

Written evidence submitted by BBC Women

Executive Summary:

The group of 170 BBC Women believe the BBC has failed to pay men and women equally for equal work, in breach of the Equality Act 2010, over many years. This follows the publication of the salaries of top earners last year which revealed a shocking pay gap between some men and women doing directly comparable jobs.

It has subsequently emerged that women at all levels, all over the UK as well as abroad, doing jobs on and off air for the BBC are similarly affected and this has been the case for decades. Many of them are not highly paid 'stars' but hard working producers on modest salaries whose pensions have also been impacted.

The BBC has carried out a series of reviews and admits to a gender pay gap but this does not address the issue of equal pay. The illegality does not arise from men earning more because they do more of the jobs which pay more - which is the gender pay gap. It arises because some men are earning more in the same jobs or jobs of equal value.

The BBC has taken six months to publish its promised Review of On Air staff and freelancers - where the greatest pay differences seem to exist. Despite repeated requests to Lord Hall, the Director General, there has been no consultation with us on this review and no clarity around the people included in it. Therefore women at the BBC can have no confidence in the review's conclusions.

BBC Women are very concerned that this publicly funded body is perpetuating a longstanding breach of its stated values of trust, transparency and accountability. We believe the BBC must put these matters right by admitting the problem, apologising and setting in place an equal, fair and transparent pay structure.

Background and Detail

In July 2017 the BBC published a pay list of some of its top earning presenters, on air editors and correspondents. Any pay made to individuals via independent production companies or that was funded by programme sales via BBC Worldwide was excluded. This means real earnings are often higher than on the list and many men are excluded from the list entirely. There was only one woman among the nine highest earners and it revealed not only unacceptably high pay for top presenters but also an indefensible pay gap between men and women doing equal work.

In Entertainment Chris Evans earned £2.20/£2.25 million while Claudia Winkelman received only a quarter of that - £450/£499,000. In Sport Gary Lineker earned at least £1.75/£1.79 million - nine times the salary of Clare Balding. In News John Humphreys earned at least £600/649,000 while long standing *Today* presenter Sarah Montague did not even earn a quarter of that. Overall women with comparable skills, experience and profile accounted for only a third of the BBC's big earners despite many of them doing the same jobs as the

men. Only one female on-air editor featured in the list of the highest earners while four of the men did. According to the pay disclosures, the BBC had more than 40 journalists paid over £150,000 but only a quarter of them were women.

For many years women at all levels and in all grades and positions in the BBC both on and off air, staff and freelance, working in the UK and abroad had suspected they were not being paid equally – even when management expressly assured them they were. Following the publication of the list as women began to come together, sharing salary details with each other and with some male colleagues, a shocking picture of illegal pay discrimination and obfuscation began to emerge.

The Equality Act 2010 states that men and women must be paid the same for doing the same work, like work and work of equal value. In addition, s149 of the Equality Act imposes an even higher level of duty on the BBC to advance equality of opportunity between genders.

The On Air Review:

The BBC announced a series of Reviews and an Audit to counter public outrage and criticism from Ministers and MPs from all parties. First it promised a speedy review of the pay of BBC On Air “Talent” – presenters, editors and some correspondents, first by September 2017, then November, then Christmas and finally by the end of January 2018. The BBC claimed this would establish what had gone wrong in the past and what might be done in future to ensure pay equality.

BBC Women have no confidence in this On Air Review (OAR). From the outset we asked to be consulted about its scope, terms of reference and methodology but the BBC went ahead without our input or involvement. Only on the 15th of January, six months into the process and barely two weeks before publication of an interim report form of the OAR, did the BBC agree – not to consult us but to have ‘listening sessions’ with all women involved. However these sessions would only happen *after* making the results of the OAR public.

We feel we have been excluded from the process which raises questions about who has and has not been included in the review and how that might skew the findings. It remains unclear to us what criteria were used to decide who has been included in the OAR and why and this has led to a lack of confidence in the whole process and the findings of the Review.

The Statutory Gender Pay Gap Report and Equal Pay Audit:

In October 2017 the BBC published its Statutory Gender Pay Gap Report which found a pay gap of 9.6% across the Corporation. However this did not include many of the highest paid presenters some of whom are freelancers. At the same time a review of the Equal Pay Audit was published. The retired QC appointed by the BBC concluded there was *‘no systemic discrimination against women at the BBC’*. Lord Hall relied on this when making a pledge in October to close the pay gap by 2020 stating *“we did a full Equal Pay Audit which showed there is equal pay across the BBC”* However, presenters, senior reporters and freelancers were

excluded as were some other groups. Therefore this was not a full equal pay audit. The report does not give a true picture of pay inequality at the BBC – in particular it excluded the women suffering the greatest inequality.

