GENDER DISCRIMINATION AND BARGAINING STRUCTURES IN THE COAL INDUSTRY[[1]](#endnote-1)

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SUMMARY

This paper consists of three sections. By far the most important is the third section, and this can be read more or less independently of the first two sections.

The first section argues that bargaining structures have been adopted in the British coal industry with the effect of evading the impact of equal pay legislation. There is shown to have been explicit discrimination against women in the past through the paying of lower wages to women in the same jobs as men. Subsequently, in response to equal pay legislation, the Coal Board appears to have adopted a strategy of minimising its impact on the relative pay of women. It did abolish the separate grades for men and women, as directly required by law, but it has also placed canteen workers in separate bargaining structures with the apparent effect of evading equal pay claims. Whilst other evidence to be presented suggests that de facto canteen workers have experienced wage changes in line with bulk of the male mining workforce, this has left them at a continuing relative disadvantage as an inheritance of the period prior to equal pay legislation.

Further, even if canteen workers wages were determined by relation to external settlements, such as those associated with Wages Councils - as the employers have claimed - this would be both inappropriate and damaging to their pay prospects. Wages Councils were set up to protect those workers who were at most weakly organised into trade unions and, thereby, unable to bargain effectively on their own behalf. This is not the case for British Coal employees.

In short, the bargaining strategy of the employer appears to have been one of evading the intended thrust of equal pay legislation by choice of bargaining structure and by choice of Wages Council rates for comparison. Should the canteen workers have been assimilated into bargaining structures with the bulk of the workforce, then it is arguable that wage levels would have been considerably enhanced due to a number of factors that experience from other industries suggest would have been advantageous for equal pay. These are the employer's own experience in (re)grading and job evaluation exercises, that manual workers are concerned in this instance, that workplaces are relatively large-scale by employment size, and that bonus schemes are in operation (and may have been used to supplement male earnings to maintain differentials if felt necessary). On the other hand, the employer's choice of bargaining structure appears to be designed to exploit fully the weaknesses of women workers' position in the industry - namely, that they are a small proportion of the workforce, poorly represented in trade union bargaining and officialdom, and comprising many part-time workers with limited alternative job opportunities.

Sections I and II offer theoretical and empirical evidence from a broader canvas, drawing upon a wide range of studies and upon the most recent research available. The first section provides a brief overview of studies of the labour market which have investigated the sources of gender discrimination. It is found that differences in worker characteristics between men and women do not explain levels of pay differences. Consequently, it is necessary to look at the wider economic and social structures through which women's pay is determined. These are both numerous and capable of complex interaction. Nevertheless, some broad conclusions are drawn and these are presented in a final subsection.

These results are used as a background to a discussion in Section II of the specific role played by collective bargaining structures in the determination of relative pay. It is argued that women are disadvantaged by their poor representation in collective bargaining, both directly and in conjunction with other factors. In the case of responses to equal pay legislation, although this has been introduced harmoniously, advantageously and effectively by some employers (particularly by placing women on the lowest rung of a common bargaining structure with men), others have evaded it by placing male and female workers in separate bargaining structures to pre-empt comparison between men and women within a single bargaining structure. It is the burden of this paper to suggest, beyond reasonable doubt, that this has been a source of discrimination against female canteen workers in the British coal industry.

I WOMEN'S DISADVANTAGE IN THE LABOUR MARKET

Labour Market Theory and Residual Discrimination

The position of women in the labour market remains a relatively neglected area for academic research. This is despite the increasing prominence of women as a share of the workforce. Thus, in Winchester's (1983) review of new developments in industrial relations, there is no mention of the growing labour market participation of women, nor of the increasing significance of part-time work.[[2]](#endnote-2) Another example of this neglect is provided by the limited extent to which the standard summary of the workplace survey of industrial relations has any reference to the place of women (and its proxy by part-time employment), Millward and Stevens (1986).

No doubt, this reflects, in part, the dominance by men of the academic professions concerned. Nonetheless, there has emerged a body of literature examining the position of women in the labour market. In much theoretical and empirical work, it is based on the extension or application of models that have been constructed, possibly unconsciously, with the male full-time employee as typical.[[3]](#endnote-3) Although there are some exceptions to this general rule, as in Gallie's (1988) edited volume which includes a number of articles which attempt to deal directly with the co-existence of male and female labour markets, the effect is as if the latter is, for example, a separate sector of the labour market, despite the current and growing importance of female labour.

Significantly, the male labour market is not treated in this way. Rather, the result is that the theory and conditions of men's employment are taken as the norm from which female employment is explained as a deviation. Thus, female employment is understood by reference to its differences from male employment. This means that some of the enduring features of male work – full-time and without breaks for parenthood, for example – are taken as natural and not deserving of analytical attention. Women, on the other hand, are observed not to share all of these features which then become the focus for what has to be explained as well as with what effects. In particular, women enter the labour market with different characteristics than men (pre-entry factors) and, subsequently, experience a work history that is partly dependent upon these and partly upon those intrinsic to employment over a specifically female working life (post-entry factors). Both pre- and post-entry factors are, of course, subject to variation as between individuals within each sex, but it is the broad differences as between men and women as a whole that are used to explain the peculiar (and inferior) position of women within the labour market.

Such an approach has certain strengths. By identifying the differences between men and women, both pre- and post-entry, and by comparing these with differences in wage rates or earnings levels achieved, an assessment can be made of the extent to which wage differentials are explained by factors which are normally felt to be operative within any labour market. In this way, in effect, an attempt is made to discover what is the difference in pay between men and women who are, to all intents and purposes as far as the economic model is concerned, treated as equal before the labour market. Thus, when it is discovered empirically that this is not the case, the existence and a quantitative measure of wage discrimination is obtained as a residue after all other differences between men and women as workers have been accounted for.

The orthodox method for doing this is through the use of human capital theory. This takes the view that each worker enters the labour market with an accumulated level of ability, skill and experience. This partly reflects education and training but also includes work history. In general, men score more highly on these factors than women because of lengthier periods of education and greater continuity within work, especially as women are responsible for bearing and bringing up children. So, it is argued, such differences in human capital as between men and women have to be netted out before the true wage differential between them can be assessed. Consequently, after this has been done by econometric techniques, the remaining wage differential is taken to be an appropriate and more accurate measure of discrimination – the difference in wages that is entirely due to gender difference alone.

Thus, Rubinstein (1984, p. 2) explains the matter informally. Apart from employer discrimination:

Women, on average, have less productivity-enhancing characteristics than men. This results in part from free choice, in part from 'socialisation' about women's role, in part from the division of labour within the family and in part from discrimination in education and pre- employment training.

More formally, in explaining differences in male-female relativities between Australia, Great Britain and the United States, Gregory et al (1989, p. 223) put it that:

There are many reasons why men and women are paid at different rates within a country. These reasons may include differences in the quality of workers, the distribution of workers across industries and occupations, the degree of pay discrimination against women, and the relative demand and supplies of labor.

