



# Managing Equal Pay in Practice

Leveraging Analytics to Navigate  
U.S. and Global Pay Compliance

March 26, 2026

**Seyfarth Shaw LLP**

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Annette Tyman  
SEYFARTH SHAW  
PARTNER



Kristie Iacopetta  
SEYFARTH SHAW  
PARTNER



Chase Fleming  
SEYFARTH SHAW  
ASSOCIATE LABOR ECONOMIST

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**S P E A K E R S**

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## Today's Agenda

1

The Global Landscape & Pay Transparency Themes

2

Top 10 Lessons Learned from Proactive Pay Reviews

3

Key EU Pay Transparency Considerations

# Global Themes



Pre-Employment Wage Range Disclosure

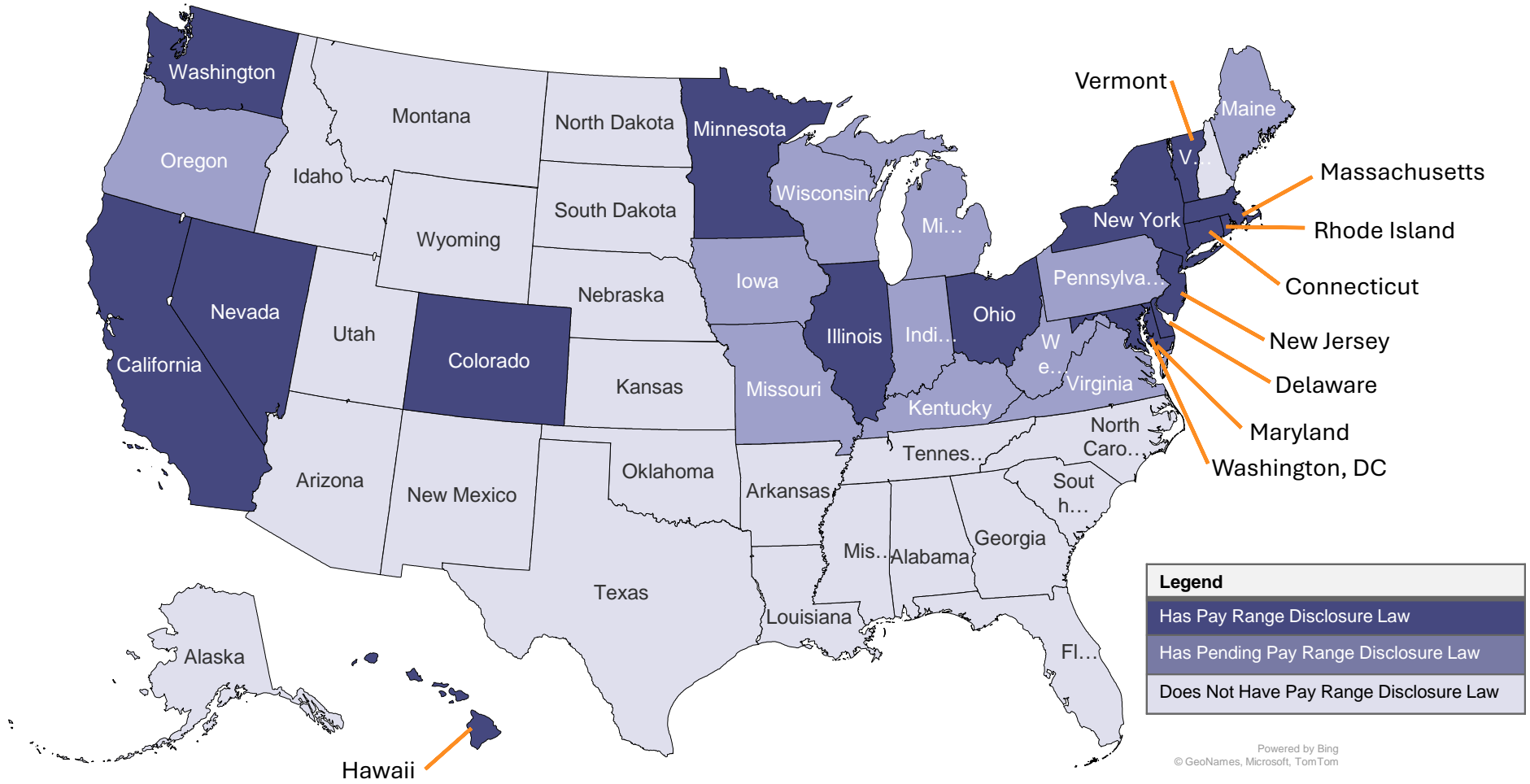
Pay Data Reporting

Analytics and Pay Gap Reporting

Salary History Bans

Right to Information

# U.S. Jurisdictions with Pay Transparency Legislation



# EU Pay Transparency Directive

## Pre-Employment Transparency

- Disclose initial pay range in job postings or prior to interview
- Cannot ask applicants about pay history
- Gender-neutral job titles and job vacancy notices

