

## **Just Desserts – The Yorkshire dinner ladies’ fight to win back equal pay**

*1987 – A Job Evaluation scheme was introduced into Local Government.*

### **Ray Gray – Regional Officer NUPE (now UNISON)**

Your local authorities had had a number of job evaluation schemes in existence that were discriminatory and in 1986 they started talking to the trade unions about changing that and coming up with a scheme that wasn't discriminatory, that gave you equal pay for work of equal value. We spent around 12 months working on that and in 1987 we introduced the schemes, spent another 12 months implementing it across the patch. So that meant that everybody then in theory should have had equal pay for work of equal value whether they were cleaners, domestics, caring staff, or highway staff or refusemen.

### **Tom Foster, Highway worker (retired) and Comparator: NUPE (now UNISON)**

My grade – I had been a roadman since 1964 and the thing was that my grade, as Ray's just mentioned, was equal to a grade 2 cook.

### **RG**

It is a difficult one to get your head around. We had these. It was before powerpoint. People used to prepare flip charts that we used to take them out to depots with us and start working through it. Trying to explain that you can't compare a refuse person with a home help person using this scheme was quite difficult for people to grasp because their logic was well I'm out in all weathers lifting the bin and the home helps in somebody's warm comfortable house just looking after granny and trying to say it's not like that. It's not as easy as that. You know, you know your job well, they know their job well. We see both of them and you can't use this scheme to compare them, pay them.

### **Heather Wakefield, National Officer for Local Government UNISON**

I don't think that the concept of equal value is widely understood. I think the concept of equal pay for the same or similar work is understood but the concept of equal value, I think, is something a lot of people in the trade union movement still struggle with.

*1988 – The Conservative Government passed the Local Government Act, which introduced Compulsory Competitive Tendering for local government services.*

### **HW**

Yorkshire dinner ladies wages being cut was part of a general downward pressure on women's paying conditions that arose from actually the local government tax 1988 which laid the way for compulsory competitive tendering i.e. privatisation. Quality didn't come into it. They had to accept the lowest tender, so immediately, this puts an awful lot of pressure, particularly on the pay and conditions of women.

*On 21 July 1991, North Yorkshire County Council gave the dinner ladies notice of dismissal and re-employed them on 28<sup>th</sup> August 1991 on lower rates of pay.*

### **RG**

When North Yorkshire started doing that. To be competitive against the private companies they started to cut the terms and conditions of the school meals staff to win the contract. This was one of the things that makes the case quite unique because we already had equal pay and what we were complaining about was the council taking that equal pay away from them and moving away from the job evaluation scheme. It is so simple when you look at it and when you were trying to explain to people, look in 1987, they got equal pay, 1989, they took it off them. Tell me how that can be right? and that was the basic blunt argument and people could understand that, which is why I think we got so much support.

**Dorothy Ratcliffe, Dinner lady, 1981-2006**

They actually just came in one day and said your terms and conditions are changing. You're going to be 3 pounds an hour and that will be it, everything was taken away. The holiday pay and the laundry allowance, the bank holidays and all that was taken away and I think we were given 14 days holiday a year and that was it, so, you know, we had lost everything cos we got paid through the holidays, we got £3.40 an hour at the time and we got 30 pence cleaning money and we also got all the you know – we got three weeks holiday then, so it changed drastically.

**RG**

They removed the sick pay scheme as well.

**DR**

The sick pay scheme that all went. There was no pension scheme. There was nothing. They took the lot away.

**TF**

I was a roadman, but at the same time, I was the county convener for the highways department and we had been competing or going out to competitive tendering for a while, but we didn't lose any holidays. We didn't lose any rates of pay. We kept all our national and local conditions, our pension scheme was safe and yet there was us tendering for work in the same way, but yet, when it came to the school meals ladies they were obviously having to take all these cuts, which was totally unfair. We had roadman but their wives worked in school meals so the argument came home.

**Susan Crosby, Dinner lady, 1977-1993**

As it happened, nobody was happy about it but nobody wanted to leave the job. I mean, we all liked the job anyway, particularly the schools we were working for. You know a lot of the ladies that worked with me had been there 30 years so it was part of their lives. They didn't want to change it.

**TF**

But that was the thing, was that they played on the emotional side of the school meals ladies because what they were saying was that, ok we are going to implement these cuts and these changes, but they knew full well, because these were also mothers as well as being workers and what they were saying to them was, that we won't come out on strike, you know, they will accept it, because for the simple reason they won't see children go hungry in the schools.

