

# Equal pay

## a union perspective

### Equal Pay Day 2019

14 November 2019 is 'equal pay day'. This is the day in the year when the current gender pay gap means that women effectively stop earning relative to men.

Despite almost 50 years since the Equal Pay Act came into force, it's a shocking fact that women still earn 17% less than men. Equal pay remains a key issue for our bargaining and campaigning agendas.

Unions are in a unique position to use a combined approach of litigation, collective bargaining, lobbying, and in some cases industrial action, to deliver workplace equality.

With increasing recognition of pay inequality for BAME and disabled workers, it is important to understand and address these issues too. Our reps will challenge inequality in pay on all grounds.

### Pension Inequality

Prospect's pension team has done significant research into the gender pension gap, demonstrating a gap of almost 40% for women in retirement.

See more on the research and strategies for dealing with this at: <https://prospect.org.uk/article/what-is-the-gender-pension-gap/>

### Breaking the bias barrier - how do we get beyond career stereotyping

Watch our short film exploring issues of gender & career choices. School children meet with women trailblazers, including a scientist, archaeologist & professional footballer. Watch the video at - <https://vimeo.com/251681989>



Members at the Met Office win equal pay

### Challenging long pay scales

Since 2001 Prospect has been running a legal challenge arguing that where pay systems, which are reliant on length of service, disproportionately disadvantage women workers the employer must justify the differences in pay.

The first two cases were for Bernadette Cadman and Christine Wilson who worked for the Health and Safety Executive. Bernadette and Christine were both earning much less than male colleagues doing equal work. The main reason for the difference in pay was that the men had been employed in the organisation for much longer.

These cases eventually succeeded after nine separate hearings, including the Court of Appeal & European Court of Justice.

A number of other cases have been taken since then, with multiple claims against several departments and agencies including; Valuation Office, Veterinary Laboratory Agency, Prison Service, & Intellectual Property Office.

These cases have led to significant pay increases for members and more cases are in the pipeline today.

### Opaque pay at the Met Office

In 2018 we celebrated success at the Met Office, where the equal pay gap has been virtually eliminated.

In February 2016 we presented tribunal claims for 77 women members claiming equal pay.

The pay system was opaque and there were numerous different pay ranges for different jobs, which often overlapped and failed to align with the job evaluation results.

There was a high profile campaign of industrial action, parliamentary lobbying & the branch reps produced an 'Equal Pay Manifesto'.

There were three preliminary hearings, including a significant victory in January 2017, where we successfully resisted the Met Office's attempts to limit the scope of claims.

Following this, the employer obtained Treasury approval to enter into settlement discussions on individual cases and, very importantly, a new pay structure for the whole organisation.

As a result, the majority of staff received a very significant pay increase of up to £7,000 and the new pay agreement brings the overall pay gap down from over 10% to less than 1% by 2020.

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### Join Prospect or BECTU & help us advance the fight for equal pay

The more members we have the stronger our voice.

[www.prospect.org.uk/join](http://www.prospect.org.uk/join)  
[www.bectu.org.uk](http://www.bectu.org.uk)  
or call **0300 600 1878**

### Identifying & tackling inequality

There are many indicators to an equal pay problem. These are just some points to watch for:

- Opaque pay structures
- Long pay bands
- Discretionary elements of pay
- Impact of performance pay
- Historically male dominated jobs or specialisms
- Gender segregation of roles
- A lack of robust job evaluation
- Individual contracts
- Differences in average pay & by quartiles in pay bands
- Clustering by gender at one end of pay scale
- Impact on part time or atypical workers
- Check for impact on BAME and disabled workers too

For more on achieving equality see Prospect members' legal briefing <https://library.prospect.org.uk/download/2019/01625>



Unconscious bias can play a part in pay inequality. Materials & video at : <https://prospect.org.uk/article/what-is-unconscious-bias/>

### The gender pay gap

All employers with 250 or more employees must annually report on their gender pay gap (GPG).

The GPG is the overall average difference in pay for women and men. Employer reports have shown huge variations, but most have a significant GPG in favour of men.

While the GPG does not necessarily mean there is an equal pay problem, it can be an indicator of other forms of discrimination, often showing that women are met with a glass ceiling.

We use GPG data to negotiate improvements in recruitment and promotion procedures, flexible working policies, and better training and benefits for women.

Now that we have 2 years of reports we encourage all our reps to compare the data and make sure action is taken to narrow the gap.

For more on GPG see our e-learning module -

<https://bit.ly/2pQucka>



### Thank you...

...to our fabulous members who have bravely and determinedly taken claims to make a stand to fight for equality.

Also thanks to the tireless work undertaken by our reps in the workplace, who have organised cases and done so much of the 'leg work' necessary to prepare the legal arguments.

### Winning equality

- Amy Arnold works for a power company. Shortly after raising complaints about not getting equal pay, she applied for promotion. The role was given to a less experienced male colleague. The employment tribunal upheld her claim of sex discrimination and victimisation.
- 15 BECTU members at the English National Opera won equal pay. The predominantly female workers in the costume, wardrobe and wigs departments found they were being paid less than colleagues in other technical roles such as in props, sound and lighting departments. Following a detailed job evaluation study and negotiations, salaries in costume, wardrobes and wigs were brought in line with those in other technical departments.



Mohammad Naeem, 2nd right, at Court of Appeal

- Mohammad Naeem, an Iman working in the Prison Service, challenged pay inequality on the grounds of race and religion. Prospect supported his case all the way to the Supreme Court, where a ruling extended the scope of discrimination claims to benefit all workers.
- Over 160 members working as psychologists in the Prison Service brought a claim of equal value, comparing their work with higher paid prison officers. The psychologists were predominately women and the officers mostly men. The litigation prompted settlement discussions, resulting in a pay increase of up to 20% for many members.

For more on these cases see: [bit.ly/NationalNewsletters](https://bit.ly/NationalNewsletters)