The usual way to measure the contributions of these factors is to fit earnings equations to the data for each sex. The most common earnings equations adopt a human capital framework and hypothesise that the differences in the earnings of men and women can be explained primarily in terms of differences in human capital, as measured by years of schooling, work experience, marital status, and so on.

Whilst the techniques for doing this are simple enough in principle, it has led to a number of competing models and assessments. A recent review of these is provided by Dex (1988), see also Chiplin and Sloane (1976) – from which the diagram overleaf[[4]](#endnote-4) is taken illustrating different potential models.

For Ghobadian and White (1986, p. 6):

It appears that econometric analysis can lead to widely different conclusions regarding the effects of legislation, depending on the model specification adopted.

The problems leading to these differences are that, first, some judgement has to be made of what factors constitute the normally functioning (male) labour market. The more factors taken into account, the more likely it is that the empirical measure of discrimination will be reduced since what are considered positive labour market attributes are generally more characteristic of men. At the extreme, and given the heavy segregation of men and women into separate jobs, discrimination could be chipped away almost to nought by identifiying the labour market characteristics that distinguish low paying (female) jobs from higher paying (male) jobs whether by occupation or by industry. Nonetheless, most studies stop short of what is tantamount to a tautology and, consequently, establish empirically the existence of a degree of residual discrimination inexplicable in terms of labour market characteristics alone and, thus, due by default to gender differences alone.

Second, even if there were agreement over what factors to include in modelling discrimination, some judgement has to be made about how they have an impact upon discrimination directly and indirectly through their interaction with each other. In other words, the model has to be structured. For example, it is generally recognised that large-scale firms usually pay higher wages than small-scale. Equally, those with a higher density of trade union membership tend to pay more. A triangular relationship between these factors, however, is a consequence of the strong correlation between trade union membership and large-scale firms. So, in deciding to what extent trade unions raise wages (or relativities against non-unionists), account has to be taken of direct effects, through trade union membership itself, and indirect effects due to the presence of large- scale firms in raising trade union membership (quite apart from the direct effect of the large firm on wages).

The example given in the previous paragraph makes no reference to the relative position of male and female workers. But exactly the same sorts of considerations apply. Women tend to work for smaller firms and in industries that are less unionised. This is a structured source of lower wages in conjunction with any direct discrimination involved. Again, how these, other and more complex structures of causation are modelled has an effect on how the level of discrimination is understood and measured. This is illustrated by the diagram of potential influences taken from Chiplin and Sloane (1976).[[5]](#endnote-5)

Thus, Joshi (1990), for example, employs a model in which the effects of gender are analysed, together with motherhood, part- and full-time work and other, more traditional, labour market variables such as education and experience. This disentangles the effects on relative pay over time, distinguishing the impact of motherhood (as such and through lost work experience) and gender. It is found that the latter was smaller than the level of pure discrimination but has also varied both for mothers and for non-mothers through the passage of time. Levels of discrimination have been much more severe for part-time as opposed to full-time women workers.[[6]](#endnote-6)

Institutionalism and Segmented Labour Market Theory

Another way of seeing this is by reference to international comparisons. These show that male/female wage relativities are significantly different between different countries and also that the pattern of change for each over time is not uniform. Thus, in Australia and the UK, wage relativities changed quite dramatically around equal pay legislation in the 1970s whereas, in the United States, much earlier legislation had no such effect. Gregory et al (1989) explain this in terms of institutional differences between the countries in pay determination. Interpreting this more broadly than they do to encompass all the factors influencing wage differentials, it can be concluded that changing structures of female labour market participation are significant within as well as across countries.

This is, perhaps, best understood by viewing discrimination as a multi- layered and complex interaction of economic and social factors whose inter-relations and strengths are themselves shifting over time. This has led some, as will be seen in the next paragraph, to take a different view of the causes of discrimination by focusing upon a structural analysis that is much more abstract than the models already discussed. Human capital models attempt to explain relative wages by the attributes of the individual workers. The unexplained residual measures pure discrimination as a gender effect which might in turn be explained by the structured disadvantage of women. Thus, Gregory et al (1989, p. 238) conclude that, “an application of the usual human capital model cannot explain pay gaps across countries” and suggest an “increased emphasis on institutions and the impact of the law”, p. 239. Whilst an acceptable conclusion, it reveals a paradox in so far as an unexplained residual is then associated with causal factors that have previously been excluded from the model. So it seems appropriate to begin with “institutions” as explanatory factors rather than to end with them to deal with the unexplained residual.

This can be done by taking a very broad view of what constitutes the institutional environment in which women are disadvantaged in the labour market. Thus, the general oppression of, or discrimination against, women is taken for granted – partly for ideological reasons which is what the earlier models primarily seek to estimate as a residual – but equally, and more fundamentally, as a result of women's material position in society, in taking primary responsibility for domestic labour and childcare for example. However, the level of discrimination is not simply read off from this broadly identified factor on the labour “supply-side”. Other supply- side factors must be taken into account such as the role of the state and the stance and strength of trade unions. On the demand-side for labour, it is important to recognise the imperatives derived from the nature and degree of competition in product markets – secure markets with low competition might induce a more secure (male) labour force – as well as the organisation and skill requirements of the production processes involved. Equally, the size distribution of industry, in terms of its level of concentration, is an important determinant of the types of jobs available and the types of workers that fill them.

These factors are all potentially a part of any theory of wage determination, but they are given a distinct approach when wedded to the idea that they create definite labour market structures with associated segments of better- and worse-off empoloyees. Initially, segmented labour market theory had its origins in the attempt to explain disadvantaged urban blacks in the United States, where a simple duality was posited between secure, career-structured and well-paid primary employment and insecure, casual and poorly paid secondary employment. Subsequently, this has been found to be too theoretically and empirically restrictive, so that segmentation of the labour market is perceived to be dynamic, multi-faceted and subject to change, with the boundaries between segments and the occupancy of them not permanently fixed.

The leading exponents of segmented labour market (slm) theory have been a group of Cambridge economists although the literature is now vast, covering a wide range of countries, industrial sectors and different strata of employees. A critical assessment of this literature has been made elsewhere, Fine (1987), where it is argued that the approach is well-designed to identify and describe labour market segments, but that the extent to which this leads to an explanation of them is less satisfactory. Unlike the human capital theory approach, which merely associates levels of wages with workers’ attributes, slm theory does attempt to link broader economic and social forces, first, to the creation of labour market structures and, second, to the occupancy of positions within those structures according to the socio-economic background of the employee. There is an explicit rejection of the view that labour market attributes primarily determine place in the labour market on the grounds that skill, for example, is socially constructed, rather than of a technical character alone, so that women's skills and those not supported by trade unionism are subject to systematic devaluation both in esteem and reward.

