEIs, as identified by women working in HEIs?

The intention of this research project is not only to unpack and analyse a range of views on the gender pay gap but also to examine the hidden barriers and context factors that potentially create an environment where structural and systemic indirect discrimination can thrive. One aspect of this will be to explore the provisions, criteria and/or practices (PCPs) that exist in different HEIs and the extent to which they impact upon the career advancement of women.

## **The utility of the reference to legal terms**

The terms ‘hidden barriers’ and ‘context factors’ in the paragraph above are taken from Lady Hale’s Supreme Court judgment in the recent *Essop* case about indirect discrimination. These terms, together with the terms ‘provisions, criteria and/or practices’ (which derive from section 19 of the Equality Act 2010, as set out below) will be used here as narrative hooks for this project. The *Essop* case provided a useful reclarification of indirect discrimination law, as exemplified by the following edited extract (which has particular pertinence in the context of HEIs):

“The reasons why one group may find it harder to comply with the PCP than others are many and various ((now known as) “context factors”). They could be genetic, such as strength or height. They could be social, such as the expectation that women will bear the greater responsibility for caring for the home and family than will men. They could be traditional employment practices, such as the division between “women’s jobs” and “men’s jobs” or the practice of starting at the bottom of an incremental pay scale... These various examples... show that both the PCP and the reason for the disadvantage are “but for” causes of the disadvantage: removing one or the other would solve the problem.” (paragraph 26)

## **Indirect discrimination - the legal framework**

The legal definition of indirect discrimination, as contained in section 19 of the Equality Act 2010 makes reference to PCPs, the effect of which are set out in the Explanatory Notes to the legislation as set out below:

### **Extract from the Explanatory Notes to section 19 of the Equality Act 2010**

Indirect discrimination occurs when a policy which applies in the same way for everybody has an effect which particularly disadvantages people with a protected characteristic. Where a particular group is disadvantaged in this way, a person in that group is indirectly discriminated against if he or she is put at that disadvantage, unless the person applying the policy can justify it.

Indirect discrimination can also occur when a policy would put a person at a disadvantage if it were applied. This means, for example, that where a person is deterred from doing something, such as applying for a job or taking up an offer of service, because a policy which would be applied would result in his or her disadvantage, this may also be indirect discrimination.

## **Research design and outcomes**

As a comparative study, the intention here is to target four Universities with different profiles. At each institution focus groups will be organised with women in a range of roles, including research, teaching and administration. Where appropriate, it is hoped that research subjects can be found by linking up

with women involved in, or reporting to, Athena SWAN groups.

To provide context to the findings, interviews with management decision-makers and union representatives will also be organised at each of the four institutions and Freedom of Information requests will be made. All the data from both parts of the project will be managed in line with research ethics protocols.

There will be engagement with the problematic concept of 'managerialism', as articulated by Teelken & Deem (2013 at 532):

"Regimes of managerialism in publicly funded higher education institutions in Western European societies have increasingly come to the fore in recent decades, emphasising quality audit processes, performance management, targets and self-governmentality but also transparency and non-discrimination...The notions of quality and excellence so prevalent in higher education do not sit easily with those of equality and diversity ... Even where governance explicitly includes attention to gender, its effects on overcoming all aspects of gender discrimination are often not evident."

The data will be coded using both deductive and inductive methods. For deductive coding reference will be made to the terms "PCPs", "hidden barriers" and "context factors" as well as the ideas of "managerialism", "women's jobs" and "men's jobs" in the context of HEIs. For inductive coding an iterative approach will be adopted.

This research will be of interest to people working within HEIs in the UK but also to educators and lawyers in other jurisdictions, decision-makers in HEIs and education policy makers. Most significantly, the author hopes that this research will make a difference to the lived experience of women working in higher education.

## References

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Pritchard, R. (2010). Gender inequalities among staff in British and German universities: a qualitative study. *Compare: A Journal of Comparative and International Education, 40*(4), 515-532.

Teelken, C., & Deem, R. (2013). All are equal, but some are more equal than others: managerialism and gender equality in higher education in comparative perspective. *Comparative Education, 49*(4), 520-535.