

## Pay Justice for Women Workers in Equal Pay Win

1,200 low paid women - including cleaners, support workers and cooks - stand to gain thousands of pounds each after UNISON fought and won an equal pay claim against Bury Metropolitan Borough Council.

Following a four-week hearing, the council's claims that the men were paid more because of a genuine material factor, rather than because of the workers' sex, were rejected.

The Tribunal judgment should mean that the women will receive the equivalent of bonus payments based on 33.33 - 50 % in line with men for up to 6 years prior to the date on which the women put in their claims to the Tribunal through to the 31<sup>st</sup> March 2007 (when the bonus payments were removed). But the Council may still require the women to prove to the Tribunal that their work is of equal value to the men's, and then dispute the value of their claims, not to mention appealing against the current Tribunal decision.

**Dave Prentis**, UNISON's General Secretary, said: "The Tory council, especially the Chief Executive, have a lot to answer for to the people of Bury.

"We are delighted that the women look like winning pay justice at last. But it is disgraceful that the council chose to spend Council Taxpayers money to the tune of over half a million pounds on legal fees, which have been wasted at the courts. These low-paid women are among many who are treated like second-class citizens.

"We will keep fighting to stop UNISON members being short-changed by employers who are determined to avoid their legal obligation to pay under the Equal Pay Act.

"These defences rarely succeed and we now hope that other local authorities will seek to settle claims sensibly."

**Bev Hodgkinson** has worked for the council for 23 years in a variety of roles and was a home care worker at the time of the claim said "I am absolutely elated, It's only right we should not be second to the men.

"We should never have been forced to go down this route and the case has been dragged out for years. We never felt that our work had been recognised, especially when we knew the men were getting paid more.

"Today we have finally received justice and hopefully this will have an impact on other cases in the future."



### What the claim could mean an example calculation

A manual grade one Catering Assistant has been employed by the Council since before April 2001 and submitted a claim for equal pay to the Tribunal in April 2007.

The Catering Assistant is relying on a male employee employed in a male dominated role who is in receipt of a 33 1/3% bonus with whom to compare her pay.

Assuming the basic annual salary of the Catering assistant and her comparator in 2007 is £11,500, the potential bonus to which she is entitled would be £3,832.95.

The Catering Assistant can then backdate her losses for the 6 year period prior to putting in her claim to the Tribunal. Assuming she was entitled to the same potential bonus payment each year, her potential claim for the 6 year period would be £22,997.70.

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**Steve Morton, Branch Secretary of Bury UNISON** said. "We told the Council years ago to settle or we would take legal action against them. Court action is extremely expensive and the Council is now faced with a bill of millions of pounds more than if they had settled earlier. I just wish they would have listened to our advice. I call on the Council not to waste even more tax payers money by appealing against the decision and pay up as soon as possible. Our members have waited long enough for what is rightfully theirs."

## What happens next?

The Council has to decide whether to waste another £500,000 or more continuing their legal arguments in the face of this ruling, or to bring this matter to an acceptable conclusion by making sensible proposals to settle claims now. UNISON is calling for a further meeting as soon as possible.

Note: There was a meeting with UNISON set for Tuesday 7 July which was cancelled by the Council because they are looking at the implication of the Tribunal decision.

## Victimisation

Chief Executive Mark Sanders is skating on thin ice with his threat that giving women their lawful entitlement will cost jobs. This smacks of victimisation and he could find he has initiated further claims against the Council because of his attitude.

## You should have listened to us!

The true cause of Bury Council's problems is his arrogant refusal to seek money to cover the costs of Equal Pay using the "Capitalisation" process. Most other Councils did this, but Mr Sanders twice refused UNISON's demands that Bury access this facility, preferring to see us in court. Look where that's got him so far.



## What We Want You To Do

We want you to get your money now, but there is a chance the Council may delay the payment by appealing against the Tribunal decision. It's important therefore that we keep the pressure on them to pay you what you are owed. If you stand to gain, please **send/email the following to both Bob Bibby, Leader of Bury Council ( R.A.Bibby@bury.gov.uk ) and Mark Sanders, Chief Executive. ( m.sanders@bury.gov.uk )**

To Councillor R Bibby and Chief Executive Mr M Sanders  
c/o Town Hall  
Knowsley Street  
Bury BL9 OSW

**Date:**

Dear Mr Bibby / Mr Sanders

Re: Equal Pay

Further to the recent Tribunal judgment in respect of Equal Pay which the Council lost, I am writing to request that payment of arrears are paid to staff as soon as possible.

I do hope the Council doesn't try to wriggle out of its responsibilities by appealing against the Tribunal's decision. The Tribunal has ruled that staff are entitled to the money and we have all already waited long enough to receive what is rightfully ours.

Yours sincerely

