



## Underpaid? Undervalued? Want to do something about it? TSSA Fair & Equal Pay Campaign - FAQ's

### What is the Campaign about?

TSSA is committed to securing fair and equal pay for all management grade staff working for Network Rail. Our efforts to force Network Rail into meaningful discussions on a fair and transparent new pay and grading structure have so far been unsuccessful. Meanwhile, our survey data shows massive pay differences between staff in the same jobs, and a significant gender pay gap. This cannot continue. Where employers fail to negotiate meaningfully with us, TSSA has never been afraid to litigate on behalf of members. That may sound daunting, but there is one simple essential message: your union is committed to equal pay for all, it's committed to negotiating fair and equal pay where possible, but it's also committed to supporting you legally if you have a claim for equal pay.

### So, how bad is the situation in Network Rail?

Within the management grades at Network Rail we believe there is an average gender pay gap of £4,500 (for many women the gap will be significantly higher than the average). Much of this gap appears to be due to the arbitrary nature of the pay structure (i.e. women tend to get paid less for doing the same job). However, it is not the case that all women are low paid and all men are highly paid. There are many men who also appear to be underpaid, and we will take cases on behalf of both men and women members. It's an inevitable consequence of a pay and grading structure that ticks all the wrong boxes for fairness and equality. Indeed, the Equality & Human Rights Commission (EHRC) lists a number of warning characteristics that Network Rail's structure has; *lack of transparency in grading and pay, discretionary pay systems (such as performance-related pay), long pay scales (such as those with more than 10% from the minimum to the maximum of each scale), overlapping pay scales or ranges, managerial discretion over starting salaries, job evaluation system not up to date, and market-based pay systems*. It's hardly a surprise that the largest pay gap we have identified between two people doing the same job so far is £31,000!

### Isn't this illegal?

The Equality Act 2010 gives women (and men) a right to equal pay for equal work, and legal protection from victimisation for making a complaint (or giving evidence in another's complaint) about equal pay. In the event that a claim to the Tribunal is successful, not only can the Tribunal award a pay increase but it can also award back pay for up to six years.

### What should I do if I think I may have a claim?

Over the next few weeks we will be writing to members in jobs where our data shows significant pay differentials to invite them to complete an on-line survey and give consent to us evaluating possible claims. If you are working in one of these jobs you should complete the survey immediately to enable us to give you further advice. If you do not receive an invitation from us, but believe you are underpaid in comparison to a colleague(s) of the opposite gender doing the same job, then you can contact us on [fairpay@tssa.org.uk](mailto:fairpay@tssa.org.uk) for further information and advice.

**What are the consequences of making a claim?**

You have a legal right to equal pay, and protection from victimisation if you make a claim. You are not complaining about any individual or attacking your employer, but merely seeking to enforce your legal rights. The first step is to complete the survey we send you and return it for evaluation. If you have a claim we will discuss this with you and submit a grievance on your behalf. We will provide you with representation throughout the process and be with you every step of the way. We will also take care of all aspects of the Tribunal application and provide you with the necessary legal advice and representation. If successful, you stand to gain a pay increase and may be awarded back pay.

**What if I believe I may have a claim but I'm not a member?**

TSSA will only take claims on behalf of members, but there's still time to join. If you join during this Campaign and we take a claim on your behalf, you will need to agree to pay an amount equivalent to the back subscriptions for the period for which we win you compensation (as stated above, the Tribunal can award back pay for up to six years). This is a very small price to pay.

**Why does this affect me?**

Vast pay differentials between staff members doing the same job is a clear indication of a failing pay and grading structure. As there is no fair and objective basis for how your pay is set, the whole system operates like a lottery. Even if you're happy with your pay now, what about next year or the year after that? TSSA believes that all employers should strive to achieve fair pay and gender pay parity on ethical and moral grounds, guaranteeing a fair reward for the particular individual fulfilling their contractual role. This benefits everyone.

**How can I help win Fair & Equal Pay?**

If you're not currently a member, join on-line now at [www.tssa.org.uk](http://www.tssa.org.uk). If you are a member then contact us at [fairpay@tssa.org.uk](mailto:fairpay@tssa.org.uk) to get more involved in the Campaign. Visit our website Fair & Equal Pay Campaign page where you can find more information on the Campaign. Talk to your colleagues about the Campaign and give us your views at [fairpay@tssa.org.uk](mailto:fairpay@tssa.org.uk)