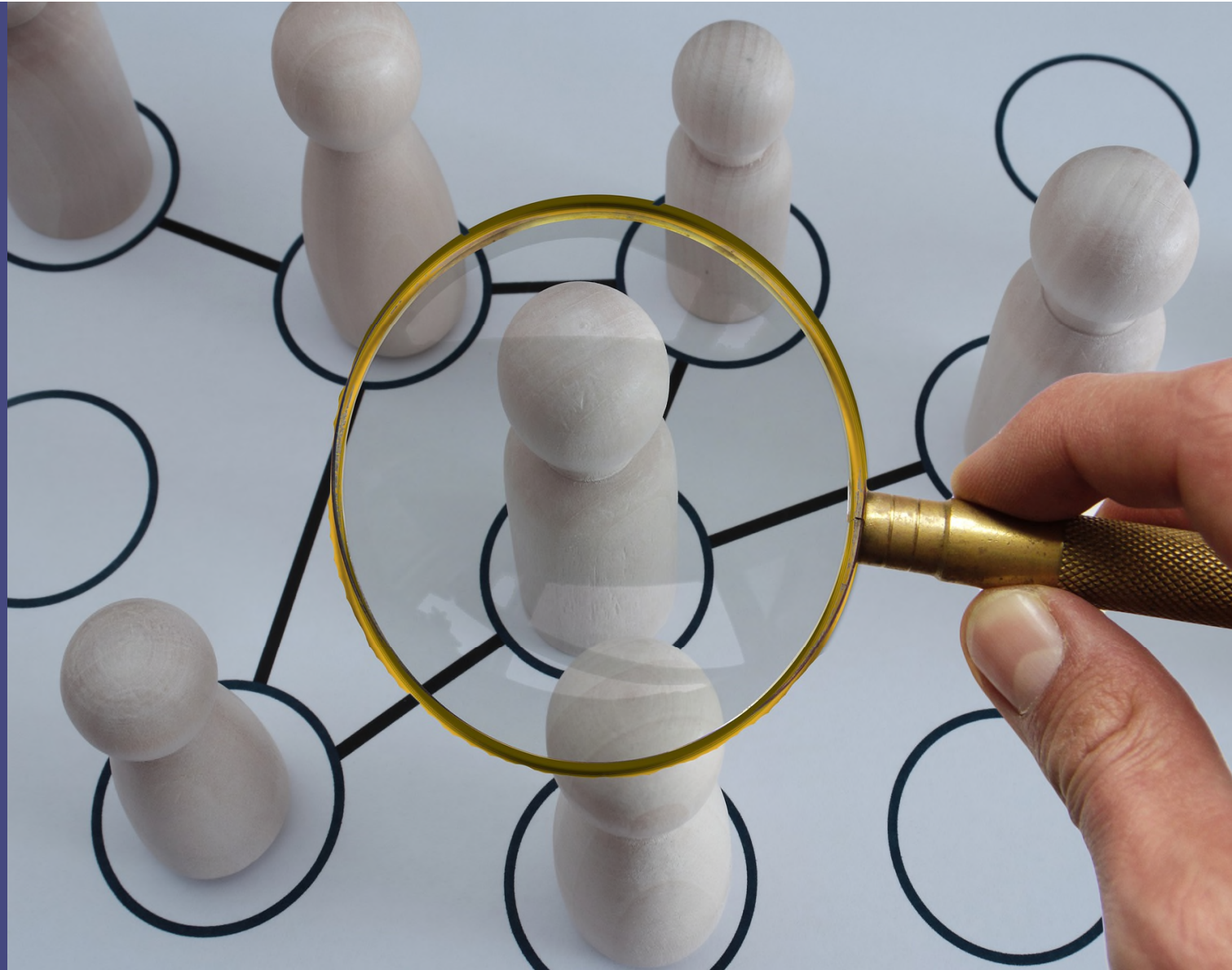
## Rights to Information

- Right to request and receive within 2 months individual pay and comparator averages by sex
- Annual notice of right to information
- Employee access to criteria used to determine pay, pay levels, and pay progression.

## Pay Gap Reporting & Remediation

- Mean & Median Gender Pay Gap
  - Salary/Hourly Wage
  - Complementary or Variable Components
- Gender Pay Gap By Category of Worker
- Proportion of females/males receiving complementary or variable pay
- Proportion of females/males in each quartile pay band

**Top 10  
Lessons  
Learned from  
Proactive Pay  
Reviews**



# Key Privilege Considerations

## Thermo Fisher Scientific – Key Takeaway

In *Spears v. Thermo Fisher Scientific*, the court found that a pay equity analysis was not protected under attorney-client privilege because it was conducted primarily for business—not legal—purposes. The analysis must be directed by counsel to provide legal advice.

