



Just Desserts: Yorkshire dinner ladies win back equal pay

a TUC oral history project on equal pay,
in association with the Wainwright Trust

RECORDING WOMEN'S VOICES

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The story of the North Yorkshire 'dinner ladies' begins in 1987...

THE BACKGROUND – GRADING AND PAY OF SCHOOL MEALS JOBS

The story of the North Yorkshire 'dinner ladies', as staff of school meals services have been known by successive generations of pupils, begins in 1987, when their jobs, along with those of other local government manual workers, were evaluated as part of a national job evaluation exercise.

The Equal Value Amendment to the Equal Pay Act had come into force in January 1984. The Local Authorities Manual Worker Job Evaluation Scheme had been designed and implemented to comply with the principles of equal pay for work of equal value as then understood. It included factors to measure responsibilities for providing services to local authority clients, including school children, physical effort and working conditions.

As a result of the exercise, school cooks were graded as Manual Worker 4, the same grade as skilled gardeners and roadworkers. School meals catering assistants were graded in Manual Worker 1, alongside road sweepers; and Manual Worker 2, with grounds maintenance operatives and refuse collectors. All jobs in each manual worker grade received the same nationally negotiated basic rates of pay. (Many male manual workers also received bonus payments, but that is a different story, not directly relevant to this case).

THE BACKGROUND – COMPULSORY COMPETITIVE TENDERING

The second ingredient to the story is the regime of Compulsory Competitive Tendering (CCT) introduced by Mrs. Thatcher's Conservative Government in its Local Government Act of 1988. Under CCT, local authorities (and other public sector organisations) were required to put a range of services out to tender to private contractors;

their own staff could submit in-house tenders. The contract had to go to the cheapest bidder, as long as it provided the service as specified.

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For the purposes of the tendering process North Yorkshire County Council divided their large, mainly rural constituency into six geographical areas. Mrs. Ratcliffe and her colleagues worked as catering support workers in the school meals service in one such area. Their managers won the tender, but only by giving the staff notice of dismissal from 21 July 1991 and re-employing them from 28 August 1991 on lower rates of pay for those in the lower grades, including Mrs. Ratcliffe and her colleagues. Other services, such as grounds maintenance, were retained in-house without needing to cut the rates of pay.

The school meals staff working under the successful in-house contract had retained their jobs and were still employed by North Yorkshire County Council, but were no longer receiving the same pay as men whose jobs had been evaluated similarly to theirs under the job evaluation scheme.

THE EQUAL PAY CLAIMS

In 1990, Mrs Ratcliffe and her colleagues submitted equal pay claims, supported by UNISON.

These were 'work rated as equivalent' claims. They were taken under a clause which had been introduced into the original Equal Pay Act of 1970, in response to the situation in which sewing machinists at the Ford Motor Company had found themselves in 1968, when their jobs had been evaluated similarly to those of male production workers, but they were offered only 85 per cent of the male rate (see *The Story of the Ford Sewing Machinists*, in this series).

Following a hearing of the case in the Industrial (now Employment) Tribunal, the County Council conceded that the work of Mrs Ratcliffe and her colleagues was 'rated as equivalent' to that of their named comparators. The other issue for the Industrial (now Employment) Tribunal was whether there was a defence to their equal pay claims. Under UK legislation, an employer has the right to argue that there is a 'genuine material factor', which has nothing to do with the gender of claimants or comparators and which justifies the difference in pay.

The County Council put forward as a defence that they had been compelled to reduce the pay of the school meals staff in response to the competitive tendering process and because private contractors could recruit to such jobs at lower rates in the local labour market, thus potentially undercutting the in-house bid and threatening the viability of the County Council's Direct Services Organisation (DSO).

The school meals staff... were no longer receiving the same pay as men whose jobs had been evaluated similarly to theirs under the job evaluation scheme.

The claims were successful on this point in the Industrial Tribunal, but only on a majority, rather than unanimous, decision. They were overturned in the Employment Appeals Tribunal (EAT). The appeal eventually reached the House of Lords. The Decision of the House of Lords was in favour of the claimants and is worth quoting:

"A difference in pay, between the female school catering assistants and their male comparators employed in local government on work rated as equivalent, which resulted from a reduction in the women's wages from the local government rate because of the employer's need to tender for work at a commercially competitive rate, was not genuinely due to a material factor which was not the difference of sex. To reduce the women's wages below that of their male comparators was the very kind of discrimination in relation to pay which the (Equal Pay) Act sought to remove."
(author's italics)

THE IMPLICATIONS OF THE CASE

The case had significant implications for employers involved in competitive tendering processes in the public sector, because it demonstrated that those who cut wages of female dominated groups for competitive purposes may be subject to equal pay claims.

However, it also had longer term implications in both the public and private sectors for pay structures based on 'job families', where female job families are placed on lower pay scales than other job families.

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Filmed interviews on the Yorkshire dinner ladies story are available from TUC publications on 020 7467 1294. Further information on the TUC oral history project on equal pay is available from September 2007 at www.unionhistory.info



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