With this approach, slm theory argues that the broad determinants on the supply and demand sides of the labour market, such as trade unionism, gender relations, technology, etc, interact in complex and not always predictable ways to give rise to labour market segments. Consequently, it provides an approach more appropriate for the study of particular employments or sectors of the economy. The Cambridge group have, however, been particularly concerned with microeconomic case studies, and especially with the sources of low pay. They have found in the context of small firms that, Craig et al (1984, p. 1):

the most important dividing line in pay and employment practices to be that between men and women, a distinction which was not always clearly related to job characteristics. The gender of the worker appeared to affect not only the allocation of workers to jobs, but also the grading and pay of jobs and the organisation of work and working-time arrangements.

In short, slm theory sees the male/female wage differential to be part and parcel of contemporary labour markets which structure pay and conditions of work alike. In contrast to the human capital theory approach, slm theory does not understand residual wage differentials as a deviation from an otherwise harmonious interaction of supply and demand. Rather, economic and social relations are the systematic source of labour market segments which are particularly disadvantageous to women.

Labour Market Trends

This discussion of theories attempting to explain labour market discrimination needs to be set against some acknowledgement of the broad empirical trends that have taken place in the British labour market. Three particular features stand out. First, there has been a process of de- industrialisation. The shift to a declining share of manufacturing in national output in Britain, a common trend across many advanced countries, has been particularly extreme, leading to an absolute fall in the level of manufacturing employment.[[7]](#endnote-7) Although it might be argued that the decline in manufacturing is not in itself a source of economic weakness, continuing lack of competitiveness is, so that the UK tends to compensate for lower levels of productivity through low rates of wages and wage increases. In short, Britain, relative to its advanced competitors, has developed a “three-low” economy, one dependent upon low investment, low productivity and low wages.[[8]](#endnote-8) For Singh (1977), who first put forward the notion of de- industrialisation as the inability to sustain growth because of the associated trade deficit due to greater competitiveness of imports - and for Singh (1987) – the holding down of wages does not offer a solution to these problems. For it would allow the vicious circle of low investment and productivity to be sustained rather than encouraging a virtuous circle of growth in investment, productivity and wages.

Against this background of the low wage economy, there has been, second, the continued segregation of men and women into gendered jobs. Again this is a feature common across many countries and even in Sweden, where the labour market for women is less disadvantageous in terms of relative wages and conditions, and job segregation remains as pronounced as elsewhere.[[9]](#endnote-9)

Third, a further common feature has been growing female labour market participation, particularly through the return to work of married women after childbearing. With the associated domestic responsibilities, and in the absence of cheap and readily available childcare facilities, there has been a substantial growth in part-time employment for women.[[10]](#endnote-10)

Putting these three features together, with the first and third being particularly pronounced in Britain, then it appears that Britain's reliance on low wages and its shift out of manufacturing, which tends to be male- dominated, has meant the use of female labour as a cheap source of employment in the growing service sector. Particularly supportive of this has been the limited provision of childcare facilities (and lack of tax relief for them) and labour market legislation and taxation which has made part-time workers more attractive to employers.[[11]](#endnote-11)

Equally significant has been the life-time work experience of women. This has tended to see them shift out of full-time work in manufacturing during the first phases of parenthood, only to move back into part-time service sector employment at a lower level of wages and status than before. Dex (1987, p. 127) concludes:

When women have been working in manufacturing industries at cheaper wage rates, they have been supporting, in Britain, an ailing manufacturing sector, allowing it to limp along and be slightly more on a par with the cheap labour production of developing countries in textiles and in clothing.

Given that productivity gains have been restricted in service industries, then women are also the obvious choice of workers to try and keep down costs in these industries. The result is as if becoming a mother in Britain means a loss of responsibility, experience and commitment in the world of work outside the home. As Burton et al (1987, p. 31) suggest, this reflects a more general devaluation of women's work and status:

Higher value placed on financial responsibility than responsibility for people, even in life-and-death situations ... managing (and controlling) people is more highly regarded than caring form them; in many non-management jobs, physical effort is valued more highly than mental effort, which, in any event, is not always recognised as such in predominantly female jobs.

This situation does not, however, appear to be inevitable. In the United States, for example, women return to work after breaks for having children with, on average, a higher level of status and wages than before, Dex and Shaw (1986).

Some Conclusions

To draw a number of conclusions:

First, labour market theory and empirical studies tend to focus upon a variety of factors in explaining the levels of of wages that occur. Although some of these factors correspond to what is usually termed “free market forces” – such as skills and experience of the worker – other factors, such as the level of unionisation, the nature of the product market, the capital intensity of production, and the degree of concentration of the sector concerned, have all generally been shown to be significant influences on wage differentials. Moreover, it is not simply a matter of taking into account these various factors as fully as possible, for the way in which they are inter-related structurally is difficult to discern and liable to change over time. This creates theoretical and empirical problems, especially in view of the data that are available even in the best of statistical worlds. Arguably, the work experience of a woman coming to the end of her working life offers only a limited guidance to the future given the significant changes that have been and are taking place in the economic and social position of women. On the other hand, it does seem reasonable to take into account factors such as work experience over time in determining labour market outcomes.

Second, then, women's position in the labour market is structured both in terms of what might be identified as market forces and those that are not. In assessing what constitutes discrimination and what is its quantitative significance, a view must be taken, at least implicitly, of what degree of wage differential is justified by labour market differences between men and women. At one extreme, it could be argued that wage differentials are simply the appropriate result of market forces – and these would have to be very broadly defined – since they are powerful enough through competition, to overcome any artificial barriers to the pursuit of profitability and individual advantage. Least wage cost, most effective labour utilisation and worker preferences and suitability for different types of jobs would guarantee equity in the labour market.

Few, if any, subscribe to this view because it is generally recognised that there are discriminatory forces at work – usually associated with gender prejudice at the ideological level and the unequal position between the sexes in domestic responsibilities and in access to opportunities enhancing or recognising labour skills. At the other extreme, it could be argued that any wage differentials are evidence of such forces at work. Most would find this unacceptable. But once it is recognised that discrimination does give rise to labour market structures, most notably in occupational and sectoral segregation into men’s and women’s work, it becomes imperative to make a judgement on the extent to which these structures are the product of market forces and the extent to which they are not.

This matter is further complicated by the presence of factors other than those with a direct gender content – such as the density of trade union membership or the level of industrial concentration – which may be perceived to be indicative either of the presence or of the absence of market forces, according to the view taken of how the market works. Moreover, these factors do not act independently of each other and of more directly transparent gender issues. In short, it would appear to be over-simplistic and misguided to proceed as if the various influences upon women's relative pay could be assigned to those that are legitimate in view of economic theory and ethical judgement, whether or not this corresponds to equal pay legislation, as opposed to those that are not legitimate because they do not belong to the “normal” workings of the market. The situation is more complex than this, and it is apparent that each case of labour market discrimination will have to be considered on its own merits. To refer to market forces as legitimate and allowable is not to resolve the problems of assessment involved but merely to give them another name.

