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## **MONEY BOX LIVE**

**Presenter: PAUL LEWIS**

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**LEWIS:** Hello. Are you being discriminated against at work? Employers are now required to treat all their employees equally regardless of age, disability, race, religion, sex and sexual orientation, and those categories also include marriage and pregnancy. There are some new rights too. For example, employers can no longer ask about your health when you apply for a job. And if you care for someone because of their age or disability, then discriminating against you is effectively discriminating against them. The government's waiting for further consultation on some changes. It won't yet force employers to reveal how much less they pay their female employees, even in Dagenham. So today Money Box Live is taking your calls on equality, rights and how they affect your money. Whether you feel you've been discriminated against or you're a small employer struggling to cope with all these new rules, why not call Money Box Live now - 03700 100 444. With me to answer your questions today about the financial aspects of equality and discrimination rights are Lucy McLynn, Employment Partner with lawyers Bates Wells & Braithwaite; Sarah Veale who's Head of Equality and Employment Rights at the Trades Union Congress; And Clive Howard, Employment Partner with the law firm Russell Jones Walker. Our first question is from John in Cornwall. John, your question?

**JOHN:** Yes, good afternoon to you all. I have been for this last 10 years an NHS courier driver. Recently in discussion with my supervisor, she dropped the hint that they are going to try and retire me when I get to 65. That's June 21<sup>st</sup> next year. I wonder how I stand, please?

**LEWIS:** Right. Well, yes, because I'm sure you've heard that the government is planning to stop the compulsory retirement age. We've also had, if I can just bring this in with you John, we've also had an email from Lynne making a very similar point. She's been a housekeeper for 14 years in accommodation, and she reaches 65 next April and she's already been asked to leave on her birthday. And she's got to find somewhere to live as well in that case. So let's start with Lucy McLynn. Lucy, we've heard that this is going to end. When is it going to end?

**McLYNN:** It's not actually going to end until 1<sup>st</sup> October 2011. So for John and for the lady who emailed in ...

**LEWIS:** Lynne.

**McLYNN:** ... Lynne, unfortunately you're just going to reach retirement age a little bit too early because it will, unfortunately, be lawful for your employers to compulsorily retire you up until 1<sup>st</sup> October next year.

**LEWIS:** But we've heard this change is going to happen in April 2011, so why the extra 6 months?

**McLYNN:** Because an employer has to give 6 months notice of compulsory retirement regardless of the fact that the retirement age may always have been known about in the contract and everyone's always known that it would be 65 or whatever the retirement age would be. It is a legal requirement that all employers have to give 6 months written notice of retirement. And so effectively if they're giving that in April, that will allow that to run up to 1<sup>st</sup> October.

**LEWIS:** Right. Important to state though - I mean Lynne's had notice, but John I think you haven't had notice - that has to be done in a very particular way to make it lawful, so that there may be some hope for people if it's not done quite right.

**McLYNN:** Yes that's right, Paul, because not only has it got to be in writing; it does

also have to remind the employee that they've got a right to request to continue to working beyond retirement age. And when the employee, if they wish to exercise that right to request, they must do that in writing and there's a specified way of doing that. But that does at least give them the opportunity to try and have a dialogue with their employers about carrying on beyond the age of 65.

**LEWIS:** Yes. So in John's case, John you'll have to be given notice by 1<sup>st</sup> December and at that point ...

**McLYNN:** 21<sup>st</sup>.

**LEWIS:** The 21<sup>st</sup>. I'm sorry - his birthday's the 21<sup>st</sup>, you're right. The 21<sup>st</sup> of December. And then at that point, Lucy, he can say well hang on, I'd like to carry on and discuss it. But of course the employee doesn't have to say yes, do they?

**McLYNN:** No, unfortunately they don't. And they've got complete freedom to say no for any reason that they wish.

**LEWIS:** Okay. So I'm sorry, John and Lynne who emailed us. Thanks for your call and email, but it looks as if you're just the wrong side of a arbitrary line, but at least it's happening for people who were born a bit later.

**JOHN:** That's okay, thank you very much anyhow.

**LEWIS:** Thanks for your call, John, and good luck with your request. Pamela now in Leicester has got a question for us. Pamela?