The Gender Pay Gap Report categorically does not reveal whether men and women doing the same work, like work and work of equal value are paid equally by the BBC as is required under the Equal Pay Act 2010. The Audit only looked at sample comparisons and was therefore limited as the authors acknowledge:

"this exercise of course is an audit, not a comprehensive view of the pay of each and every individual employee. Therefore the conclusions reached below are based on comparisons undertaken and should not be read as concluding that there are no individual potential equal pay issues within the BBC"

For many months after the original list of high earners was published the BBC would not speak with us, or publicly about 'equal pay' despite this being the requirement under the law. They referred to 'fair pay' instead. Some women with the most egregious cases were offered 'pay revisions' which still fell short of equal pay with the men doing the same jobs and included no back pay or pension rights. A significant number of women with pay complaints began a lengthy formal grievance process within the BBC only to be told there is no pay discrimination at the BBC. The NUJ have since taken up the cases of 121 BBC women. It was only in January 2018, six months on, that top management admitted there was a need for 'equal pay' and claimed that they were now committed to achieving this.

At a time of cutbacks the BBC has spent large sums of public money on lawyers and other consultants to run and advise on all their reviews. Focus Groups held by Change Associates were offered to women so women could feed their concerns into the process. But their sessions were held at short notice, badly publicised and not clear as to who was eligible to attend.

We cannot accept that factors cited by management such as 'audience recognition' can be a justification for glaring inequalities of pay. While BBC television and radio feature well known faces and voices it is the BBC name and brand that confers authority and recognition on those broadcasters – both women and men. In effect the BBC is saying they selected men for the positions, they are on air and therefore exposed to the BBC's audiences and are now recognised by those audiences so should be paid more.

Women in the World Service, many of them from ethnic minorities, also broadcast to tens of millions globally but there are many examples of their pay being unequal not only to men on the UK channels but also men broadcasting on the same international radio and television outlets. Nor can we accept that so called 'legacy' salaries have been the cause of higher pay for long serving men when women who have worked a comparable number of years do not have 'legacy' remuneration.

While individual BBC managers have been supportive there is still a bunker mentality in some quarters and women have experienced veiled threats made against them when they raised the subject of Equal Pay. It is interesting to note that following the transparency in the pay of managers earning above £150,000

the incoming female Head of News is being paid the same salary as her male predecessor. This transparency is now needed across the board.

The situation remains unresolved not only for the On Air 'Talent' but across all 19,000 employees at the BBC. Yet another review, still on-going, the 'Terms and Conditions Review' aims to create a 'simpler fairer more consistent system' including proposals that would see overlap of pay bands reduced from 50% to 30%. However the pay bands will lengthen so mathematically this is not a sufficient improvement to eradicate the equal pay deficit.

Behind the headline and most important issue of Equal Pay at the BBC we believe there is a wider culture of gender discrimination which can be seen in the patterns of promotion, especially after women take maternity leave. Ofcom has criticised the BBC for failing to lead the way in the diversity of its staff and management. It says women, minority ethnic groups and disabled people are all under-represented. Too often talented BBC women are overlooked in favour of male colleagues or outsiders brought in – sometimes at inflated rates – without the appointment being made through any transparent appointment process. Older women worry about their futures at the BBC and younger ones about their chances of career promotion.

We believe the BBC can put these matters right by admitting the problem, apologising and setting in place an equal, fair and transparent pay structure. The BBC should avoid wasting licence fee money on an unwinnable court fight against their female workers over equal pay and immediately agree to independent arbitration to settle individual cases, including back pay and pension adjustments.

Above all the pay structure at the BBC - for all women and men - should in future be set at a realistic level for a public service broadcaster and made transparent for all staff and freelancers as well as management.

BBC Women Cases of Inequality of Pay (Appendix)

Most women do not wish to give their names out of concern for their BBC careers

1. TV News Presenter: In 2017 just before the BBC published pay over £150,000, I was called unexpectedly and offered an immediate pay rise. It became apparent that for nearly 3 years I had been sitting next to a man doing an identical job who was being paid tens of thousands of pounds more. As we are both BBC staff that means I have not just missed out on pay, but on pension contributions too. I am told that we are now being paid at the same rate per day, but there is no transparency.

2. BBC Scotland: Eleanor Bradford. I was BBC Scotland's health correspondent from 2001 - 2016. I discovered I was one of the lowest-paid correspondents at BBC Scotland, despite regularly appearing on UK wide news and delivering exclusive stories. I regularly asked for a pay rise, and eventually cited equal pay legislation. This led to an immediate increase of £5,000 but it was not backdated. I remained around £10,000 below some male colleagues who were doing identical correspondent jobs. In one of my annual appraisals I was told I was a "model correspondent". I left the BBC.

3. National radio Presenter: I am an award-winning broadcaster with more than 20 years' experience. In 2014 I was offered a contract to present a flagship arts programme. Two men with no broadcasting experience who had also been given trial shifts presenting the programme during the search for a new presenter were paid 25% more per programme. Then I found out that the existing male presenter was being paid 50% more than me per programme. When I asked for pay gap to be corrected the line manager told me "the BBC doesn't do equal pay", and that in raising the issue I was being "aggressive". I refused to back down and eventually was given the same rate as my male colleague and it was backdated.