Here there is a rejection of the view taken by Rubinstein (1984, p. 146/7) that if, “women can be induced to work for lower pay than men on jobs of equivalent value (this) cannot be accepted as a valid justification except by making a mockery of the law ... (yet) .... market forces are one possible justification for unequal pay for work of equal value”. For, while his intent is correct – to suggest and to interpret the law as resting somewhere between the two extreme positions outlined above – to define this judgement by reference to market forces is an obfuscation since these in turn have to be defined and interpreted – whether as a mockery or as a justification.

This does not, however, mean that nothing at all can be said about market forces. For here, economists usually have in mind the free flow of resources to accomplish allocative efficiency in the presence of what are, in principle, temporary obstacles and disequilibria within the economy. Thus, in the case of the higher wages paid to computer programmers, this reflects a rapid growth in demand and a sluggish and too limited a response in training through the formal or informal educational systems. Whilst it might be judged that this deficiency in supply is unlikely to be remedied quickly, nonetheless, from an analytical point of view, it is an imbalance on the market which may be corrected.

The position of women is somewhat different, since it is recognised that there are systematic factors at work which are not, even in principle, remedied over time through the operation of market forces. Indeed, just as the education and training system should be geared to rectify the imbalance in the provision of computer skills, so equal pay legislation and other measures should be designed to remedy the disadvantages in which women are placed in the labour market. But, as previously discussed, the diagnosis and cure cannot be read off from a simple classification of the symptoms concerned into market and non-market forces.

Third, to be more specific, the layered structure of factors through which women are disadvantaged within the labour market include the following:[[12]](#endnote-12)

a) Job segregation by occupation, grade and sector of employment. Women tend to be confined to particular sectors of the economy, to particular occupations and to lower grades of work in job hierarchies. This is a consequence of direct discrimination and of indirect discrimination and of women's more general disadvantages in society. Consequently, this leads to a gendered division of labour, bargaining structures, rates of pay and conditions of service.

b) Gendered division of work, then, in which women's jobs pay less even where men are present as a minority. Women's skills are treated as insignificant, partly because they are associated with them as women doing jobs which are seen as extensions of their “natural” attributes – particularly where this concerns housework – and partly because a predominantly female occupation is thereby associated with limited skills. This is even so when it does not derive from presumed female attributes as in clerical work. As Rubinstein (1984, p. 30) puts it, even when men and women do the same work, the men's work is assigned a higher status:[[13]](#endnote-13)

Men are “chefs”, women are “cooks”; men are “personal assistants”, women are “secretaries”; men are “salesmen”, women are “shop assistants”.”

c) Domestic responsibilities, and especially childcare, lead to part- time employment for women. There also tend to be breaks in work experience with childbearing and initial childcare prior to youngest going to school and, afterwards, there is limited scope in employment opportunities due to confinement to local labour markets in view of account to be taken of cost effectiveness of travel to and from work in terms of time and money expended in taking on a part-time job, Rubinstein (1984, p. 18).

d) Partly as a consequence of these factors, women are more likely to be employed in small firms and in occupations and sectors with lower levels of trade union membership, especially where part-time work is involved, Millward and Stevens (1986, pp. 62 and 82).

e) Both ideologically and through pressure on their time in holding down a job and taking prime responsibility for domestic duties, women have encountered great difficulties in engaging in trade union activity. There are disproportionately low levels of representation of women as trade union officials and as participants in union affairs, with correspondingly limited understanding and pressure on behalf of their interests. Thus, for example, low pay for men is often remedied by bonus payments on basic rates from which women are normally excluded, especially as part-time workers. As the GMB (1987. p. 16) argues:

Workers employed in work-places where the basic rates of wages have been pitched at a level to allow them to be supplemented by a bonus, but who are not covered by the bonus scheme are consequently not getting the rate for the job in their industry ... Many of these workers are women. There is widespread evidence from the surveys that employers are systematically underpaying women workers for this reason.

And Dickens et al (1988, p. 43) comment:

By the late-1970s more than 70% of full-time male workers were receiving bonus payments and around 90% of women workers (including almost all part-timers) were not.

Moreover, the biased content of such arrangements were reinforced by the limited representation of women in trade union leadership, Dickens et al (1988, p. 66/7).[[14]](#endnote-14) Part-time workers, in particular, are once again particularly disadvantaged as they do not tend to (be allowed to) benefit from the facilities and time-off made available to full-time workers acting as officials, Fryer et al (1978).

f) There has been a devaluation of women's work in terms of their presumed motives and need for wages (ideas of “pin-money” even though women's wages go predominantly towards providing what are usually thought of as essentials) and, as mentioned, devaluation of their perceived skills as (incorrectly) being derived from domestic work and hence of limited value.

g) Conservative attitudes and inertia on the part of management towards the claim of women for equitable treatment, often condoned by trade unions in defence of traditional differentials, in the belief that the restructuring of grades and pay scales would be unnecessarily troublesome and costly, as discussed in the following section.

II THE ROLE OF COLLECTIVE BARGAINING

Collective Bargaining and Female Workers

In the previous section, some evidence has been given of the factors that influence discrimination against women in the labour market. This section will be concerned with this in relation to bargaining structures. Two points need to be made at the outset. First, collective bargaining is the most important proximate cause of pay levels and operates through a small number of agreements covering large numbers of workers. As Zabalza and Tzannatos (1985, p. 38) report:

The system of pay determination in Britain is highly centralised. A relatively small number of collective agreements determine the rates of pay of a very large number of workers. In the early seventies, the 15 largest national agreements covered around five and a half million workers, which represents around one-quarter of the total working population. A total of three million workers were covered by only four agreements. If in addition one considers wage orders, then the total number of covered workers is 14 million (63 per cent of the working population), of which 9 million are men (64 per cent of the male working population) and 5 million are women (61 per cent of the female working population).

Although there has been some shift towards greater decentralisation in collective bargaining, 71 per cent of workers still remained covered by it in 1984, Millward and Stevens (1986, p. 312/3).

Second, the level of bargaining and how bargaining takes place do change and are a matter of choice, or conflict, between employers and employees, subject to the economic and political environment within which they negotiate. Decentralisation of collective bargaining is illustrative of this and of the choice of bargaining at the levels of industry, company or plant – or not at all.

Consequently, there is a theoretical literature on the likely contours of collective bargaining structures. Some, such as Fulcher (1988), attempt to explain why structures and the scope of issues covered vary between countries. On the other hand, Booth (1989) constructs an analytical schema, summarised in the table reproduced below.[[15]](#endnote-15) It attempts to relate the choice of bargaining structure to economic variables and employer and trade union motivation, although, in the case of Britain, bargaining structures seem to be determined primarily by management.[[16]](#endnote-16) Significantly, in this theory and in the empirical testing of it, no reference is made directly to gender effects in the labour market. Once again, there is an implicit notion that the male labour market is the standard.

This means that collective bargaining has not been studied as much as it might have been in the context of discrimination. As Dickens et al (1988, p. 35) observe:

The extensive literature on the reasons why women are paid less than men focuses more on theoretical debates in economics and sociology than on the ways in which collective bargaining currently influences income distribution.

