

Report

12

Report to:	Corporate Resources Committee
Date of Meeting:	28 October 2009
Report by:	Executive Director (Corporate Resources)

Subject:	Equal Pay Update
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide the Committee with an update on equal pay issues

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the contents of the report be noted.

3. Background

3.1. Claimants began lodging equal pay claims against the Council in 2005. In the intervening period, Resources, through the personnel teams, have been progressing with the various initiatives and tasks associated with equal pay and the management of cases.

4. Current Position

4.1. Employment Tribunal Equal Pay Claims

- 4.1.1. As previously reported, the Council continues to receive claims from past and present employees, submitted by Stefan Cross Solicitors. The current number of claims stands at 1,857. There are no claims from the Trades Union.
- 4.1.2. Following the “drop in” meetings facilitated by Stefan Cross Solicitors in January 2009 across the South Lanarkshire area we experienced an increase of 6.4% (111) in claims in the months that followed.
- 4.1.3. Two meetings were held week commencing 24 August 2009 to identify possible witnesses for the claimants side who might be called upon to give evidence about their experience of the Council’s job evaluation exercise.

4.2 Case Management Discussions

- 4.2.1. Following the eighth Case Management Discussion (CMD) in January 2009 the Council was ordered to release the ‘Grading Guide’ aspect of the 555 Grading Scheme. This document allows the evaluator to determine the final job evaluation outcome and is not published due to concerns that it may be improperly used to manipulate the job evaluation process. We considered challenging this request but settled upon its release solely for the purposes of the tribunal process.

- 4.2.2. During February, an informal review of the Council's 555 Grading Scheme was undertaken by an independent expert appointed by the Equalities and Human Rights Commission (EHRC) following a request from the claimants to intervene in our case. As a result of this review the EHRC confirmed that no formal action would be taken and they would not intervene in the legal proceedings.
- 4.2.3 In July, notice of a Pre-Hearing Review (PHR) was received to be held over 11 days spanning September to December 2009. The issues to be considered are whether the 555 Grading Scheme is suitable to be relied upon under Sections 1(5) and 2A (2A) of the Equal Pay Act 1970.
- 4.2.4 The judge decided that it was appropriate to hold another CMD in advance of the PHR and this was held on 11 August 2009. The claimants produced a revised statement of grounds which, they advised, now replaces the original version submitted in October 2007. The Council has reserved the right to object, given the lateness of this application to amend the earlier statement upon which we have based our defence preparations.

4.3 Information Requested

- 4.3.1. As a result of the revised claimants' statement, additional information has now been requested and includes details of the job evaluation exercise for all claimant and comparator roles (in total more than 60 posts) and information pertaining to the job enrichment process. As has come to be expected, this is a resource intensive exercise requiring a high level of time investment from the Resources but in particular Corporate Resources as the lead on equal pay and Community Resources as the Resource with a high number of claimants (723; 38% of all claims) and majority of prospective comparators. Social Work Resources has the highest number of claims (841; 45% of all claims).
- 4.3.2. Copies of the equal pay review reports and outcomes specifically in relation to gender statistics have also been requested.

5. Equal Pay Review 2008

- 5.1. The findings of the analysis within broad bands were released to all Resources in February 2009. The preliminary actions included data cleansing and a number of progression issues.
- 5.2. It is anticipated that release of the 2008 equal pay review reports to the claimants' representatives will generate further orders for information from the employment tribunal. Personnel Services has been working with the Resource Personnel Sections to ensure all actions have been completed appropriately.

6 Employee Implications

- 6.1. The implications for the Resources centres around the provision of such extensive information and Corporate Personnel will continue to work closely with colleagues in Resource Personnel sections to furnish the Employment Tribunal with the information ordered within the timescales.

7. Financial Implications

- 7.1. Financial implications will be met within existing budgets.

8. Other Implications

- 8.1. None.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.
- 9.2. Discussions continue on a regular basis with Resources via the Personnel Managers and the Trades Union.

Robert McIlwain
Executive Director (Corporate Resources)

24 August 2009

Link(s) to Council Objectives

- ◆ Excellent employer
- ◆ Accountable, Effective and Efficient

Previous References

Corporate Resources Committee – 4 March 2009

List of Background Papers

Monthly update reports - June 2006 to May 2007

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Vicki Aitken, Corporate Personnel Manager

Ext: 4803 (Tel: 01698 45 4803)

E-mail: Vicki.aitken@southlanarkshire.gov.uk