

Unequal and low pay in the public sector

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ABSTRACT

This article assesses unequal and low pay in the public sector, and UNISON's action on these issues. It is argued that gendered employment and pay are crucial to an understanding of sources of conflict and pressures for institutional change. The case is made for 'mainstreaming' women in accounts of public sector industrial relations.

INTRODUCTION

This article makes the case for placing the study of gendered employment structures at the heart of public sector industrial relations. The public sector as a whole remains a major national source of employment, despite losses over the last two decades arising from contracting out and privatisations. Around 5.4 million workers are directly employed in the public sector (LMT, 2004: 273), just over a fifth of all of those employed in the national economy, and after a trough in the latter part of the 1990s, total employment is rising again. Moreover, there may be as many as a further two million workers employed indirectly by government through private sector contractors (see Toynbee, 2002). Public sector employment is highly gendered. It is marked by extreme patterns of horizontal and vertical segregation, with all of the attendant problems for women workers employed in this sector, not least from the viewpoint of pay. At the same time, the state, which in another context is committed to addressing gender inequalities, is also (directly or indirectly) the employer, while the sector as a whole is highly unionised. Industrial relations are correspondingly complex.

In managing industrial relations in the public sector, the government has recently had to address unequal and low pay issues, while the issue of the gender pay gap in the UK economy as a whole could hardly be currently more topical. Nonetheless, there is scope for much further research on unequal pay and low pay in the public sector: this article seeks to assess the current state of affairs in this sector, and to highlight the issues that must be addressed if progress is to be made towards redressing the problems of unequal and low pay for women in the public sector. In so doing, an assessment is also made of the role played by UNISON, the largest representative body for workers employed in the public sector as a whole. In this regard, the article complements and adds to the existing body of gender-aware work which informs industrial relations research, as referenced throughout this piece.

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Estimates for the proportion of female workers employed do of course vary, and aggregate public sector statistics are notoriously opaque.¹ No definitive statistics are available, but lower-bound estimates start (depending on source) from around two-thirds of public sector employment, and range upwards to about four-fifths of this total. For example, and with respect to specialist studies, Kingsmill (2001) puts the figure for female employment at 66 per cent, while IDS (2001: 16), published at the same time and highly specialised in public sector research, estimates a higher figure of about 4 out of the 5 million or so public sector employees. The proportion of women employees in the public sector has almost certainly risen subsequently to these studies. A reasonable estimate places around a third of all women workers in the UK economy in the public sector, so that trends in this sector have a large and immediate significance for wider issues around women's employment and pay (see also Honeyball, 2001: 15). Moreover, disproportionately high numbers of the women employed in this sector work part-time, an important factor in the analysis that follows. One point to highlight from the outset is that as a consequence of a tendency for reviews to focus only on the *full-time* portion of public sector employment, the actual size of the gender pay gap in this sector has been badly underestimated.

This article begins by presenting evidence—including the author's original survey data—of the abiding extent of unequal pay and low pay for women in this sector. After a brief consideration of aggregate public sector employment and pay, more detailed evidence is given for the exemplary cases of local government and the National Health Service (NHS), the two largest employers in the UK, each with a predominantly female workforce. This shows that the gender pay gap within each of these sectors remains very much a live issue, a problem of intrasector inequality compounded moreover by the low valuations given more generally to work carried out in sectors characterised by a preponderant employment of women, especially where employment is part-time: in both sectors, large pockets of low pay—impacting disproportionately on women—persist at levels set just above the level of the National Minimum Wage (NMW). The article argues that gender and gendered pay outcomes should be treated as basic to an understanding of the sources of conflict and pressures for institutional change in each sector, and hence to industrial relations processes. The conclusion offered is that unequal pay and low pay are important drivers historically for the introduction and implementation of new payment systems in the public sector.

In making its case, the article draws on original evidence compiled by the author in over a decade of active public sector research on gender and pay, employing both national survey and field research methodologies, and commissioned by the largest public services trade union, UNISON, for both local government and health.² Much of this data is not replicated in official sources, which are frequently poor. From this vantage point, the article offers some comments on UNISON's impact on the representation of the interests of women workers in each of these major public service sectors *vis-à-vis* unequal pay and low pay, following its formation in 1993, and on the

¹ Recent aggregate data (compiled for Public Administration, Defence, Compulsory Social Security, Education and Social Work suggest a figure of 72 per cent for women as a share of the total public sector workforce (just over half of whom work part-time) (see LMT, 2005). These figures are indicative, because they include around a million workers employed in the private sector. Some sense of the overall increase in women working in the public sector can be obtained by comparing this figure (and those in the main text) with Beaumont (1992: 34–35).