This is unfortunate for the EOC (1989, p. 3/4) has argued that:

Collective bargaining (is) by male-dominated trade unions (and) allied to women's traditional reluctance to use industrial action ... (with) employers perceptions of men as breadwinners and women as working only for pin-money.

Collective Bargaining and Equal Pay

Over the past two decades, collective bargaining has become influenced by the presence of anti-discrimination legislation. This has led employers to respond in one of two ways. Either they have embraced the legislation or they have attempted to avoid it altogether. Thus, Snell et al (1981, p. 18) report from a survey of 26 firms that:

Twelve organizations implemented equal pay by removing discrimination from collective agreements and, in many cases, by bringing women up to at least the lowest male rate in the agreement.

But they summarise their results as a whole somewhat differently:

In over half the organizations, action was taken which reduced employers' obligations under the Equal Pay Act and resulted in women receiving less benefit than they would otherwise have done. Such actions included: the tightening of women's piecework rates to offset increases in basic rates; the introduction or restructuring of grading systems such that women ended up on lower rates or grades regardless of their skill level; increased job segregation to prevent equal pay comparisons and the comparative under-grading of women in job evaluation exercises.

Similar sorts of conclusions can be drawn from Ghobadian and White's (1986) study of job evaluation and equal pay. They find that there is liable to be less sex bias in job evaluation in the following circumstances – in manufacturing, the more there are full-time employees, the more formal (analytical) the job evaluation scheme, the more there is (female and trade union) employee participation, the more organised are personnel functions, the larger the establishment and the greater the proportion of female workers.

From these studies, a clear picture is obtained of the sorts of circumstances in which sex discrimination in pay is more likely, although this is, in part, a product of employer and, to a lesser extent, trade union strategy as well. In particular, the structure of collective bargaining in allocating different groups of employees to different job evaluation schemes is important as well as the evaluations themselves across the sexes within a particular group of workers. To put it sharply, if job segregation is extremely pronounced, then men and women can either be allocated to different grades within a single job evaluation scheme (with women occupying the lower grades). Or they can be evaluated in two separate schemes in which there is no possibility of sex discrimination as such since there are no gender comparisons to be made within each scheme.

For an employer wishing to minimise the impact of equal pay legislation, the second of these options is to be preferred. For it creates a double obstacle to equal pay – job and pay comparisons have to be made across the separate bargaining structures and female grades in the one have to be placed as high or higher than some male grades in the other (assuming this to be appropriate). Only the latter is necessary in case of a single bargaining structure covering both male and females. It should be emphasised that which of these outcomes actually occurs is the consequence, not of undertaking a logical exercise, but of collective bargaining itself and subject to the range of influences already discussed.

In practice, an important way of responding to equal pay legislation has been to combine male and female workers into a single set of grades and to place women on the lowest rungs of the grading. For Snell et al (1981, p. 64):

The level of pay determination was also found to be an important factor ... As a result women's rates in many organizations were raised to the lowest male rate in the agreement.

This is confirmed by the analysis of Gregory et al (1989, p. 233) who argue:

it was the adoption of the simple rule that the lowest pay in any agreement must be shared by men and women that was the crucial consideration. It was this clause that extended the British Equal Pay Act, somewhat loosely, into the domain of comparable worth. As in Australia, the large pay increase for women was not the result of detailed analysis of appropriate pay rates for women but the result of the adoption of a simple, across-the-board rule.

They continue:

The experience of Britain and Australia suggest ... in each country, and before the official interventions, the labor market institutions – trade unions and national pay agreements explicitly recognized pay discrimination and built it into the pay structure. As a result, it was relatively easy to identify where pay discrimination occurred. In addition, given the desire, it was relatively easy to remove that which was identified as pay discrimination and, as a result, to affect dramatically the pay relativities between the sexes. The mechanism with the largest quantitative impact was the adoption of a simple rule that extended across firms and stated that within each pay agreement there should be a common rate of minimum pay for men and women.

The findings of Zabalza and Tzannatos (1985) are not quite so specific. They conclude, following the Equal Pay Act of 1970, that the system of collective bargaining did lead to a substantial narrowing of the relativity between male and female wages over the mid-seventies by the process of creating common grades and raising female wages rather than by lowering male wages. The relativity was decreased by about a fifth. This is certainly consistent with the idea that the major mechanism by which this was done was through paying women what were previously the minimum for male workers. Using a human capital model, to take account of differences in labour market characteristics of men and women, they then estimate that this had reduced sex discrimination in pay by between 30 and 50 per cent.

In this respect, Snell et al (1981, p. 65) adopt an ambivalent attitude towards the impact of paying women at the men's lowest rate. For, whilst millions of women benefitted by this, it has also been the means by which discrimination has been retained within bargaining structures. Dickens et al (1988, p. 38) argue that this need not be so, reporting on the results of the new regrading scheme covering local authority manual workers:

The results of the job evaluation exercise produced very significant changes in the rank order of jobs covered by the manual workers' national agreement. This can be explained partly by the length of time that had elapsed since the previous major review in 1969, but more importantly, by the joint commitment to incorporate equal value principles into the new scheme, and wherever possible, remove sex-bias from the gradings.

To some extent, however, the local authority scheme may give a false impression of what has happened more generally – and not just because of the commitment to remove sex-bias. For job evaluation schemes tend to be changed more often than once in every twenty years. Ghobadian and White (1986, p. 24) report that, “between 1980 and 1982 11% of establishments discarded their job evaluation schemes without replacing them”. Presumably a number did replace those discarded. Dickens et al (1988, p. 37) recognise the need for a much faster rate of replacement of job evaluation schemes:

It is usually argued that any scheme has an effective life of little more than five, or at most, ten years, and that in sectors characterised by a rapid introduction of new technology (for example, banking), salary structures should be frequently revised.

Along with Ghobadian and White (1986, p. 70), it is suggested that the effect of job evaluation is to change the existing job hierarchy and that, where evaluation has not been changed recently, it is liable to have been rendered redundant by the equal value legislation of 1984, with Dickens et al, continuing from above:

It can also be assumed that few schemes introduced before 1984 were informed by an awareness of “equal value”; they should, therefore, be reviewed in the light of the Amendment.

To sum up, bargaining structures have been important in the implementation of equal pay legislation. They have been most common in circumstances where men and women have been brought into a single evaluation structure, with women's pay being raised to the level of the lowest male. This has left, however, two factors in continuing discrimination; one where women have been retained in separate bargaining structures and the other where their grading has been too low. In the first case, both grading and the necessarily frequent regrading of men and women together will have been avoided.

