



**Health, Wellbeing and Local Government Committee
Further consideration on Equal Pay**

**Evidence from UNISON Cymru/Wales to the
Health, Wellbeing and Local Government Committee, 2nd July 2009.**

UNISON welcomes the opportunity to give further evidence to the Assembly's Health, Wellbeing and Local Government Committee on progress on implementing single status and equal pay.

1. UNISON is Wales' largest public sector union representing over 90,000 public sector workers, 50,000 of whom are employed in Local Government.
2. The Single Status agreement enshrined in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service commonly referred to as the Green Book has been in existence since July 1997.
3. In July 2004 the NJC agreed a 3 year timetable to implement single status and equal pay in Local Authorities in England and Wales by 1st April 2007.
4. The then WAG Minister for Local Government, Sue Essex, set up a series of meetings through the WLGA (Welsh Local Government Association) and the Local Government Trade Unions with local authorities to urge all parties to commit the necessary resources to resolve this long outstanding issue.
5. In addition the Minister made provision for an increase in each Local Authorities wage bill of 1.5% year on year over a period of 3 years amounting to a total increase of 4.5% to assist local authorities with the additional costs incurred in introducing equality pay proofed salary structures.
6. These monies were not hypothecated but included within the general settlement and recommended for use in assisting with the additional costs of introducing equal pay proofed salary structures.

7. The Local Government Association Employers representatives have stated that on average a 7% increase in the wage bill is required to establish satisfactory new equal pay proofed salary structures.
8. Despite trade union representations to WAG, WLGA and local authorities, all 22 local authorities have chosen to implement Job Evaluation individually and separately. This will inevitably lead to 22 different salary structures that will result in people, doing the same LA job in Wales, potentially being paid at 22 different rates of pay and having 22 different forms of terms and conditions. This flies in the face of the WAG's vision of a one Wales public service and will exacerbate recruitment and retention problems in key professions.
9. Of the 22 local authorities in Wales to date only 4 authorities have completed the Job Evaluation exercise and introduced new equal pay proofed salary structures – Caerphilly, Gwynedd, Wrexham and Neath Port Talbot. In the case of Wrexham this is now leading to a dispute over Terms and Conditions (Green Book, Part III conditions) with the local authority preparing to issue 90 day termination of contract notices to staff in order to re-employed them on lesser conditions. In the case of Caerphilly this has led to the use of high pressurised tactics to get staff to sign away their legal rights through COT3 agreements.
10. It is anticipated that Denbighshire and Merthyr Tydfil will be balloting Local Authority Trade Union members on their single status proposals in the near future.
11. Anglesey, Blaenau Gwent, Carmarthenshire, Ceredigion, Conwy, Monmouthshire, Torfaen and Vale of Glamorgan are expected to complete the job evaluation process by the end of this year.
12. In the current financial crisis climate, with projected real terms spending cuts from 2011 onwards, and the WAG Local Government settlement for 2009/10 – providing an average increase in LA budgets of 2.9% but with some authorities receiving only 1.5% increase does not create the right climate in which to satisfactorily resolve these equal pay and single status issues.
13. Local Authorities 'strapped for cash' are trying to complete the equal pay and single status issue at least cost and despite the NJC agreements commitment to joint ownership of the job evaluation process, discussions have broken down in Flintshire and Pembrokeshire.
14. Some local authorities, Bridgend, Cardiff and Newport are still at least two years away from completing equal pay and single status.
15. The resolution of this issue has been further complicated by the recent Court of Appeal decision in Bainbridge and Surtees which extends pay protection to women who have been previously discriminated against by levelling them up to the same protection level as men. This imposes an

extra cost on LA's if they are to provide protection for those employees who salary goes down as a consequence of job evaluation.