² This refers to a published series of public sector employment research monographs focused on health and local government, used (variously) in evidence to the Review Body for Nurses, the Health Select Committee, the Low Pay Commission, and the Local Government Pay Commission.

extent to which these issues have as a result been pushed to the forefront of the bargaining agenda and contemporary policy discussions within government.

GENDER AND PUBLIC SECTOR EMPLOYMENT

As observed in the introduction, up to four-fifths of public sector employees are women. Within the public sector as a whole, the two largest individual sectors are local government and health: each is among the largest employers in Europe, and they jointly account for some 78 per cent of all the UK public sector employment, employing 2.8 million and 1.4 million workers, respectively (LMT, 2004: 273). Both are highly feminised: women account for almost three-quarters of workers in local government (figures for England and Wales, LGPC, 2003: 10–16), and four-fifths in the NHS. Disaggregating further, the largest bargaining group in local government is that of the National Joint Council (NJC) local government service workers group, where over 75 per cent of the 1.6 million workers are female (local government as a whole is broadly defined to include teachers, police and fire-fighters as well as NJC local government services staff such as home carers, social workers and non-teaching staff in schools); in health, the largest employment group is comprised of nurses, who make up around half of the NHS workforce, and of whom over 89 per cent are female. Since women account for just under half (about 46 per cent) of employment in the economy as a whole, it is evident that the public sector is a highly ‘gender-segregated’ source of employment in the national economy.

A series of particular characteristics accompany the disproportionately high numbers of women in public sector employment, which are amply illustrated through the examples of local government and health. First, both sectors are characterised by patterns of horizontal and vertical segregation, even within ‘occupations’. Table 1 shows overall local government employment (on the broader definition) by functional group and gender composition, using data collated by the employer. Although these highly aggregate ‘functional’ categories are not the most enlightening, it can nonetheless be seen that women are proportionately under-represented—relative to the number of women employed *vis-à-vis* the sector as a whole—in the generally higher-paid category ‘corporate functions’, and over-represented in the lower-paid categories such as ‘education—other’, which includes classroom assistants, school cleaners and school meals workers. Table 2 presents a finer view based on more disaggregate occupational groupings, drawing from the author’s own national survey of over 3,000 NJC local

Table 1: Local government employment: total employed staff by sex

Staff group (function)	Male (%)	Female (%)
Total employed staff	26	74
Corporate functions	40	60
Education—teachers	27	73
Education—other	12	88
Social services	17	83
Services direct to public	50	50

Source: Adapted from Employers Organisation in LGPC (2003: 11).

Table 2: Local government NJC services employment: total employed staff by sex (select occupations)

Staff group (occupation)	Male (%)	Female (%)
Total employed staff	25	75
Chief officers/senior managers	65	35
Planning officers	71	29
Accountants	56	44
School caretakers	84	16
Refuse collectors	89	11
School cooks	7	93
Home care workers	3	97

Source: Thornley (2004).
NJC, National Joint Council.

Table 3: NHS Hospital and Community Health Services: total employed staff by sex

Staff group	Male (%)	Female (%)
Total employed staff	21	79
Medical and dental staff	64	36
Senior managers and managers	42	58
Qualified nursing, midwifery and health visiting staff	11	89
Qualified ambulance staff	72	28
Support to doctors and nursing staff*	12	88

*Includes nursing auxiliaries and assistants, health care assistants and clinical support workers among others.

Source: Adapted from DoH (2005).
NHS, National Health Service.

government service workers (see Thornley, 2004). It can be seen from this that horizontal segregation can be extreme: the overwhelming majority of school cooks/supervisors and home care workers surveyed were female, while the great majority of school caretakers and refuse collectors were male. At the same time, vertical segregation is also evident: women surveyed were predominant in a majority of the lower-paid occupations, but despite accounting for three-quarters of the workforce, under-represented in the higher-paid such as chief officer/senior manager, planning officer and accountant.