The motives for such an avoidance strategy can only be guessed at. One might be fear of heavy increases in the wages bill. Another might be management inertia in face of the administration involved. The negative implications may well be and have been exaggerated. For Snell et al (1981, p. 60/1):

The most striking finding about the costs of equal pay legislation was that the majority of organisations did not feel, after implementation, that it was important to know how much equal pay had cost, although most expressed grave doubts about the effects of the extra costs when the Act was passed ... information from an outside source (Incomes Data Services) suggested that worry over the effects of costs had dictated an implementation strategy leading to almost total job segregation.

They also conclude, p. 65:

Our analysis suggests that, given a well-constructed jointly agreed job evaluation scheme, minimization (of equal pay impact) was unlikely as well as difficult.

Ghobadian and White (1986, p. 53/4) recognise that the management of an analytical job evaluation scheme carries some difficulties with it but that there are liable to be net benefits overall in personnel management and labour relations. It is functional in giving care and attention to effective labour utilisation.

Thus, whether taking into account wage costs or management resources, the avoidance of equal pay legislation through separate bargaining structures for men and women seems to have little to recommend it.

III DISCRIMINATION THROUGH BARGAINING STRUCTURES

Gender Bias in Bargaining Structures

In this section, the focus will be primarily upon the pay determination of canteen workers. In a separate paper, O'Donnell (1990) has argued that, in effect, in all but name, those employed by British Coal have been part and parcel of a single bargaining structure including them together with male surface mineworkers. Their relative pay has closely followed that of the lowest grade of surface workers but at a discount of about 20%. Whatever the conclusion reached on this matter, two points emerge very clearly. First, job segregation has formally allowed women workers to be placed in a separate grading structure but, even if there were some overlap between the two at the bottom of the one and at the top of the other, the situation is one in which there is no effective difference from the operation of a single grading structure. Only for the latter, there would be a much more transparent instance of pay discrimination.

Second, and more important, the formal separation into two grading structures has been associated with avoidance of what has been the most effective mechanism by which a move towards equal pay has been implemented in other sectors of the economy. Although the previous section reports that this has at most not even eliminated the major part of unequal pay, placing women workers on the lowest grade of the joint scale with male workers has proved in other industries to be of significant benefit to women workers. The continued avoidance of this by British Coal must be considered a deliberate policy for minimizing the impact of legislation. Separate pay scales have been a device for preventing the harmonisation of minimum pay scales for men and women.

Such a conclusion can be strengthened by turning around the issue involved. Subject to a job evaluation exercise, suppose the canteen workers had been placed on a combined scale with male workers, would they have benefitted from equal pay legislation? By considering the factors mentioned in the previous section, the answer is unambiguously positive. With a few minor exceptions, the characteristics of employment in the coal industry are such that women are most likely to have been granted equal pay on a minimum grade with men, given a single grading structure with them (especially, assuming they do indeed perform work of equal value – a matter that is beyond the scope of this paper. However, separate grading has the effect of attempting to avoid this evaluation along with associated claims for equal pay).

First, British Coal has a most highly developed grading structure which has been modified over time. There seems no reason why it could not have been successfully extended to cover canteen workers also. The NUM first put forward a proposed uniform grading structure in 1950. This ultimately led through negotiation to the first Daywagemen's Agreement of 1955. To arrive at this, 6000 separate local job names were assigned to 300 group names and these were, in turn, arranged into five underground grades, five surface grades and three grades for craftsmen. Subsequently, the 1966 National Power Loading Agreement assimilated, following a whole series of District Agreements, most of those miners who had been on piecework. Finally, the 1971 Third National Daywage Structure Agreement encompassed other coalface workers, eliminating all remaining piece and task work. Subsequently, the 1980 Revision of the Wage Structure brought into operation the wages structure currently operating in the industry. From then until 1987, a National Grading and New Technology Committee was set up to look at (re)grading issues raised by implementation of new technology. This has meant that grading structures have been under constant revision, review and negotiation to take account of new tasks as they arise (and compare them with old ones).

It is worth observing that the complexity of the wages structure inherited upon nationalisation was so great that rationalising it was both delayed for a decade and staggered over a fifteen-year period to reach completion for the vast bulk of the workforce. As Sales and Davies (1957) observed, the daywagemen and pieceworkers could not be handled simultaneously because of the enormity of the task involved. Consequently, the formal exclusion of the few grades of canteen workers from this evolving wage structure is a deliberate bargaining policy by the employer, consistently held over a long period. It is not a matter of administrative convenience nor of economic logic. It is also worth recalling that the Union asked as early as 1953 that the lowest canteen rate be based on the surface worker minimum, with corresponding rates for other canteen grades. Second, then, supposing that British Coal had extended its grading scheme to canteen workers, conditions are highly favourable for such a grading scheme to have been relatively free of gender bias. British Coal is highly practised in job evaluation, there has been employee participation, and this has involved a sophisticated and experienced personnel department (with a special division for industrial relations).

Third, the evaluation would concern manual workers which, experience from other industries suggests, has proved more favourable to moving towards equal pay.

Fourth, the establishments concerned do include some large-scale mines, as far as number of employees is concerned, even if all are not large-scale workplaces by industrial standards.

Fifth, there is an extremely high level of trade unionism.

Sixth, bonus schemes and overtime are important so that it would have been possible to have proposed the retention of a male earnings differential through the use of these.

On the other hand, there are some factors that would have limited the chances of a relative rise in women's pay:

First, there is an extreme imbalance in the proportion of men and women employed.

Second, there is limited representation of the interests of women workers through the trade union as officials, in negotiations and in attending meetings. There has only rarely been a woman branch committee member (apart from NUM COSA) and women have never negotiated their own pay and conditions. This has been done as an appendage to the main negotiations.

Third, there is the presence of part-time workers.

Fourth, as previously discussed, there is the apparent adoption of the employer of an avoidance or minimization strategy.

Certainly, given the union's current stance, of these negative factors, only the latter is of importance in the sense that it would render the others irrelevant if it were otherwise. Had the employer been committed to equal pay policy and, as part of this, a more unified bargaining structure, experience from elsewhere suggests that men and women workers would have shared at least a common minimum grade. It must be concluded that the formal rejection of a common bargaining structure by the employer is a deliberate policy to nullify conditions that have otherwise been shown to be of considerable advantages to women in other industries when seeking equal pay.

The Historical Experience

This is confirmed by the historical experience of the industry in a number of ways. First, formal separation of bargaining structures has meant that job evaluation across the entire workforce (including canteen workers) has been avoided. Yet, as previously mentioned, such schemes appear to require frequent re-assessment, especially where rapid technical change is involved - which is certainly so for coal mining and arguably also applicable to canteen workers given the new technology in food preparation. And it is generally the case that, for women, job evaluation exercises do positively affect job hierarchies, especially with joint commitment to eliminate gender bias.

Second, there has been a history of unequal pay in the industry. In the account given earlier of the evolution of the grading structure, an important point to add is that this was done in the absence of gender differentiation. Although there were no women workers underground, there were women surface workers. They were assimilated to the same grades as men. Unequal pay was cemented into the wage, not the grade, structure by the simple expedient of paying women doing the same job, a wage set initially at a level of 80% or so of the male rate.

