

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	Chief Executive 24 AUGUST 2017	
SUBJECT:	EQUAL PAY STRATEGY 2017	
Key Decision: Yes	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved O&S Chair approved X	
Relevant Cabinet Member(s) or Relevant Executive Member:	Councillor John Clancy, Councillor Ian Ward	
Relevant O&S Chair:	Councillor Randal Brew (Acting)	
Wards affected:	ALL	

(for late reports insert reason for lateness and reason for urgency)

Purpose of report:
<p>1.1 Further to a Cabinet decision in July 2014, this report provides an update on the latest equal pay position in the Council, including updates on litigation and agreed settlement strategy.</p>

Decision(s) recommended:
<p>That the Cabinet:-</p> <p>2.1 Note the content of this report.</p> <p>2.2. Note that the reasons for the late report are set out in the Private Report.</p>

Lead Contact Officer(s):	Kate Charlton - City Solicitor and Monitoring Officer Mike O'Donnell- Interim Chief Finance Officer Dawn Hewins - Director Human Resources
Telephone No:	Kate Charlton – 303 2151 kate.charlton@birmingham.gov.uk Mike O'Donnell – 303 2950 Mike.O'Donnell@birmingham.gov.uk Dawn Hewins – 303 2120 dawn.hewins@birmingham.gov.uk
E-mail address:	

3. Consultation

Consultation should include those that have an interest in the decisions recommended

Internal

The, the Leader Councillor John Clancy, the Deputy Leader Councillor Ian Ward, Cabinet Members, Councillor Robert Alden Leader of the Conservative Group, the Acting Chair of the Scrutiny Committee and relevant Corporate Officers have been consulted.

External

There is no requirement to consult externally.

Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

The recommended decision is in line with the Council's long term financial planning and previous equal pay strategies.

Financial Implications

(How will decisions be carried out within existing finances and Resources?)

Any proposal will be carried out within existing resources identified for settlement of Equal Pay claims and associated costs.

Legal Implications

The Equal Pay Act 1970 (Equality Act 2010) was an under-utilised piece of legislation at a time when it was not uncommon for employers to give different rates of pay as between men and women performing the same job or to reserve the higher paid jobs for men and the lower paid jobs for women. However, not until the implementation of the National Single Status Agreement in 1997 and the Agenda for Change Agreement in 2004 was attention focused on pay structures within Local Authorities and NHS Trusts.

Equal Pay was brought into the public arena with legal firms issuing claims for Equal Pay in or about 2000 but not in Birmingham until 2006/7. Single Status in Birmingham was implemented with effect from 1 April 2008 and this was designed to remove unequal pay in the Council.

Equal Pay law entitles a woman (a claimant) the right to be paid the same and enjoy the same contractual terms as male colleagues (comparator) who are performing work rated as equivalent or of equal value, unless the difference can be justified by a non-discriminatory reason.

Public Sector Equality Duty (see separate guidance note)

The litigation risk of the different groups of equal pay claims is kept under review.

Relevant background/chronology of key events:

5.1 This Report is an update to Cabinet Report dated July 2014 dealing with equal pay; setting out the current status and proposals in relation to issued claims.

Evaluation of alternative option(s):

6.1 To not settle issued equal pay claims litigation, and not defend equal pay claims issued against the Council.

Reasons for Decision(s):

7.1 To manage any potential liability facing the Council in respect of those equal pay claims currently issued against the Council.

7.2 All equal pay claims issued against the Council require an agreed Strategy.

List of Background Documents used to compile this Report:

Cabinet Report (Public) dated July 2014

List of Appendices accompanying this Report (if any):

1. NONE

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation