Written evidence submitted by The Royal College of Midwives to the Gender Pay Gap Inquiry

General Comments

The Royal College of Midwives (RCM) welcomes the opportunity to respond to the Woman and Committee consultation on the Gender Pay Gap. We are not going to answer each question individually but rather respond to the consultation with some general comments and concerns about the gender pay gap and Government policy.

The RCM is the trade union and professional organisation that represents the vast majority of practising midwives and maternity support workers in the UK. The RCM is the voice of midwifery, providing excellence in representation, professional leadership, education and influence for and on behalf of midwives. We actively support and campaign for improvements to maternity services and provide professional leadership for one of the most established clinical disciplines.

The RCM is committed to equal pay and as an organisation that represents a workforce that is over 99% female we would like to see the gender pay gap closed. We are pleased that the Women and Equalities Committee is investigating issues specifically concerning women over 40 because 60.2% of midwives in England are 40 or over. The table below shows the age profile of midwives in England as of September 2014.

<table>
<thead>
<tr>
<th>Age of midwives working in England in September 2014</th>
<th>Number of Midwives</th>
<th>Proportion of Midwives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Under 25</strong></td>
<td>1197</td>
<td>4.6%</td>
</tr>
<tr>
<td><strong>25-29</strong></td>
<td>2920</td>
<td>11.2%</td>
</tr>
<tr>
<td><strong>30-34</strong></td>
<td>3233</td>
<td>12.4%</td>
</tr>
<tr>
<td><strong>35-39</strong></td>
<td>3065</td>
<td>11.7%</td>
</tr>
<tr>
<td><strong>40-44</strong></td>
<td>3199</td>
<td>12.2%</td>
</tr>
<tr>
<td><strong>45-49</strong></td>
<td>4435</td>
<td>17.0%</td>
</tr>
<tr>
<td><strong>50-54</strong></td>
<td>4577</td>
<td>17.5%</td>
</tr>
<tr>
<td><strong>55-59</strong></td>
<td>2507</td>
<td>9.6%</td>
</tr>
<tr>
<td><strong>60-64</strong></td>
<td>827</td>
<td>3.2%</td>
</tr>
<tr>
<td><strong>65+</strong></td>
<td>177</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

Source: The Health and Social Care Information Centre
Additionally, the graph below shows the changing age profile of midwives in England from 2002-2014; showing that midwifery is an ageing profession.

Source: The Health and Social Care Information Centre

We welcome that the Government’s comments has previously expressed their desire to close the gender pay gap:

“As a Government we are committed to seeing every person in our nation realise their potential. Greater gender equality will help us to achieve this so tackling the gender pay gap is an absolute priority. Closing the gender pay gap is not only the right thing to do, it is essential for improving our productivity as a nation.”

However, we believe that there is a disconnect between what the Government is saying on the gender pay gap and what they are doing in practice across pay and employment policy. The Government must not view the gender pay gap as an issue to be dealt with in isolation but rather as an issue that is linked to all other pay and employment policy and the solution to closing the gender pay gap must be part of an overall pay and employment strategy. Unfortunately we believe that the Government is pursuing other policies (e.g. continued public sector pay restraint; the Trade Union Bill; repealing sections of the Equality Act and introducing tribunal fees) that will have a negative impact on the gender

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pay gap and we could start to see the gender pay gap go into reverse and start to widen again.

The majority of the RCM’s members work in the NHS. The NHS has a nationally determined pay structure which we believe is the most transparent, fair and equitable system for pay. Underpinning the whole system (‘Agenda for Change’) is a robust job evaluation scheme that is fundamentally based on equal pay for equal work. A King’s Fund report from 2007 underlines that Agenda for Change supports fairness particularly in addressing pay equalities. The authors state:

"Achieving equal pay for jobs of equal value was one of the key objectives of Agenda for Change. The trust managers were generally supportive of the move to standardised working hours and job evaluation based pay as providing a more transparent and ‘fairer’ pay system... While it cannot be confirmed that Agenda for Change has guaranteed equal pay, it does appear to have been an important factor in limiting the exposure of the NHD to equal pay claims.”

The Hartley Judgement also confirmed that Agenda for Change is an equal pay proofed system, with the tribunal ruling that the job evaluation scheme is robust and that the pay system is fair.

Therefore, the collectively bargained, national pay structure in the NHS is based on equal pay for equal work and so theoretically there should be no gender pay gap. We believe that if the Government is serious about their commitment to closing the gender pay gap they should look to examples such as Agenda for Change in the NHS and see how they can encourage other organisations to adopt a transparent pay structure based on equal pay for equal work underpinned by a job evaluation system.