Before 1969, then, there were separate scales for men and women doing the same jobs, with women receiving substantially lower levels of pay when on the same grades. For example, the 1968 wage agreement included the following pay levels for surface workers after a 2/6 weekly flat rate increase per shift, subject to a limit not being exceeded:

 Surface Grade Male Female Male Female

 Standard Limit

 I 47/4 42/5 56/- 42/5

 II 46/1 41/2 55/9 41/2

 III 45/5 40/6 55/9 40/6

In the specific case of canteen workers, the ingrained inequality of pay for those men and women doing the same jobs was combined with a formal exclusion of canteen workers from the main body of grading and bargaining. As a result, in the 1955 pay agreement, for example, there was contained the following “spiral” of unequal pay. A canteen manager controlling between 31 and 40 workers (the highest grade) earnt a rate of 203/9 compared to a manageress' rate of 157/6. This compares with the rate for a male cook of 156/3. A female cook earnt 104/5. The latter was equivalent to the wage of the lowest paid twenty-year old male.

After failing to persuade the employer to assimilate canteen workers with the minimum for surface workers, the Union proposed in 1953 that a national agreement for canteen staff be set at a rate of 50% above the Wage Council rate for the Industrial and Staff Canteen workers. The Board refused and offered a range up to 25% above the Wage Council rates and this was eventually settled as the level. Subsequently, in 1956, the Union did press for equal pay for canteen workers. It was met with the following response:

The Industrial Relations Member of the Board stated that the conditions of service of colliery canteen and snack bar staffs were, by agreement with the Union, governed by the Orders made from time to time by the Industrial and Staff Canteen Undertakings Wages Board. These Orders did not at present provide for equal pay, and unless and until such an Order was made, the Board could not concede the Union's claim.

This is of some importance since it shows that the Wage Council comparability was used, in part, to negate claims for equal pay. In practice, however, it did not serve as a basis for determining canteen workers’ pay. Over the period from 1963 to 1976, the differential varied from as little as 15.4% (1967/8) to as much as 99.2% (1974/5), having been set at 25% in 1955. The Wage Council rates seem to have served as a number you first think of before coming up with another number by which to multiply it! The tracking of the timing and the level of pay awards to mineworkers and, paradoxically, comparability with the minimum rates for surface workers remains the strongest explanation of canteen workers rates of pay. This despite the Board's view that agreements covering canteen workers are:

designed to dissociate the wages and conditions of service of male and female employees from Agreements relating to the coalmining industry.

In short, historically, with Union compliance, the Board has discriminated against women by paying them 20% or so less than men in the same grades but also, against the Union's wishes, it has formally disassociated canteen workers from the mineworkers pay structure and refused equal pay for canteen workers.

Evading Equal Pay Legislation

This situation changed in 1969 when, presumably in anticipation of equal pay legislation, there was the simplest of responses to the problem of discrimination – the abolition of the distinction between male and female grades, with women taking the male wage rate. The way in which this was done, as evidenced by the limited scope of the Agreement concerned, as reproduced below, can only be interpreted as satisfying the minimum as far as the first round of equal pay legislation was concerned. Since then, the ratio of canteen workers' pay to that of surface workers has remained remarkably close to the 80% differential that had effectively been previously proposed by the Union (in assimilating male canteen workers to the lowest surface worker grade and female wages to 80% of the male). Since 1969, however, the union has increasingly changed its own position and has pressed not only for a unified grading structure for all workers on the surface but also for the de facto linking of the pay and conditions of canteen workers to those of surface workers to be acknowledged in considering equal pay. It has argued that British Coal has refused to recognise this latter point formally in order to avoid equal pay claims, as appears to be consistent with the evidence presented here.

Third, the pay discrimination against women has been a consequence of the choice of a Wages Council as an external reference point for wage determination (in so far as this has, in fact, been the case). The Wages Council system has its origins in the 1909 Trade Boards. They were designed to fix legally enforcable minimum rates of pay for workers in the absence of sufficiently evolved employers associations and trade unions – to protect workers against the absence of the conditions necessary for the existence of, and balance in, collective bargaining. It has generally been envisaged that a Council would be abolished once voluntary negotiating machinery became available. Trade unions, in particular, feel that the minimum can operate as a downward pressure on wage levels, Steele (1979, p. 225):

Wages Councils do not set earnings, their function is to set statutory minimum rates of wages and it is on this basis that they must be judged. Rates set by Councils may influence earnings but a primary function of the Wages Council system is to set reasonable minimum time rates for the workers covered by Wages Council legislation. The system has been regarded for most of its history as a temporary substitute for maintaining wage levels until organisation of trade unions and employers associations reached sufficient levels for voluntary maintenance and there has been an implicit desire on the part of legislators, commentators and interested parties for the statutory system to be gradually replaced by voluntary means for setting minimum rates.

It immediately follows that Wage Council workers are liable to be low paid and low in trade union density of membership. This seems to have been especially true of the ISCUWB, as was revealed in a study by Craig et al (1982) of the effects of the abolition of Wages Councils. The ISCUWB was included in their study having been abolished in 1976. The sector is different from others in that it does not produce a commodity for sale outside the enterprise (and hence was not subject to downward wage pressure from the competition between firms in the product market) and in that the workers were inevitably a small proportion of those employed. In other words, canteen workers are scattered across many different places of employment in relatively small numbers, Craig et al (1980, p. 105):

Catering workers are particularly vulnerable because they are separate from the main labour force, work in small units, and are peripheral to the main interests of the employers and unions in their workplaces.

Craig et al (1982, p. 45) found that trade unionism was highest in the medium- and large-scale and in the public sector establishments. In 45% of the establishments run by the private sector, there was no union present at all, Craig et al (1980, p. 36). Given the high level of trade union membership amongst canteen workers in the coal industry, it follows that its wage levels would be dragged down by comparison with canteen workers as a whole. It is also the case that collective bargaining arrangements are liable to have been less favourable in the sector as a whole, with these often being absent altogether or conducted exclusively at a local level. The low levels of pay associated with subcontractors is also liable to have been a downward pressure on wage levels. Thus, the Board has sought, through not formally recognising that canteen workers belong to the same bargaining structure as mineworkers, to neutralise the bargaining advantages that its canteen workers might be thought to have by virtue of their high levels of unionism.

This is all confirmed by more recent evidence of wage settlements over the past few years – long since the ISCUWB has been abolished. A study has been made by the Labour Research Department of the levels of wage settlements for canteen workers over the period 1986 to 1989. First, it finds that of 33 basic wage rates examined, the level ranged from 187.08 to 87.75 per week (with the median at 113.13). Second, the review concludes that separate bargaining for canteen workers has meant lower levels of pay:

For canteen assistants covered by agreements which have separate grades for canteen workers or lowest grades which do not apply to non-canteen staff, the weekly basic average rate is 97.00. However, canteen workers who share a lowest paid grade with non-canteen staff have an average basic of 117.46 a week ... The technique of abolishing lowest grades is increasingly being used by bargainers to improve the position of the lowest paid workers, and if this were used to apply to canteen workers otherwise covered by separate grades a major area of pay discrimination would be removed.