Similarly in health, women are proportionately under-represented—and again relative to the number of women employed overall—at the top of the hierarchy and over-represented in the lower echelons. This can be seen in summary form in Table 3, with women under-represented in medical and managerial staff, and over-represented in nursing and clinical support staff; horizontal segregation is also apparent in the comparative figures for nursing and ambulance staff. Note in particular that while superficially it may appear that women are well represented among ‘senior managers and managers’, it has to be borne in mind that the overall gender composition is one

where almost 80 per cent of workers are female: on this basis, women are proportionately under-represented. In fact, at more senior levels, women remain in an absolute minority, being clustered in the lower grades. For example, a recent survey of 100 Trust Chief Executives (*Guardian*, 24 September 2003) reported that just 33 per cent were female, the majority of whom were employed moreover by primary care trusts, 'which offer substantially lower salaries for chief executives than acute trusts'. Similarly, within nursing itself there is also evidence of vertical—and horizontal—segregation, despite the fact that nine out of 10 nurses are female (Thornley, 2001; 97); and there is evidence more generally of intraoccupational disparities across Department of Health staff groups (*ibid.*).

Second, as can be seen in Table 4, both sectors are also characterised by disproportionately high numbers of part-time workers. In the economy as a whole, around one-quarter of all workers, and around 44 per cent of women workers, work part-time. This can be compared with the figures in the table, which show that in local government as a whole, around half of all workers work part-time, and around three-fifths of women work part-time. In NJC services, part-time workers now account for 55 per cent of the workforce, and just over two-thirds of women in this sector work part-time. In health, two-fifths of the workforce and almost half of female workers work part-time. More disaggregate data provides detail which supports this general picture: across the female-dominated occupations (like nurses and clinical support staff), proportions range from over a third (36 per cent) to over a half (53.5 per cent) working part-time, in contrast to the disproportionately male occupations (such as ambulance workers) where part-time work can be as low as just 10 per cent of the total. In both sectors, part-time workers are disproportionately represented in the lower echelons of the hierarchy. The relatively high incidence of part-time work in the public sector is also reflected in relatively high levels of temporary employment (see Conley, 2003, for a more general discussion of interlinkages; see also Rubery and Fagan, 1994).

The occupations in which women tend to be located—especially 'care' work, lower administrative/clerical work and work regarded as 'manual' or 'unskilled'—also lend themselves to 'undervaluation', not least because 'skills', and the range of tasks actually performed, are often devalued or unrecognised: undervaluation of this sort is a particular problem for women in the public sector (Thornley, 2003a: 103; see also Munro, 1999, for a detailed analysis of the undervaluation of ancillary workers in

Table 4: Local government and NHS: part-time work

Sector	Part-timers as a percentage of total employment	Percentage of part-timers who are female	Percentage of women in sector working part-time
Local government*	49	89	59
Local government NJC services*	55	91	67
NHS†	41	87	47

Source: *Adapted from Employers Organisation in LGPC (2003: 11); †Calculated from figures kindly provided by the Department of Health—excludes doctors and dentists (a small minority of the workforce).

NHS, National Health Service; NJC, National Joint Council.

hospitals). The 'social construction' of both jobs and skills are here clearly an issue (see Beechey and Perkins, 1987; Coyle, 1982; Phillips and Taylor, 1980). This can be a particular problem for part-time workers, where part-time work generally 'has a reputation of being insecure, low-paid, and with little by way of training or promotion prospects' (Crompton, 1997: 33), including for those in the public sector (Beechey and Perkins, 1987, esp. pp. 145–146). Each of these characteristics must clearly have relevance for any understanding of pay outcomes and industrial relations environments in the public sector.

THE PUBLIC SECTOR AND GENDERED PAY

When it comes to pay, the position taken by some academics on women's current position and prospects within the public sector has perhaps been unduly sanguine. For example, the position offered in Bach and Winchester (2003) is that 'the gender pay gap and other expressions of women's disadvantaged position vis-à-vis men have declined over the last 20 years' (see *ibid.*: 295). However, a careful assessment of the empirical evidence describes a situation which remains bleak. The evidence for 2004, the most recent data available at the time of writing, shows an aggregate internal gender pay gap of 18 per cent between women and men full-time workers within the public sector, and an external full-time gender pay gap of 19 per cent between women in the public sector and men in the private sector [based on average gross weekly earnings, calculated from Annual Survey of Hours and Earnings (ASHE) 2004, <http://www.statistics.gov.uk>]. In fact, over the last 10 years—the period more or less of the 'New Labour' governments—there has been only a marginal narrowing of the internal pay gap for full-time workers, in the order of at most two or three percentage points³, and less than the narrowing over the same period in the size of the private sector gender pay gap. Moreover, in the same interval, there has been no real change in the external gender pay gap. On the basis of the evidence, therefore, the persistence of a sizeable public sector gender pay gap is undeniable.

Superficially, it might be argued that while movement in the internal gender pay gap has been marginal at best, considered statically it still compares relatively well with the size of the gender pay gap within the private sector. Putting to one side the obvious retort that this provides neither justification nor explanation, there are good reasons to handle even this proposition carefully. The public sector generally employs a relatively high proportion of women in 'professional' and non-manual occupations and has a generally higher qualification level than the whole economy: this is perhaps self-evident for health, but is also the case in local government (see LGA and Employers' Organisation Evidence to Kingsmill, 2001: 129; see also survey findings in Thornley, 2004: 14–15). These women also have a typically mature age profile and above-average length of service (*ibid.*; see also LGPC, 2003: 13; Thornley, 1998; 2003b): headline gender pay gap comparisons are not comparing like with like. Moreover, the above estimates of the size of the internal and external gender pay gaps refer to data for full-time workers, while the public sector generally is characterised

³ There is now a discontinuity between the data provided in the New Earnings Survey (NES) (<http://www.statistics.gov.uk>) and its successor, ASHE. The range provided here draws from calculations from NES 1994 figures compared either with NES 2003 figures for the sake of continuity, or with ASHE 2004 (<http://www.statistics.gov.uk>). The trends in either case are in the same direction, but vary slightly in degree. Gender pay gaps, as is standard, refer here to male–female differences expressed as a percentage of the male comparator.

by a disproportionately high number of part-time workers. And if the comparative situation is likely to be rather worse than superficial inspection at first suggests, highly aggregate figures of the sort generally cited conceal a number of issues.

First, there is a great deal of variation in pay performance in different parts of the public sector and for different occupations, as the relatively few detailed independent disaggregated pay studies reveal. For example, local government workers saw their gross pay deteriorate from 1992 to 2002 when measured against either the economy-wide average, or the private sector; and NJC workers fared even worse. Local government manual workers fared particularly badly, especially women. The internal gender pay gap—between full-time men and women—in local government is also wider than the public sector aggregate gap; moreover, the external pay gap for NJC female workers measured against all-economy men actually widened between 1998 and 2002, and is higher than the economy-wide gender pay gap (for further details see Thornley, 2003c). When assessing women's prospects in local government, therefore, it must be noted that their position here is worse—and has worsened—than in other occupational groups. Similarly, in health, more than half of all nurses, an overwhelmingly female occupation, have basic salary levels well below the economy-wide median, and most are clustered at the lower end of the pay grades, with some deterioration between 1979 and 1998 against comparator groups (Thornley, 1998). On the latest figures available, female-registered nurses working full-time still earn less than the national average, and around £6,000 less than the national average for male workers (calculated from ASHE, 2004; <http://www.statistics.gov.uk>). Nursing auxiliaries and health care assistants (HCAs) fared even more badly over the same period, and have continued to do so (see Thornley, 1998; 2005a). The experience and perceptions of individual women with respect to issues of pay inequalities and low pay will be markedly worse for some groups than the aggregate data reveals.

Second, if the full-time gender pay gap does not capture the real extent of the gender pay gap in the public sector because of the disproportionately high number of part-time workers it employs, the effect can be particularly extreme in particular areas. For example, the majority of part-time women in NJC local government services earned less than £11,000 basic earnings pro rata equivalent in 2002; and after allowing for part-time workers—and their pro rata equivalents⁴—the author's own estimate of the 'real' gender pay gap for women in NJC services is 35 per cent, or roughly twice the aggregate gender pay gap that is reported above for the public sector as a whole using data for full-time workers only (see Thornley, 2003c). Accordingly, the most popularly quoted measures of gender pay inequality can seriously mislead. In health, where part-time work is most prevalent in the lower echelons, some of the lowest-paid workers (e.g. HCAs) have seen relative pay deteriorate not only against male, but also against female comparators, with a concomitantly sharp polarisation in pay levels (see Thornley, 1998; 2005a); for these workers, the gender pay gap has widened, not narrowed.

The aggregate gender pay gap for full-time workers also does not capture the extent of low pay in the public sector and its association with gendered employment. For the public sector as a whole, more than one-quarter of full-time women workers, and up to three-quarters of full-time manual women workers, are low paid when measured against the Council of Europe decency threshold (this figure is calculated from New Earnings Survey for 2000 using gross pay—it should be noted here that some of the

⁴ In other words, calculations are weighted for relative proportions of full-time and part-time workers, when the earnings of the latter are pro rata to form full-time equivalents.

figures needed for this kind of calculation are no longer available in official statistics); the situation for part-time workers is much worse. To take specific cases, within local government overall, the average earnings of full-time female manual workers fall below this threshold. In NJC services, the majority of staff, over 80 per cent of women, and 90 per cent of part-time women, are again low paid on this measure (using basic pay); it may help illustrate what this means if we note that over two-thirds of all NJC workers earned less than £14,000 basic pay in 2002 (see Thornley, 2003c). In health, around a third of the overall nursing workforce is low paid, even with HCAs excluded; and almost all HCAs and non-registered nurses are low paid (see Thornley, 1998; 2005a). Low pay is also prevalent, on the Council of Europe measure, in administrative and clerical work, and in ancillary work.

It is also worthwhile pausing to note how workers in each of these sectors fare against the NMW. It is important to do so in part because the state is a large enough employer of women *vis-à-vis* the wider economy to exercise an effect on the 'going rate' elsewhere, and in part because doing so may help account for the reluctance of the government to countenance a minimum wage level high enough to seriously redress inequalities within the national economy. What constitutes 'low pay' is, of course, and at one level, in the eye of the beholder, a point discussed in the context of the advent of the NMW by Thornley and Coffey (1999) (see also Thornley, 2003a), an early review which highlighted the fact that embarrassment over the implications for state funding of public sector workers paid at low rates constituted one important factor 'capping' the size of the NMW. It can reasonably be argued that the NMW itself has limited validity as a 'low pay' measure, inasmuch as it is set as an 'absolute' minimum at any point in time in a way which reflects the policy fiat of the day—an arbitrary, and so far as governments are concerned, 'self-limiting', way of identifying who is or is not on 'low pay'.⁵ By contrast, the Council of Europe decency threshold, like other 'relative' measures, is cast in terms explicitly reflecting upon prevailing states of inequality, within existing resources. This is in keeping with most serious approaches to poverty in industrial economies (concern with poverty being the underlying issue *vis-à-vis* 'problems' of low pay). In both health and local government, each a disproportionately large employer of women, and each a centre of endemic low pay on the decency threshold measure, large pockets of largely female workers remain paid at just above the level of the NMW.

Successive surveys by the author suggest interlinkages between gender, class, part-time work, domestic roles, inadequate access to training and promotion, and undervaluation in perpetuating the extent of low pay in the sector.⁶ For example, a detailed series of research projects on non-registered nurses (including HCAs), commissioned by UNISON as part of an ongoing campaign⁷ (see Thornley, 2001: 102–103; 2003b; 2005a), have provided insight into this mainly female, typically working-class and mature workforce, with relatively high numbers of part-time workers. This work has shown the extent to which these workers bring formal and informal caring experience to their role, informed by previous paid work in caring roles, and domestic caring

⁵ One unfortunate consequence of the otherwise entirely positive introduction of the NMW is that it might be seen as a proxy measure of 'low pay', or if not this then some arbitrary cut-off point at the very bottom of the wage hierarchy (usually the bottom 10 per cent).

⁶ On these points (and with evidence on the inability of workers to manage on pay rates), see also the detailed studies in Thornley (2004) for NJC workers. It has also been attempted in some of the work informing this article to track disadvantage along lines of race, disability and age.

⁷ See EIRO Online (2005) on this campaign and latest UNISON conference on HCAs.

roles. This is then augmented by experiential learning on the job through typically long years of service. However, the sort of 'soft' skills exercised in this work are typically overlooked and undervalued, while an extensive engagement by many in a wide variety of more 'technical and advanced' nursing tasks also typically goes unrecognised. Access to training and promotion has been poor. The evidence shows a very high degree of *de facto* substitution between non-registered nurses/HCAs and the higher-paid rank of registered nurse, and a relatively low degree of supervision. At the same time, pay has polarised between these staff groups, exacerbated by the introduction of local pay for the newer HCA grade in the 1990s.

