

Report

11

Report to:	Corporate Resources Committee
Date of Meeting:	7 May 2008
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. To date, 1,568 equal pay claims have been lodged with the Employment Tribunal Service by Stefan Cross, Solicitors. No claims have been submitted by the Trades Union. The majority of claims are from Community and Social Work Resources employees. Education Resources have approximately 300 claims and Housing and Technical Resources have less than 20 claims.

4.2. Case Management Discussions

4.2.1. Mr Cross's detailed submission to the Employment Tribunal in October 2007 indicated that, whilst he was challenging the Council's Job Evaluation Scheme, he did not clearly understand it. As a result, The Employment Tribunal requested that we provide additional information and this was submitted on 28 January 2008.

4.2.2. A third Case Management Discussion was held on 1 February 2008. The focus of discussion was a recent Court Judgement, the Highland Council Case, which relates to inconsistencies between the comparators listed on the grievances and those on the subsequent employment tribunal claims. The potential result is that claims could be struck out, where there is no match between the grievance and the employment tribunal claim, or progressed immediately provided that both documents are identical. In a large number of the cases there is likely to be only a partial match, which means that aspects of the claim can progress while the rest would fall. The Highland Case

judgement is scheduled to be heard at an Appeal of the Court of Session in Autumn 2008. The decision will inform the next steps in the Council's defence.

4.2.3. As a result of the Highland Case, the Employment Judges have asked all councils to identify those claims that may be affected. We await a decision from the Tribunal on how these claims will be managed.

4.2.4. A fourth case management discussion was held on 27 March 2008. The Council has been asked to confirm each claimant's job title, grade and spinal column point placement, including any and all changes since 2000. Additionally, the Judge has asked for details on how the comparators' job titles have changed over the years. This is a significant piece of work which will require a high level of input from the Resources and is estimated will take 8 weeks.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. None.

7. Equality Impact Assessment and Consultation Arrangements

7.1. 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.

7.2. Discussions continue on a regular basis with Resources via the personnel managers as well as with the Trades Union.

Robert McIlwain

Executive Director (Corporate Resources)

17 April 2008

Link(s) to Council Objectives

- Excellent employer
- Accountable, Effective and Efficient

Previous References

None

List of Background Papers

None

Contact for Further Information

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

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