**DR**

The moment when I definitely decided I was going to go ahead with it was when we were burgled at school and I tried to get the money from the petty cash for to do school lunches and they just said "they couldn't do it" and I said "why not?" and they said "they didn't have any bank accounts or anything". It was just a paper agreement to set up this business and I thought well that is it, obviously North Yorkshire still own us and it is still them and I said it is just not on and so that's when I said I'm going to fight it. Because I said, it is not right that they can come along and just take everything away. Fill a bit of paper in and say "oh we've started a new company" and that was all that was involved. Everything, the overalls, your wage slip, nothing changed, it was still North Yorkshire County Council.

*In 1992 NUPE took the Dinner Ladies case to an Industrial Tribunal.*

**SC**

I misunderstood the whole thing because all I thought was I had to put my name to a piece of paper and then when they said no you've got to come to Leeds to a tribunal and you speak and I thought, oh my god!, you know, I mean this wasn't quite what I had in mind. What got me fired then was that we were privy to papers that passed between North Yorkshire County Council and the in-house team and this chap was only a young fellow, I mean he was only in his early thirties then, I think, and he had written, in one of these papers, he had written something on the lines of well these women only come out for pin money, for pocket money and he was sat directly in front of me as I was reading this in the tribunal and I thought, happen, I could smack you (laughter). How dare you insult the ladies who were working and that, from then on, that was what got me fired.

**RG**

It was seen then as quite an important case. If we lost, it could be more serious consequences within it I suppose. So winning it became quite important to both organisation and to the people in North Yorkshire. Because the number of precedents it was set if we was successful. It also kind of shone a national light on it from other councils for encouraging North Yorkshire fighting to file it on the chance that we might have won it, it would have looked bad on them as well.

**HW**

I thought that probably the tribunal, the industrial tribunal, would come down on the side of the men's school of thought, if you like, and would probably favour the private sector. I was wrong, pleasantly surprised.

*North Yorkshire County Council appealed against the decision of the Industrial Tribunal. The appeal was heard in 1993 and the court found in favour of the County Council.*

**RG**

We lost the appeal basically. We kind of knew the second day in that we were going to lose it by a comment that was made by the judge that was hearing it and I can't remember the exact words, but somebody mentioned the reliability of women workers and his comment was "well, yes, they have headaches and things and they are not as reliable as men are they?" and this was the guy that was actually hearing the case, so we kind of knew when he said that, that we are not listening to the person who is sympathetic to our cause. One of the real big successes we made at the second stage of the appeal at the court of appeal, and it doesn't really get used enough because it's still a legal precedent was that if the market discriminates, then you can't use market forces as an argument and what that tribunal basically said was that's fine, use market forces, but if you look around this predominantly female work force, which catering is, and it discriminates as a market, you can't use its potential which was what they were trying to do. We lost the first appeal at the employment appeal tribunal. We then went to the court of appeal, which is the one you see on the television at the Strand, which was the second stage. We lost that as well. I was a bit disappointed with that. I thought we had a much better hearing and the people listening to the case seemed to understand the arguments better and we did establish that as we lost the case, we did establish that communal market forces that you can't use it as the market discriminates. We had gone so far down the road then and we were still confident that we were right and we knew that we couldn't leave it there so we appealed to the House of Lords. Somebody from the court rung us and told us on the train that we had won it before we got there.

**DR**

Somebody mentioned at Kings Cross station didn't they?

**SC**

But the occasion of actually walking in to the House of Lords that will stay in my memory for ever.

**DR**

Yes.

**SC**

The best was coming out (laughter). There were just thousands of cameras (laughter). There were people shouting at us. Like you see on the tv, you know, and these politicians and it was just, we just couldn't stop laughing could we? It set us off giggling.

**HW**

I switched on the news that night to see Gin and the applicants on the telly coming out of the court to find out that they had won and it was such a great fantastic, fantastic feeling.

*1994 – The House of Lords in their judgement of the Ratcliffe case stated:*

*“To reduce the women’s wages below that of their male comparators was the very kind of discrimination in relation to equal pay which the Equal Pay Act sought to remove.”*

**TF**

Something I'll take to the grave with me, something that you can be very proud of.

**RG**

These two did that. These two that did that. You've got to get a kick out of that.

**SC**

Yes.

**RG**

You created a legal precedent. You changed legislation. You stopped employers from cutting pay to win contracts. You stopped them from using market forces as an argument in cutting pay. They did that. (laughter)

**SC**

With your help. With your help. I mean

**DR**

Our support

**SC**

Yes we wouldn't have. Without the union behind us, you know.

**DR**

Yes that's right.

**RG**

It was a good team.

**DR**

That's what I used to say to everybody, you know, “join the union because if there's any problems that's the only way you're going to get it sorted”.

**RG**

In the long term I've got two really good friends out of it. (laughter)