

MEMBERS' INFORMATION SERVICE

Information Item

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JOB EVALUATION – COURT OF APPEAL DECISION

At the last County Council meeting on 24 May 2006 Dr Kevin Feltham told members that the County Solicitor would advise them of the outcome of a Court of Appeal hearing on 16 May 2006 relating to the implementation of Job Evaluation. That decision was issued on 29 June 2006.

Litigation was being conducted by Unison against the County Council on the issue of the County Council's failure to engage in further consultation with the Trade Unions after the Employee Committee decision in December 2002 to introduce job evaluation across the workforce. The Employment Tribunal made an award against the County Council of a maximum of 90 days pay in respect of employees who were downgraded or had their bonus withdrawn, and a maximum of 20 days pay in respect of employees who had their enhancements reduced. The County Council appealed against this decision on the basis that when setting the level of the awards insufficient account had been taken of the intensive negotiations that had taken place with the Trade Unions before the Employment Committee decision. However the Court of Appeal has now decided that those negotiations were irrelevant for the purpose of deciding on the level of the awards, and the Tribunal decision should stand.

The Officers will therefore enter into discussions with Unison and the other trade unions over the summer on how to deal with the awards which will be met from a reserve fund set aside for this purpose. The first issue to be resolved is the size of the awards which vary according to the number of employees affected at an individual establishment.

While the Court of Appeal decision is very disappointing, it is now important to implement the Tribunal decision and move on. This Authority remains as one of the few County Councils that has introduced one job evaluation scheme from top to bottom in an effort to try to ensure a system of equal pay for all employees, and it is currently working with the Trade Unions to conduct an equal pay audit to ensure that the scheme is not operating to the disadvantage of any particular groups.

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