

05/03/2009

PRESS RELEASE

Dungannon Teacher Wins Equal Pay Case

A woman Head of Department at the Royal School Dungannon has won her equal pay case, supported by her union and the Equality Commission, at the Industrial Tribunal. The Tribunal found that the school had failed to explain the difference in pay between Pamela McMullan, Head of the Food Technology Department, and the male Head of the Design and Technology Department.



Mrs McMullan said, "I am very relieved that this is over. I have not allowed this to impact on my day to day work and continue to enjoy teaching my pupils and interacting with my colleagues. I am glad that with the support of my union, the Association of Teachers and Lecturers and the Equality Commission the point has been proved and I hope that other teachers will not have to go through the same thing."

Mrs McMullan claimed that she was engaged in the same or broadly similar work to three other heads of department in the school and that she was paid less than them on the grounds of her sex.

The Tribunal examined the duties, volume of work and levels of responsibilities of all four teachers and took into consideration the changing advice from the Department of Education governing the award of teaching allowances, and concluded that "*[Mrs McMullan's] work as Head of the Food Technology Department is of the same or of a broadly similar nature to that of the three male Heads of Department.*"

While the Tribunal found that the responsibilities of two of the male Heads of Department explained the difference in pay, it went on to find that the school failed to explain the difference in pay between Mrs McMullan and the Head of the Design and Technology Department.

Eileen Lavery, Head of Strategic Enforcement at the Equality Commission, said, “We are very pleased that the Tribunal is reinforcing the right to equal pay for work of equal value. What the case underlines is the need for employers to have a fair and transparent pay policy. Criteria for factors to be taken into account in relation to such matters as responsibility points should be clearly established and objectively applied. All employers have a legal duty to avoid discrimination on grounds of gender.”

The Tribunal concluded, “The evidence is clear that [Mrs. McMullan] has greater responsibility than [the Head of the Design and Technology Department] in terms of GCSE and A Level pupils, equivalent full-time teachers, number of periods taught per week and supervision of non-teaching staff. Although the tribunal accepts that [he] has more extensive involvement in extracurricular after school and weekend activities than the claimant, the respondent failed to explain how it assessed [Mrs McMullan’s] higher level of Departmental responsibilities with [the Head of the Design and Technology Department]’s higher level of extracurricular activities.”

The issue of remedies is yet to be determined.

Mark Langhammer, the Association of Teachers and Lecturer’s Northern Ireland Director said, “We are delighted Pamela McMullan has won her case after a long running fight backed by ATL and the Equality Commission NI. It was patently unfair for her to be paid less than a male Head of Department with similar responsibilities. Schools must have clear and transparent salary policies, and must apply them fairly. If they don’t, we will fight to make sure they change their ways. Teachers should take heart that equal pay cases are winnable, and should not be scared to stand their ground if they are being treated unfairly.”