It is evident that this is a sector where it is easy to infer an association between gender composition and poor material pay outcomes. The end result is that many public sector workers—and many women in particular—struggle to manage on current pay rates, and some experience real hardship. Poor pay outcomes in turn are just as likely to be experienced and perceived by the workers concerned as a problem of 'low' or 'unfair' or even 'inadequate' pay as they are to be experienced as a problem of 'unequal' pay in the narrower, and often pseudo-legalistic, sense of the term. It is this sense of grievance that may provide a driver for pressure from below, and one which carries with it the potentials for solidarity between the various fractions in the division of public sector labour.⁸ For this reason, it is appropriate to consider the strategies adopted by the largest union in the public sector, UNISON.

UNISON'S ROLE: GENDER AND A CHANGING INDUSTRIAL RELATIONS ENVIRONMENT

The creation of UNISON has provided workers in this sector with a renewed opportunity to campaign and press for action to reduce unequal and low pay. It is therefore appropriate to consider the form of these campaigns, which have tended recently to combine a twin-track approach based on 'low pay' collective bargaining initiatives alongside 'equal pay' (and litigation-based) initiatives, and to assess their success to date, the difficulties still to be overcome, and future potentials.

As observed in the introduction, the public sector is relatively highly unionised (see also Bach and Winchester, 2003: 307–308); as such, a potential transmission mechanism for discontent over pay already exists. And while the public sector remains distinctive for the sheer number of unions and professional associations representing workers, the formation of UNISON (in 1993) produced an important change in worker representation and shifted the balance of power in significant parts of the sector: it is by far the largest union in the public sector—and also currently the largest union in the country—with the largest number of union/association members in both the local government and health sectors. Its formation provided a link between previously divided workers, and brought into full focus the needs of a membership three-quarters of which are women, and one-third of whom work part-time. Equality for 'previously oppressed groups' was at the heart of the new union's constitution, and concerns around gender and pay can be placed in this context too: see, for example, the opening lines to UNISON's recent submission on low pay in the public services to the Low Pay Commission (UNISON/YMCA, 2004: 18), and also McBride (2001)

⁸ For a detailed evaluation of the historic consequences of low pay for nurses, see Thornley (1996). See also Kirton and Greene (2000: 162) on the potential for low pay strategies to benefit women along with a critical comment on the potential dangers of this approach.

on UNISON's internal democratic forms *vis-à-vis* women. This has lent impetus to the campaign against unequal pay and low pay and it has undoubtedly increased the 'awareness' among trade unions more generally both of the potential for, and need for, active recruitment of women to the movement after two difficult decades of membership loss (on this issue more generally see Colgan and Ledwith, 1996: 284; Colling and Dickens, 2001: 142; Healy and Kraithman, 1996: 203). So far as UNISON is concerned, some sophisticated and multi-stranded approaches have been taken: campaigns focused around low pay have provided a solidaristic basis for action, combined increasingly with initiatives around 'education, negotiation, and litigation' (see UNISON, 2002), and in selective occupations, as for example, HCAs, teaching assistants, school meals workers and cleaners (see also Donaghy, 1995).

While a too simple chronology risks oversimplifying the evolution of emerged strategies with respect to gender, it is nonetheless possible to identify broad themes. If UNISON campaigns focused on low pay have, since its inception, provided one solidaristic basis for action (on which see Thornley, 2000), campaigns around equal pay are similarly of direct potential interest to the majority of UNISON's members, as indeed is also true of many of the other public sector unions, because of the clear preponderance of women employed in this sector: in such circumstances, equal pay campaigning can also be 'solidaristic'. An 'Equal Pay Campaign' has been conducted since the formation of UNISON, building on a 'systematic review' by unions in the 1980s of 'the ways in which European and UK equal pay legislation could be used in support of their women members' (Branney *et al.*, 1999: 208): this has become central to UNISON's work, as witnessed by the recent public positioning of its activities among members (UNISON, 2002; *UNISON News* 7/11/05, 9/3/05, 19/1/05, 22/4/04, <http://www.unison.org.uk>). At the same time, its litigious aspects tend to resonate more with employers than 'low pay' claims, although litigation may be seen by UNISON as a 'strategy of last resort' (Branney *et al.*, 1999: 209).

