



REPORT FOR EDLC BOARD	
<b>Report Title:</b>	Equal Pay Claims EDLC
<b>Contact officer:</b>	Mark Grant
<b>Date:</b>	21 <sup>st</sup> June 2017
<b>Agenda Item No:</b>	5
<b>Report No:</b>	EDLCT 62/17/MG

## 1. INTRODUCTION

- 1.1 The purpose of this report is to advise the Board of the outstanding Equal Pay claims and the process in place for dealing with these claims.

## 2. BACKGROUND

- 2.1 There are 25 EDLC equal pay claims which are sisted until 28 July 2017 (see Appendix 1).
- 2.2 All 25 claimants are Library/Cultural Assistants, Unison members and are represented by Thompson Solicitors.
- 2.3 All of the claimants TUPE transferred from East Dunbartonshire Council to the Trust on 1 April 2011 and had initially raised their claims against East Dunbartonshire Council which at the time would have been the correct employer. The claimants should have on or around 1 April 2011 when the TUPE transfer occurred made an application to amend to add East Dunbartonshire Leisure and Culture as a respondent to the claim.
- 2.4 However, there was a delay of almost two years (2013) before the Employment Tribunal received an application to amend from the claimant's solicitors to add East Dunbartonshire Leisure and Culture as respondent. Both the Council and East Dunbartonshire Leisure and Culture objected to this and a preliminary hearing took place and the judge found in our favour and refused this application to add East Dunbartonshire Leisure and Culture as a respondent. As a result of this the initial claims were dismissed and the claimants resubmitted claims solely against East Dunbartonshire Leisure and Culture in 2013.

### 3. CURRENT POSITION

- 3.1 East Dunbartonshire Council is in the process of potentially settling some of their equal pay claims and they are currently negotiating a Memorandum of Understanding which is an agreement setting out the framework for settling claims. Also included within the Memorandum of Understanding is a template Settlement Agreement which will be issued to individual claimants detailing the compensation that they are due and that in return they will withdraw their equal pay claims from the Employment Tribunal.
- 3.2 All of the East Dunbartonshire Leisure and Culture claimants are with Unison and having discussed this with East Dunbartonshire Council legal advisor it would make sense to settle the EDLC claims at the same time as the EDC claims. In order to effect settlement of these claims a Memorandum of Understanding would be entered into by EDLC and individual Settlement Agreements issued thereafter.

### 4. FINANCIAL IMPLICATIONS

- 4.1 In terms of potential financial costs for East Dunbartonshire Leisure and Culture as these claims were submitted in 2013 the offer we are looking to issue would be £0.
- 4.2 This offer is on the basis that the claimants will only be able to claim back to the 1 April 2011 and at this point Single Status had long been in place and the payment protection period where there can be some continuing inequality in pay ended on 2 March 2011.
- 4.3 In addition three of the individuals claims are time barred on the basis that they submitted their claim more than six months after leaving East Dunbartonshire Leisure and Culture (for an equal pay claim they must submit their claims to the Employment Tribunal within six months of leaving).

### 5. NEXT STEPS

- 5.1 The Memorandum of Understanding will be finalised. Contained within the Memorandum of Understanding will be the template Settlement Agreement and a schedule of offers which in this instance we would be proposing that they would all be £0.
- 5.2 Should the claimant's representative Unison agree to the terms of the Memorandum of Understanding they have a period of 28 days to accept that these claims do not merit any offer. If they believe that an offer should be made then they would contact us with a counter proposal for consideration.
- 5.3 Once this has been concluded with the claimant's representative the next step would be to produce the Settlement Agreements which would be issued to the claimants for signing and return.

## 6. RECOMMENDATIONS

6.1 It is recommended that the Board:-

- a) Notes the details provided on East Dunbartonshire Leisure and Culture equal pay claims.
- b) Agree that East Dunbartonshire Leisure and Culture enter into a Memorandum of Understanding to settle the Equal Pay claims and remit the General Manager to progress the claims process with East Dunbartonshire Council legal services support.
- c) Agree that a further update report on the claims be brought to the October Board meeting.