However, we are concerned that the Government has made repeated attempts to undermine Agenda for Change (for example proposing moving to local market facing pay in 2013). Additionally, the Government has put constraints on the NHS Pay Review Body since 2010 and in the Summer Budget announced they would continue to constrain the Pay Review Body for the next four years only allowing them to pay a 1% pay rise and wish to deliver the pay increase in a ‘targeted manner’. In 2014 the RCM calculated that if an average midwife had seen their salary rise

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3 Hartley and others v Northumbria Healthcare NHS Foundation Trust 2009
with inflation since 2010 rather than having pay freezes or pay rises capped at 1% their salary would be £4,045 higher. The Government’s continued political interference with the public sector pay review bodies and continued restraint of public sector workers’ pay will impact on the gender pay gap because there are a disproportionately high number of women working in the public sector.

Essentially, we now have a situation that in male dominated workforces pay rises are starting to rise and in female dominated workforces pay rises are being restrained by Government. As we said earlier, we feel there is a disconnect between what the Government is saying about the gender pay gap and what it is doing about other pay and employment policies. Continued public sector pay restraint is an example of this. If public sector pay restraint continues we believe that we could start to see the gender pay gap go into reverse and start to widen again.

Another example of the disconnect between what the Government is saying on the gender pay gap pay and what it is doing on other employment policy is the attack on trade unions. According to the Department for Business Innovation and Skills figures there is a significant difference in the gender pay gap in unionised workplaces compared to non unionised workplaces. The figures show that the gender pay gap in unionised workplaces is 6.2 per cent compared to 22.2 per cent in non-unionised workplaces. We believe that this shows a clear indicator of fairness in workplaces that have union representation and collectively bargained pay. Rather than attacking trade unions the Government should realise that Unions are part of the solution, not part of the problem and they should work with us on a future strategy for pay, productivity and living standards for working people rather than wasting time trying to restrict industrial action that is already at historically low levels.

Additionally, we are concerned about the Government’s proposals on the Trade Union Bill as the proposals fundamentally undermine the right to strike and will make it far harder for working people to organise collectively to defend their jobs, their livelihoods, the quality of their working lives and secure fair pay rises. According to the Department for Business Innovation and Skills figures female employees are more likely

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4 Trade Union Membership 2014 Statistical Bulletin Department for Business Innovation and Skills June 2015

5 Trade Union Membership 2014 Statistical Bulletin Department for Business Innovation and Skills June 2015
to be trade union members; with the proportion of female employees in a trade union at 28% in 2014, compared with 22% for male employees. We believe that the Trade Union Bill will disproportionately affect women and impact on their ability to secure pay rises and so this will have an impact on the gender pay gap. If women are unable to secure pay rises we will start to see the gender pay gap go into reverse and start to widen again.

Furthermore, the Coalition Government repealed the statutory equal pay questionnaire in the Equality Act 2010 which allowed an employee to ask their employer for more information about their pay and that of any potential comparators if they thought they were not receiving equal pay for equal work. If an employer failed to respond or was evasive in their response then inferences could be drawn against them in a subsequent tribunal claim. The Coalition Government also introduced tribunal fees which has substantially impacted on the ability of equal pay complaint individuals to be able to take enforcement action. The number of equal pay claims fell significantly when fees of £1,200 to lodge an equal pay claim and get it heard at tribunal were introduced in July 2013. In Q1 2013 there were nearly 7,928 equal pay cases but by Q1 2014 this had dropped to 1,236 – a fall of 84%. Numbers have picked up since but the claims are still less than half what they were before the introduction of fees.

In conclusion, the RCM is committed to equal pay and as an organisation that represents a workforce that is over 99% female and over 60% aged 40 or over, we would like to see the gender pay gap closed. We believe that the Government must not view the gender pay gap as an issue to be dealt with in isolation but rather as an issue that is linked to all other pay and employment policy and the solution to closing the gender pay gap must be part of an overall pay and employment strategy. Unfortunately, we believe that the Government is pursuing other policies (e.g. continued public sector pay restraint; the Trade Union Bill; repealing sections of the Equality Act and introducing tribunal fees) that will have a negative impact on the gender pay gap and we could start to see the gender pay gap go into reverse and start to widen again.


6 Tribunal Statistics, January to March 2014


7 Employment Tribunal Receipts Tables, January to March 2015

27 November 2015