It follows that the NCB has chosen, as its standard for fixing its own canteen workers wages, the wages of those employees in a considerably worse bargaining position, and it has attempted to neutralise the impact of the Union's strength in pressing for higher wages, especially for equal pay, through the device of formally separating bargaining structures. The first point is well-illustrated by the results of the post-abolition survey of Craig et al (1984, p. 53). They found that as many as a third of establishments paid hourly rates of less than the minimum set by comparison with continuing Wages Councils covering other catering and related staff. Underpayment was highest where the majority of women worked part-time, illustrating the implicit linking, in principle, of this source of low pay to corresponding wages in the coal industry.

It is what might be termed the tea lady principle. These workers are in the weakest of labour market conditions confined, for example, given their childcare responsibilities, to limited job opportunities within local labour markets.[[17]](#endnote-17) Often working part-time, with few alternative job opportunities, they are poorly unionised and have few colleagues with which to organise collectively. The job is itself precarious, squeezed between the threats of staff making their own tea arrangements, on the one hand, and of displacement by a drink-dispensing machine, on the other. Clearly, such workers require the protection designed to be given by the Wage Council system. But it must be doubted whether they are the relevant standard for comparison for canteen workers in the mining industry! The minimum weekly rate for the ISCUWB in 1974 was 12.25 when the TUC was recommending a minimum wage target of 30 per week, Craig et al (1980, p. 69).

In practice, British Coal has always paid above Wage Council Rates. This is not unusual in industries covered by Wages Councils in those establishments where trade unions and collective bargaining are present. Nor is this surprising for such conditions are the ones for which the Council's function has been rendered redundant. This begs the question of why British Coal should have insisted upon token indexation to Wage Council rates up to 1976 and to have fixed wages subsequently, “dissociated from Agreements relating to the coal industry”. Indeed, if it were serious in this regard, and wished to be consistent with its stated policy of the past, it would have continued to link pay, at least nominally, to the continuing Wages Councils covering canteen and related workers.

It has, however, insisted upon a bargaining structure that effectively divides men from women and pays the latter less. Craig et al (1980, p. 100) report:

that rates of pay were likely to be highest in the large highly unionised establishments following collective bargaining agreements which related canteen workers' pay to that of the main workforce.

Although this was less common in the private sector and not a guarantee of reasonable rates of pay in the public sector, “the most successful results of integrating catering workers with the main pay structure were in the public sector”, p. 106. In short, p. 40:

The ideal arrangement for the canteen workers is for them to be integrated into scales applicable to other manual workers, so that they automatically receive the same increases as other workers; they are also more likely to have benefitted from the introduction of equal pay.

The formal avoidance of such an arrangement by British Coal seems to reflect a deliberate strategy of separate bargaining structures in order to disadvantage the position of occupationally segregated women workers. There are extremely strong links in this policy with the overt discrimination against women in the period prior to 1969. Nor is this apparently motivated by the extra wage costs involved. For it has been estimated that if the wage of a canteen attendant were made equal to that of the lowest grade surface worker, and other differentials were maintained, then the increased cost would be as little as 0.1% of the annual wage bill. Surely a very small price to pay for a non-discriminatory wage policy?

Cleaners

Less information is available to the author on the conditions governing the (relative) pay of cleaners. But similar conditions appear to have applied. British Coal has categorically refused to include ancillary workers (such as cleaners) within the mineworkers' terms and conditions and have held the view that this group of workers is best covered by wage determination by comparison with local authority terms and conditions – as determined by the National Joint Council for local authority manual workers.

This serves to disassociate cleaners bargaining from colleagues within the coal industry and to link them to other workers who are liable to be less well-placed in the labour market. Again, separate bargaining sturctures seem to have been deliberately adopted and maintained in order to pay women a lower rate of pay, this representing a practice continued since the earliest days of nationalisation – following the Increases in Wages Agreement of 18th of December 1947 and the Ancillary Workers Agreement of 5th of August 1948.

A further anomaly is the difference in treatment of male and female office cleaners. The former are assimilated into the mineworkers' grading system at a level of Grade S6.

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Appendix



1. This paper is the draft of evidence prepared for the NUM in late 1990 in pursuit of an equal pay claim for female canteen workers and cleaners employed by British Coal. The claim was successful. Evidence was also given by Kathy O’Donnell. We had intended to publish a joint article from our work but she tragically died of cancer before we could do this. I have posted her paper separately, O’Donnell (1990). I discovered these papers whilst looking for something else. Kathy’s was there in hard copy but only the first page of mine could be found, overstamped with news of success as communicated by NUM Head Office, see Appendix. Again, later, and looking for something else, I found an electronic copy of my paper albeit in Wordperfect (that I had used at the time before moving to Word). I spent some time editing the Wordperfect version in Word, only otherwise correcting minor errors. I did try to track down the original in the NUM archives but they have been shifted to Warwick University where they have yet to be catalogued. I was able to track down the case number for the claim but the local tribunal office involved, London South (Case No: 31708/85/LS), advised that they did not keep records of cases beyond a few years. Unfortunately, this means some of the tables mentioned in the text are unavailable, as indicated in footnotes. They must have been photocopies or the like. [↑](#endnote-ref-1)
2. Ironically, Winchester was later to have been involved in an important

study of the impact of the Sex Discrimination Act, Dickens et al (1988). [↑](#endnote-ref-2)
3. See Kenrick (1981) for this argument. [↑](#endnote-ref-3)
4. Diagram not available. [↑](#endnote-ref-4)
5. Not available. [↑](#endnote-ref-5)
6. See also Ermisch et al (1990) and Wright and Ermisch (1990). [↑](#endnote-ref-6)
7. See Rowthorn and Wells (1987). [↑](#endnote-ref-7)
8. See Fine and Harris (1985). [↑](#endnote-ref-8)
9. See OEEC (1985). [↑](#endnote-ref-9)
10. See Rubery (1988) and Jensen et al (1988). [↑](#endnote-ref-10)
11. This is brought out by a comparison with West Germany, see Schoer (1987). [↑](#endnote-ref-11)
12. See Martin and Roberts (1984) for a full empirical account of women's

labour market conditions. [↑](#endnote-ref-12)
13. This is a problem of gender bias in job evalutation, see Burton et al (1987). [↑](#endnote-ref-13)
14. See also Snell (1981, p. 67). [↑](#endnote-ref-14)
15. Not available. [↑](#endnote-ref-15)
16. See Deaton and Beaumont (1980). [↑](#endnote-ref-16)
17. An index of British Coal's wish to tie canteen workers to local labour market conditions is the denial to them of the transferred workers scheme, even though they are eligible for the Redundant Mineworkers Scheme. [↑](#endnote-ref-17)