



■ ■ ■ Catch of the Day: Hull fish packers win equal pay

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

RECORDING WOMEN'S VOICES

TUC 

The Hull Fish Packers equal pay claim came to fruition in 1984...

THE BACKGROUND

Before 1970 it was common for women in the UK, especially in the private sector and in manual support roles in the public sector, to be paid on separate lower rates of pay than men, regardless of their skill levels.

When the Equal Pay Act came into effect from 1975 (see *The Story of the Ford Sewing Machinists*, in this series), it introduced an implied equality clause into all contracts of employment and separate women's rates of pay became illegal.

It was anticipated that women's rates would be raised to at least the lowest male rate in the organisation and this was often the case. However, researchers at the time found that some companies had simply re-named their women's rate as something else and left it below the male rates.

THE EQUAL PAY CLAIMS

Mrs Wells and her colleagues were employed by F Smales & Sons (Fishmerchants) Ltd of Hull as fish packers. They carried out various combinations of packing duties.

They were paid at a lower rate for these duties than their named comparator, who was a labourer engaged on general duties, such as moving boxes of fish in and out of the cold store area.

Such pay relativities were common in the fish packing industry in north east England. Mrs Wells and her colleagues, supported by the TGWU, sought to challenge this situation.

THE INDEPENDENT EXPERT'S REPORT

When the equal pay claims were submitted to the Industrial (now Employment) Tribunal, the company denied that the work was of equal value. They initially also argued that, if the work was found to be of equal value, the difference in pay

was due to a good reason, which was nothing to do with the gender of any of the jobholders. This is called a Genuine Material factor (GMF) defence. Smales subsequently abandoned their GMF defence.

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The Tribunal referred the women's claims to a member of the panel of Independent Experts appointed and administered by the Advisory, Conciliation and Arbitration Service (ACAS). The Independent Expert identified a number of factors and sub-factors in order to evaluate the work of the claimants and their comparators:

SKILL AND EXPERIENCE

- Manual and manipulative dexterity and mental skills
- Experience and training

RESPONSIBILITY

- Responsibility for material or product
- Responsibility for plant or equipment

WORKING CONDITIONS

- Environment
- Other conditions – hazards, monotony etc

EFFORT

- Physical demands
- Visual and mental effort

The Independent Expert adopted a relatively complex scoring system. Each sub-factor had four levels – named High, Medium/High, Medium/Low and Low. Within each level there was a + and a -, giving a possibility of 8 different scores per sub-factor. All sub-factors had equal weight in the overall score.

The other complication was that the Independent Expert decided to look at each claimant's version of the fish packer job separately and to take into account the frequency with which each claimant undertook each duty. As a result, they all came out with different scores.

On the basis of the scores, the Independent Expert found that the work of nine of the women was of equal value to that of the labourer. Three more claimants had scores within 10% of the comparator's and the remaining two were within 15 and 25%.

The lawyer for Smales sought to challenge the Independent Expert's report on the grounds that for the jobs to be of equal value, they must be exactly equal in worth – some of the women's jobs scored more highly than the comparator's job!

The Tribunal adopted what it described as a 'broad brush approach'. It found that all the claimants' jobs were of equal value to that of the labourer.

THE SIGNIFICANCE OF THE CASE

The claims were submitted in 1984 and the Tribunal Decision came in April 1985. The successful outcome of this early case was followed by a number of similar claims by women fish packers against the big Humberside fish wholesale companies and by meat packers against meat companies.

The 'broad brush approach' to equal value was followed by some Tribunals, but not by others.

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Filmed interviews on the Hull Fish Packers 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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