A strong case can be made that the increasingly litigious environment for collective bargaining in the public sector is now badly underestimated in academic accounts, in contrast to the high degree of awareness of this development both in 'official' reports and among practitioners. To give an example of the latter, Kingsmill, for instance, argues that the public sector 'is particularly vulnerable should it fail to actively address historic legacies over equal pay for work of equal value and other issues of women's employment and pay' (see Kingsmill, 2001: 7): local government, in this review, is seen as especially vulnerable. The Local Government Pay Commission (LGPC) also notes that 'local government employers who have not addressed the issue of equal pay for work of equal value are particularly vulnerable to legal action' (LGPC, 2003: 93), and that multiple equal value claims were currently being lodged, involving claims for millions of pounds in each case (*ibid.*: 94).

In practice, UNISON and other public sector unions have pursued a series of notable equal pay cases which have changed the bargaining landscape indelibly. Notable successes in local government have included the case lodged in 1992, and won in 1995, on school meals workers (*Ratcliffe and others vs. North Yorkshire County Council*). This was followed up in 1997 with a joint initiative by UNISON and the GMB, claiming equal pay for over 1,500 school meals workers *vis-à-vis* male workers including ground maintenance staff: this resulted in a settlement worth £4 million before it went to tribunal (Branney *et al.*, 1999: 208–213). This latter case acts as a good illustration of the close interlinkages between litigation and negotiation strategies. Such claims have also been lodged in health, with considerable impetus given

by the recent 'historic' and 'biggest ever' equal pay award won by UNISON for 1,500 women workers, including, for example, HCAs in Cumbria (*Wilson vs. North Cumbria Acute NHS Trust*), after a lengthy campaign (*UNISON News*, 15/03/05, <http://www.unison.org.uk>: for an early note on this, see Thornley, 2001: 99). Individual awards including back pay are set to range from £35,000 to £200,000. While the local and wider impact of the award has been disputed by some parts of NHS management (see, for example, the coverage in BBC News, 14 February 2005; *Personnel Today*, 24 May 2005), the award has more generally been viewed as bolstering UNISON's campaigns, around: equal pay and training/career progression in Agenda for Change in the NHS⁹; the pursuance of further claims for back pay; and single status arrangements in local government [see BBC News, 14 February 2005; *Money Telegraph*, 27 October 2005; and see also EO (2005) where the Chair of the Employers' Organisation for Local Government acknowledges 'there are some big challenges ahead, including equal pay'].

This litigious background provides a clear underlying pressure for the development of new payment systems across the public sector, and, as noted by the LGPC, 'equality is rightly part of the government's modernisation agenda' (*ibid.*: 92). This pressure will undoubtedly be intensified by new EU Directives outlawing discrimination on grounds of sexuality, religion and age (see Audit Commission in *Equal Opportunities Review*, 29 May 2002, <http://www.rimer.butterworths.co.uk/eordirect>), and further underpinned by the alternative route taken by public sector workers when industrial relations methods fail to produce change: namely, voting with their feet. The extent and severity of associated recruitment and retention problems remain much disputed between unions and employers, but are widely evidenced in both local government and in health.

Resourcing implications are, of course, extremely important for this large and female-dominated sector, and a major challenge for UNISON's progress towards redressing unequal and low pay. These implications have certainly been understated in general discourse as a consequence of a failure to properly consider the size of the gender pay gap, although Dave Prentis, the UNISON General Secretary, has continued to emphasise that 'money is the major block to achieving equal pay in the public sector' (*Personnel Today*, 19 January 2005), a remark noted in evidence to the Women and Work Commission, which reported in February 2006. Under these circumstances, it is possibly no surprise that governments exhibit a degree of ambiguity when caught between a traditional desire to restrain labour cost in a highly labour-intensive sector and the need to safeguard against equal pay claims and industrial unrest over low pay [for an early and still relevant commentary on such tensions, see Wootton (1955: 153)]. Even where an 'equalities agenda' is explicit, as for example, in the modernisation document for the 'New Labour' government—and as witnessed indeed by the establishment of the Women and Work Commission—the pressure to constrain cost continues to inform practices on the ground.

For example, labour substitution initiatives have recently been again notable in the large employment areas of teaching, as well as nursing (an occupation with a long history of this type of employer response: see Thornley, 2003b). Since in the public sector context this generally entails replacing one relatively low-paid woman with another whose pay is lower still—and usually more 'working class' to boot—such

⁹ For a wider review of Agenda for Change, see Bach (2004). Bach also discusses the significance of the earlier Enderby case for increasing government sensitivity to equal value cases (see *ibid.*: 81).