16. In respect of payment to Local Authority women workers for past pay discrimination, only nine of the 22 local authorities have made offers for past discrimination – Caerphilly, Torfaen, Neath Port Talbot, Merthyr, Swansea, Cardiff, Rhondda Cynon Taff, Blaenau Gwent and Gwynedd.
17. The offers made were unsatisfactory as they did not meet the sums of money women would have been entitled to if they were successful in their Employment Tribunal claims.
18. The LA Trade Unions recommendation to members was to reject the offer and pursue claims to an Employment Tribunal.
19. Despite the LA Trade Union advice most women accepted the offers made, faced with an immediate payment offer or a larger payment award sometime in the future; a near impossible decision for low paid workers to make.
20. The remaining 14 authorities have so far refused to make any offer of compensatory payments for past pay discrimination – Anglesey, Conwy, Flintshire, Denbighshire, Wrexham, Powys, Ceredigion, Pembrokeshire, Carmarthenshire, Bridgend, Vale of Glamorgan, Newport and Monmouthshire despite the fact that capitalisation monies are available from the WAG.
21. UNISON, to pursue our members legitimate claims for past pay discrimination, is taking individual member litigation against all of these Local Authorities. In Wales, UNISON has just under 10, 000 cases lodged with the Employment Tribunal.
22. The current situation continues to be very disappointing. From a situation of optimism in 2004 where there was an apparent consensus between the LA Trade Unions, the WLGA and the WAG that this issue must be resolved, in many areas we have almost ground to a halt and battle lines are being drawn.
23. The result of this pursuant of an attritional strategy by the majority of local authorities is that millions of pounds of local authorities' monies have been spent on solicitors' bills, with the prospect of further legal expenses and full costs when the claims are considered by the Employment Tribunal. These monies would be better spent on financing settlement offers to local low paid women workers, which would have the added bonus of producing a much needed economic stimulus to local economies, instead of lining the pockets of already wealthy large legal firms.
24. The Committee meets at an opportune time. Discrimination law is reserved to Westminster and the UK Government have published the

results of their review of discrimination law in the new Equality Bill. The Government Equalities Office launched a consultation on the specific duties of the Equality Bill on 11 June 2009. The consultation period closes on Wednesday, 30 September 2009.

25. UNISON is calling for measures to streamline and accelerate the passage of equal pay claims. Unequal pay is a structural or systemic problem linked to longstanding societal assumptions about the value of the different work performed by women and men. It is a cruel and sadistic logic that requires each individual woman to prove she has experienced injustice when large groups of women have a shared experience of discrimination. We need representative actions to enable discrimination to be tackled efficiently and effectively.
26. UNISON's full agenda for law reform is set out in the attached Equality Bill briefing and we invite the Committee to endorse the measures in relation to equal pay.

http://www.unison.org.uk/equality/pages_view.asp?did=8197

27. UNISON would recommend that:
 - WAG uses its powers to get the commitment of all local authorities to move towards a unified approach to Job Evaluation which will ensure that no matter where a LA worker lives in Wales they will be treated the same in terms of their pay and terms and conditions. One set of grades for social workers in Wales; one set of grades for Teaching Assistants in Wales; one set of grades for Home carers in Wales. A one Wales approach within the framework of the National Joint Committee agreement.
 - WAG to further advise Local Authorities of the 4.5% increase given to LA's to assist with establishing new equal pay proofed salary structures and the expectation that these extra monies be put into this process.
 - WAG continues to make capitalisation funds available for one off compensations to meet back pay and equal pay back pay claims.
 - WAG to collate the amount of public money that has already been spent, and that which is projected to be spent, on local authorities legal costs in resisting staff's equal pay claims.
 - WAG should develop a Welsh matrix for settlement of claims including Bainbridge claims and should develop a timescale for the operation of a scheme to help local authorities meet their equal-pay liabilities.
 - Work should be done now to help stop more cases arising in the future, such as having an independent assessment of local authority pay and grading arrangements.
 - Annual equal pay audits should be carried out in all local authorities.
 - Support the UNISON case for Equal Pay law reform during the passage of the forthcoming Equality Bill.
 - Whilst acknowledging the positive equal pay conference (held on 11th March) initiated by Brian Gibbons, WAG Minister for Social Justice and

Local Government, a special delegated meeting of all parties is necessary to thrash out these difficult issues and for the Minister to use his authority to reiterate the imperative for these issues to be resolved.

28. As was stated in UNISON's earlier submission, the Equal Pay Act was passed by Barbara Castle in 1970, 'The requirement at equal treatment for men and women in same employment'. 39 years on and the matter in Local Government remains unresolved. It is high time for all local authorities in Wales to now do the right thing and allow public services to positively move forward and face the challenges ahead together.
29. UNISON Cymru/Wales are grateful for the opportunity to assist the committee with its work on equal pay and we are happy to provide further assistance if required.

Dominic MacAskill
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25th June 2009