Engage Outside Counsel First

Focus on Legal Assessment and Risk

Label and Treat Documents as Privileged

Separate Audit from Compliance Programs



## Top 10 Lessons Learned

1

Total Compensation Analysis: Comprehensive but Not Always Actionable

2

Rethinking Comparator Groups: A Data-Driven Approach to Ensuring Equal Pay

3

Job Architecture: The Foundation for a Meaningful Pay Analysis



## Top 10 Lessons Learned

- 4 Mergers and Acquisitions: Integration Challenges
- 5 Experience Variables: Critical, but Often Imperfect
- 6 Geographic Pay: Aligning Policy With Practice
- 7 Pay and Performance: Challenges in Using Performance to Explain Pay



## Top 10 Lessons Learned

8 Outlier Reviews: Moving Beyond the Model

9 Career Progression: A Key Driver of Pay Differences

10 Remediation: No One-Size-Fits-All Approach

# Key EU Pay Transparency Considerations



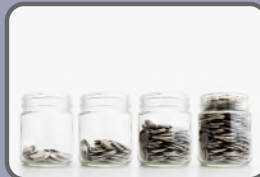
“Work of Equal Value”



Data Collection



Small Group Analyses



Total Compensation



## CLE: NEW PROCESS

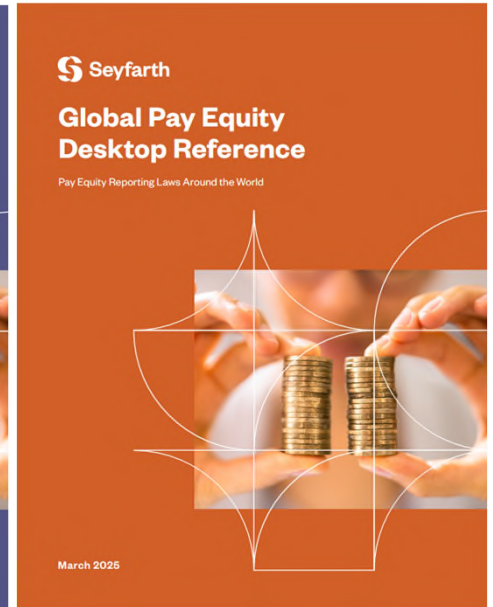
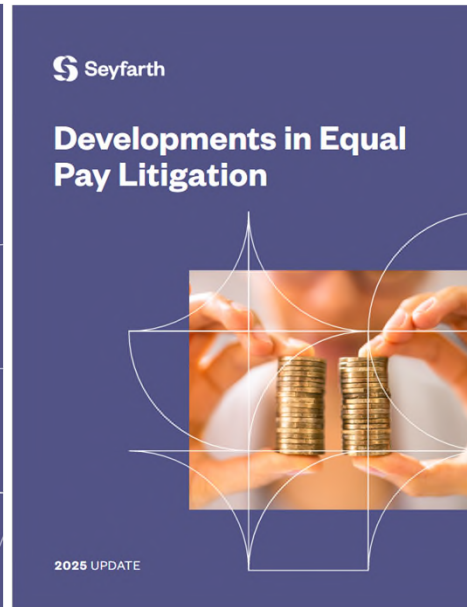
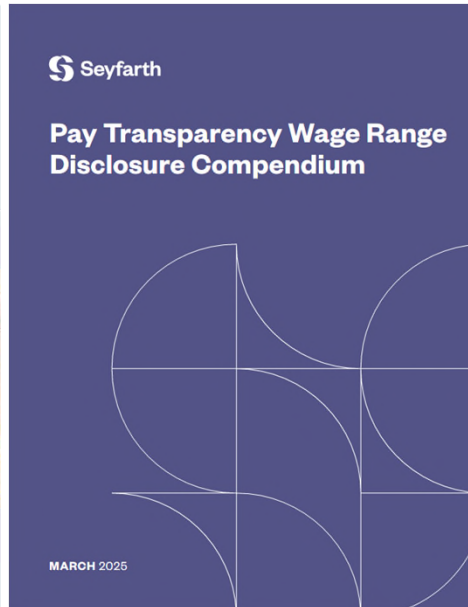
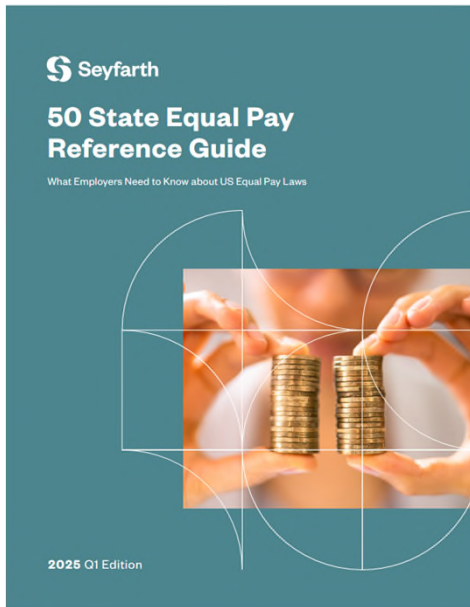
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**thank  
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## **contact information**

For more information, please contact:

Annette Tyman

email: [atyman@seyfarth.com](mailto:atyman@seyfarth.com)

Kristie Iacopetta

email: [kiacopetta@seyfarth.com](mailto:kiacopetta@seyfarth.com)

Chase Fleming

email: [cfleming@seyfarth.com](mailto:cfleming@seyfarth.com)