

# Cooking up a storm



## Julie Hayward's equal value victory



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

RECORDING WOMEN'S VOICES

TUC 

# In 1984, when the Equal Value Amendment to the Equal Pay Act was implemented...

...Julie Hayward was employed by Cammell Laird as a cook in the canteen at their Birkenhead shipyard. She was responsible for preparing, cooking and serving midday meals to Cammell Laird employees.

Supported by her union, the GMBATU (now GMB), she claimed equal pay for work of equal value with male craft workers – a shipboard painter, a joiner and a thermal insulation engineer – all of whom received higher craft rates of basic pay than she did as a cook. The comparators were members of GMBATU, the same union as Julie Hayward.

As in many private and public sector organisations at the time, the craft comparators were covered by one collective agreement, with non-manual employees, among whom Julie Hayward was included, covered by a separate agreement with different terms and conditions in a number of respects.

## The question of equal value

The industrial (now employment) tribunal that considered her case followed the requirements of the newly amended Equal Pay Act and referred the question of whether the jobs were of equal value to a member of the panel of independent experts appointed and administered by ACAS.

The independent expert used a limited set of criteria to compare Julie Hayward's work as cook with the comparator jobs:

- skill and knowledge demands
- responsibility demands
- planning and decision making demands
- physical demands
- environmental demands.

For the factors other than knowledge and skills, he assessed the jobs against a simple low-moderate-high scale of demand. For skills and knowledge, he assessed all the jobs as equal, because all required relevant City and Guilds qualifications. With this relatively straightforward system, it was possible to see from the assessments that the jobs were of equal value. This assumed that all five factors were of equal importance or, in job evaluation jargon, weight.

The tribunal accepted the independent expert's report and found the jobs to be of equal value.

The independent expert's comparative assessment is notable for several features:

- (1) Although superficially different, claimant and comparator jobs were similarly structured craft or trade jobs and this allowed the independent expert to use a limited number of factors and a simple assessment system.
- (2) He found that the jobs had equal knowledge requirements because all required relevant City and Guilds qualifications or apprentice training. Previously, cooking was often seen as less demanding than painting or carpentering, at least in part because it was more commonly done by women.
- (3) He recognised that working conditions in a hot and steamy kitchen should be taken into account, as well as the demands associated with shipboard working.

His approach in the *Hayward v Cammell Laird* case has been followed by independent experts and tribunals in many subsequent equal value cases.

### The question of equal pay

It seems that the company representatives were taken by surprise by the tribunal finding of equal value. They raised arguments about what constituted equal pay in this case. Julie Hayward was employed on non-manual terms and conditions of employment, so had better sick pay and holiday provisions than her manual comparators. She also had received free meals on duty. Cammell Laird argued that, although she had lower basic pay than her comparators, her overall pay package was broadly equivalent.

Julie Hayward's was the first major favourable high level appeal court decision for equal value claimants.

The case continued for several years through the appeal courts on the issue of what is equal pay. The House of Lords eventually decided in Julie Hayward's favour. In their Decision in 1988, their lordships said that the Equal Pay Act referred to equal pay in relation to individual contractual 'terms'. This meant that Julie Hayward could take her case in relation to her basic pay, even though some of her other contractual terms were more favourable than those of her comparators.

Julie Hayward's was the first major favourable high level appeal court decision for equal value claimants. It caused considerable panic among employers, who believed it would lead to 'tit for tat' claims by male manual employees claiming the more favourable non-basic-pay terms often accorded to non-manual workers. In fact, these did not materialise, in part because of increasing harmonisation of non-basic-pay terms and conditions across many organisations for reasons other than equal pay legislation.

However, Julie Hayward's case clarified the legal position for other claimants. Most claims still relate to basic pay, as this is the respect in which women's contracts have most commonly been inferior to men's. But since the House of Lords decision in 1988, there

have also been a minority of cases relating to other terms and conditions, for example, shift and unsocial hours payments, contractual rent allowances, 'company' cars, performance and bonus payments.

His [*the independent expert's*] approach in the *Hayward v Cammell Laird* case has been followed by independent experts and tribunals in many subsequent equal value cases.

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Filmed interviews on Julie Hayward's case 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](http://www.unionhistory.info)



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