

Questions and Answers for UNISON members in Scottish Enterprise Careers and Development, August 2007.

What is Equal Pay?

The Equal Pay Act allows a woman (or a man) to claim that they are doing work that is the same, has been rated equivalent under a job evaluation scheme, or is of equal value, to someone of the opposite sex. If they can prove that they are doing equal work then they are entitled to ask a tribunal for the same pay.

Why are there equal pay cases in Career Scotland?

Since Career Scotland was established in 2002 there has been historical pay inequalities amongst staff. Many of our members receive less pay for carrying out the same work as colleagues. This issue has been raised with Scottish Enterprise and agreement was reached in 2005 that a Job Evaluation process would be established to address those historical inequalities. Since then Scottish Enterprise has refused to carry out a job evaluation exercise with careers staff.

Who will have a case for Equal Pay?

Those who are likely to have equal pay claims are colleagues of the opposite gender who are working in the same or very similar jobs but who are being paid less.

Does this issue affect only female employees?

The Equal Pay Act applies to men as it does to women.

Why is it important that I fill out a form?

It would be helpful if all members completed a CASE Form. Even if you do not have a claim for equal pay. The

information you provide may be vital evidence in supporting another member's case.

What happens after I send off the form?

Once this form has been processed, a full assessment will be made to decide whether it is appropriate to lodge a grievance with your employer, followed by submitting a claim to an employment tribunal. The union has a duty to all its members to ensure that its resources are used effectively. This includes making careful decisions to ensure that we support cases where we believe we have a prospect of winning. This does not mean that we only take "easy" cases but it does mean that if we do not believe that your case has reasonable prospects of success, we will be honest and tell you that.

How long will the claim take?

Legal cases can be very lengthy and are very expensive. It is not uncommon for equal pay cases to run for many years if the employer is not prepared to settle. Equal pay claims are always difficult, and it is hard to predict whether they will be successful.

Once you have provided the information requested by your UNISON branch, your claim will be assessed. If from this initial assessment we believe that your claim has no reasonable prospects of success we will write to let you know of this within the next few months.

If however we take the view that your claim merits further investigation we will probably have to clarify certain basic legal issues through the tribunals.

What are the time limits that apply when lodging equal pay claims?

The Equal Pay Act says that a tribunal claim can be lodged with the

Employment Tribunal at any time during the course of an employment contract, and within 6 months of the end of that contract. After that 6 month limit, the right to pursue a tribunal claim is extinguished. Promotion, re-deployment and other changes may all mark the end of your contract and trigger the start of the time limit. If you think this affects you, seek advice.

In addition, the new disputes resolution procedure means that a grievance has to be sent to the employer 28 days before the tribunal application is submitted otherwise it will not be accepted.

If I do not want UNISON to run my case, can I instruct my own solicitors, or run the claim myself?

Obviously we recommend UNISON's lawyers, but it is possible that your own household or other personal insurance may provide for funding of employment related claims. If you do not wish us to investigate your claim for you please let us know as soon as possible

What if I changed jobs in the past?

We will try to investigate and pursue an equal pay claim for you in relation to all your past employment. However, if there has been a fundamental change in your employment contract in the past, it may be that you will be out of time for pursuing an equal pay claim in relation to that former employment.

Should I let you know if I move address?

You must let us know if you move house and change address. If we lose touch with you we will not be able to progress your claim for you

Are there any other conditions relating to UNISON's funding of my claim?

As with all its legal services to members, there are certain conditions that you must agree to in order for UNISON to fund your claim:-

- (i) You must not instruct any other solicitor to pursue the equal pay claim on your behalf.
- (ii) You must remain a member of UNISON and continue to pay UNISON subscriptions
- (iii) You must at all times cooperate with and follow the advice of your branch in relation to your Equal Pay claim.

If at any point it emerges that you have not complied with these conditions, then support for your equal pay claim may be withdrawn.