



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

### CHAPTER 3

#### EQUALITY OF TERMS

#### *Supplementary*

#### **79 Comparators**

- (1) This section applies for the purposes of this Chapter.
  - (2) If A is employed, B is a comparator if subsection [<sup>F1</sup>(3), (4), (4A) or (4B)] applies.
  - (3) This subsection applies if—
    - (a) B is employed by A's employer or by an associate of A's employer, and
    - (b) A and B work at the same establishment.
  - (4) This subsection applies if—
    - (a) B is employed by A's employer or an associate of A's employer,
    - (b) B works at an establishment other than the one at which A works, and
    - (c) common terms apply at the establishments (either generally or as between A and B).
- [<sup>F2</sup>(4A) This subsection applies if a single body—
- (a) is responsible for setting or continuing the terms on which A and B are employed, and
  - (b) is in a position to ensure equal treatment between A and B in respect of such terms.

*Status: Point in time view as at 01/01/2024.*

*Changes to legislation: Equality Act 2010, Section 79 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4B) This subsection applies if the terms on which A and B are employed are governed by the same collective agreement.]
- (5) If A holds a personal or public office, B is a comparator if—
- (a) B holds a personal or public office, and
  - (b) the person responsible for paying A is also responsible for paying B.
- (6) If A is a relevant member of the House of Commons staff, B is a comparator if—
- (a) B is employed by the person who is A's employer under subsection (6) of section 195 of the Employment Rights Act 1996, or
  - (b) if subsection (7) of that section applies in A's case, B is employed by the person who is A's employer under that subsection.
- (7) If A is a relevant member of the House of Lords staff, B is a comparator if B is also a relevant member of the House of Lords staff.
- (8) Section 42 does not apply to this Chapter; accordingly, for the purposes of this Chapter only, holding the office of constable is to be treated as holding a personal office.
- (9) For the purposes of this section, employers are associated if—
- (a) one is a company of which the other (directly or indirectly) has control, or
  - (b) both are companies of which a third person (directly or indirectly) has control.
- [<sup>F3</sup>(10) In subsection (4B) “collective agreement” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 178 of that Act).]

#### Textual Amendments

- F1** Words in s. 79(2) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **5(2)**
- F2** S. 79(4A)(4B) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **5(3)**
- F3** S. 79(10) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **5(4)**

**Status:**

Point in time view as at 01/01/2024.

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