4. BBC Reporter: My full time equivalent salary for making identical programmes is about half my male counterpart. I challenged my grade and asked for an equal pay review. The BBC took months to deal with my enquiry and refused to recognise that it was a claim for my legal right to equal pay for equivalent work. Eventually I was offered a series of increases adding up to a total of between 20-25%, with minimal back pay, which I felt I had no option but to accept because of the stress involved. It has brought me nowhere close to the salary of my male colleague. He also gets extra resources for his programmes, at the expense of others. I don't resent my male colleague. He is talented and deserves it. But we need parity of pay, resources and opportunity.

5. National Broadcaster: Since July I have been offered a 65% pay rise, whilst also being told that the BBC is "satisfied there was no issue of equal pay" in my case. In pay terms this offer would bring me in line with the lowest paid of the presenters who work on the same programme as I do. That is despite my longer service on that programme. In contractual terms I am still disadvantaged as, unlike fellow presenters, I am not on full staff so have not benefited from pension rights accrued over many years.

6. News programme Presenter: When I was appointed to my current job in October 2013, there followed six months of negotiations over my salary. It was eventually set at £53,600 for three days per week. In absolute terms I am well paid and I recognise and appreciate this. However, at the time this sum was agreed, I had no idea of how my pay compared to that of my fellow presenters. On publication of the 'Talent List' in July 2017, I learnt that I am paid hundreds of thousands less than some of my colleagues. I am also paid £45,000 less than my immediate male predecessor. No one has explained to me how such a discrepancy can be justified.

7. Sports Broadcaster: I have worked for the BBC for almost 30 years, both staff and freelance. I present major sports coverage on national radio. In 2017 my contract was worth £19,000 for 50 days, reporting and presenting. This is an average day rate of £380. When I present one of the flagship radio sports programmes I am paid £500. I have been told the male presenter is paid £1200. Since raising the issue of equal pay I have been offered £650 which is still a long way short of equal pay. What you are worth is solely at the whim of management who essentially in sport are always men. I'm at the top of my game, knowledgeable and with three decades of experience yet I'm scratching around to earn a living.

8. UK based On Air Editor: In 2017 I discovered one of the male UK based Editors reporting for the same flagship programmes is paid between 50% and 100% more. Since then it has become apparent other male on air Editors making equivalent news pieces, for the same news programmes, are also paid significantly more. The BBC has refused to accept there is an equal pay issue, but offered me an on the spot 10% increase. I have not accepted as it does not resolve the wider issue around pay inequality.

9. Nations and Regions Presenter: I have co presented with a male colleague for many years. Despite working fewer hours than me, he earns more. Pro rata, I estimate he's paid around double what I earn for doing the same job. Both colleagues and the public would consider us equals. I raised the equal pay issue many times over the years, but nothing was done.

10. Sport Editor: I lead a sports team in a big city with premier league teams in our patch. There are few women in equivalent jobs, none in a big city. I believe I have been paid less than my male counterparts across the UK for most of the time I have been doing this job. Four men doing the same job have confirmed their salary is higher by up to £10,000. I have no confidence in the BBC review process. I tried asking for equal pay in 2017 and recently heard it is still under review.

11. Reporter Radio 4: In 2017 I submitted an equal pay claim after finding out that a male colleague was being paid £7,000 more for doing the same job. I made little progress, so I began a formal grievance. A few days before the hearing I was called in and offered £4,500 extra a year. I was told it was not because they thought I had an equal pay claim, but a reward for hard work. I am considering further action as they refuse to back date my pay.

12. National Radio Presenter: I have worked alongside my male co-host for 6 years so far and for all that time have been paid at one third of the rate he is paid. We work broadly the same hours with equal production input into the programme. Pay query raised in autumn 2016 only to be told there was no issue. Pay revised July 2017. Case still subject to negotiation and part of NUJ collective grievance.

13. Presenter National Radio: I used to present a breakfast news programme in BBC local radio. In 2013 Tony Hall set a target to increase the number of women presenting in local stations. Shortly afterwards I was told my job was at risk and then that I could stay, but only on half my previous salary. It was also half of the amount being paid to my then male co presenter. As the sole breadwinner I eventually had no choice but to leave. I now present on BBC national radio and earn what I believe is less than half of my current male co presenter for the demanding show we both present.

14. Presenter Regional News: I am one of two main presenters on a Regional TV News programme. I have the same role as my male colleague, contracted to the same number of hours and days per year. I am often called upon to present more demanding programmes, such as election debates, in preference to my male colleague. I have 28 years experience as a journalist. In 2012 I became aware my male colleague's salary, which was a third more than the figure I had been offered. Despite assurances of a comprehensive pay review, none was forthcoming. There was a point blank refusal to a request for equal pay. Eventually I was given a 5% increase in 2017. I can't see any justification for the pay gap which remains.

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