'substitution' strategies are intrinsically gendered strategies: they typically play strongly on part-time work, itself to a large extent predicated on domestic circumstances as these affect women (for NJC workers, see Thornley, 2005b). Such strategies have also been vigorously contested by UNISON through the routes described above, designed to raise the value of lower-paid women workers, but also, more recently, through joint initiatives with employers on job evaluation and role redesign.

Similarly, and as part of the wider paybill, government has recently sought to reduce its pension costs in the public sector. This has also been strongly resisted by UNISON and other public sector unions, not least because it is argued that, in local government for example, low-paid women will 'bear the brunt of proposed Government cuts' to pension schemes (UNISON Press Release, 16/02/06). At the time of writing, nine trade unions are balloting for industrial action on the issue of pensions. A sometimes bitter struggle has also been evident over pay decentralisation, contracting out and privatisation (see also Branney *et al.*, 1999): in these spheres, UNISON has been deeply engaged with campaigns and political activity designed to counter the 'two-tier workforce' and attempts to evade national pay frameworks, as with the creation of the 'new' grade of HCAs on local pay in 1990, as well as promoting the merits of public sector work. This activity has undoubtedly benefited from the recent development of pan-union bargaining strategies.

Conflicting influences and (for government) considerations manifest in a certain instability in pay determination mechanisms and the industrial relations environment, they coalesce in new payment systems, with recent concepts of 'modernisation' driven not just by employers but also by unions. Conflicting influences have been driving forces in local government industrial relations, particularly for NJC services workers where the earliest of the current experiments in 'pay modernisation' have taken place, with the Single Status agreements of 1997 (see LGPC, 2003; Thornley, 2003d). Equalities in the broader sense, and equal pay in a more specific sense, and with an associated emphasis on job evaluation, were a major emphasis in these agreements (see also Branney *et al.*, 1999): an initial failure to progress led to the rejection of two pay offers, industrial action, intervention of the Advisory, Conciliation and Arbitration Service and a temporary settlement through the establishment of the LGPC and a longer-term pay deal. At the time of writing, the longer-term issues, namely over material sources of discontent over pay, are far from resolved, although some improvements have been achieved. In health, equalities and job evaluation are also major features of Agenda for Change; the pay and industrial relations consequences remain to be seen in this newer system, which is still in the throes of introduction. In both cases, the funding required to address unequal and low pay remains a major issue.

CONCLUSIONS

Understanding what still needs to be done to tackle problems of unequal and low pay in public services requires that the gendered aspects of employment in this sector be put at the forefront of academic and policy analysis. There is little scope for complacency about the current state of women's employment and pay in the public sector, and there is a pressing need too for broader conceptions of 'equal pay' which take full account of the scale and scope of women's undervaluation. If there have been some important gains for groups of women workers in public services in recent years, for

others the situation has not improved, or even worsened. The size of the public sector gender pay gap—reflecting preoccupations with full-time workers in a sector where a majority of women are in fact employed part-time—has been argued in this article to be substantially larger than is generally acknowledged.

It is difficult to see how the extent and pace of change in the public sector industrial relations environment can be understood except with reference to gender, as a basic rather than peripheral feature of the landscape, and with due consideration of attempts by workers and unions to address unequal pay and low pay. ‘Mainstreaming’ gender in public sector research is inseparable from the broader goal of achieving a proper understanding of industrial relations in a complex arena. This is not to suggest that class, race, disability, or age (for example) are not important; rather it is to argue that gender is critical to our understanding of the effects of the structured disadvantages experienced by workers in this sector on a daily basis. In this latter regard, our assessment in this article suggests that there are indeed some grounds for cautious optimism about the capacity of women to improve their own situation through union organisation, especially where this dovetails with a broader policy interest or concession on the part of governments, or employers. That these issues have been gradually taken on board by the main unions, as reflected first in bargaining processes and agendas, and now increasingly in union policy and structures, is an important marker of change in public sector industrial relations. The emergent twin-track approach, evidenced most notably by UNISON, to the problems of unequal pay and low pay combines traditional ‘solidaristic’ collective bargaining with gender-centred litigation, negotiation, education and public and political campaigning, and this has helped push the issues of unequal and low pay in the public sector to centre stage. At the same time, the continuing fact of pronounced patterns of horizontal and vertical segregation, with abiding and sizeable gender pay gaps, shows that much change is needed. Adequate resourcing is essential.

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