**PAMELA:** Hello. I work in an environment where I need to wear safety shoes. In fact I've needed to wear them for about 20 odd years now. I've got kind of little, fat feet - they're size 3 and quite wide - and I've basically bought my own all that time. And about 4 years ago, I hit upon a type of shoe and it was brilliant. Straightaway you know it was really comfy, but I've been buying my own. Recently the company I

work for has started to supply this particular make of shoe, but they only supply them to people with a size 7 foot and upwards, which is basically a man's size, and I'm wondering you know if this is discriminatory and they can do this?

**LEWIS:** Well a few nods around the table. Let's start with Sarah Veale from the TUC.

**VEALE:** Well I was tempted to say I wouldn't be in the employer's shoes with that sort of case, but ignoring that weak pun. It sounds to me like potentially indirect sex discrimination because - as you quite rightly say - the majority of women would have feet that were smaller than that, so in that sense they're not intending to discriminate against you perhaps but that's the effect of what they're doing. So I think you'd have quite strong grounds to argue with them that they're in breach of the sex discrimination laws.

**PAMELA:** I mean in fairness, you know, they do supply other makes, but I've you know used them but I just end up buying my own because my feet get squashed.

**LEWIS:** Yes. Clive Howard, we haven't heard from you yet. What do you think of this? Is this indirect sex discrimination?

**HOWARD:** I think almost certainly it's indirect sex discrimination. I can't see any justification for having some arbitrary shoe size and a shoe size that's going to adversely affect more women than men. So I think Isabella's going to have a decent claim ... sorry Pamela is going to have a decent claim for indirect sex discrimination.

**LEWIS:** Then we come onto the question we often get on Money Box Live: how does she enforce this right? We've got two lawyers here who are both nodding and Sarah from the TUC saying yes, yes, you've got a good case, Pamela, but it can be quite daunting, can't it? Sarah, how would you go about this?

**VEALE:** Well the first thing I'd say actually. Because, Pamela, you work in the Post

Office, there is a very good trade union, two very good trade unions that represent staff. So if you are a member of the trade union, they should ...

**LEWIS:** I think you got that in in record time.

**VEALE:** I got that in in record time today, didn't I? But seriously they would, I would hope, go and be able to have a sensible conversation with your employer on your behalf or with you. And if I were the employer, I think I'd back off pretty quickly. But if that doesn't work or you're not in the trade union, I think you would need to get some advice on how to run an application to an employment tribunal because if it's indirect sex discrimination, you have a right - however long you've worked for them - to take them to the employment tribunal and get your rights enforced.

**LEWIS:** And Clive briefly.

**HOWARD:** I think perhaps before even rushing to any tribunal or even going to the trade union, just at this stage ...

**LEWIS:** Go to a lawyer you're going to say, aren't you? *(laughter)*

**HOWARD:** Not go to a lawyer, but just raise it informally and then possibly formally, possibly by way of agreement process. You don't have to necessarily go to the tribunal. This is something that should be sorted out, I would think, without any legal process.

**LEWIS:** And I should say that Pamela and anyone in a similar position, there will be a transcript of this programme on our website, [bbc.co.uk/moneybox](http://bbc.co.uk/moneybox), and I'm sure if you take a copy of that along, that will help you in your negotiations. That should be available in a few days. Yes, Pamela?

**PAMELA:** I did actually say to my employer, "Well look, okay, I'll continue buying

my own. Can you just you know refund me the money that you know you pay towards the shoes you get?" And at one time they used to do that, but now they say, "Oh no, we can't do that anymore. You have to go to EHS or something" - you know basically a company doctor - and I don't see why I should, you know, have to do that.

**LEWIS:** Well I don't think having a small size of shoe is a medical matter really, Pamela. I think the universal advice, the unanimous advice here is you probably do have an indirect sex discrimination case and I'm sure a transcript of the programme will help you pursue that with your employer.

**PAMELA:** Okay, thank you very much.

**LEWIS:** Thank you for your call. And we're going to Isabella now who's in Wales.

**ISABELLA:** Hello.

**LEWIS:** Hello. What's your question, Isabella?

**ISABELLA:** I don't know if it's about discrimination. I think it's perhaps more about employment law. I've been doing a casual job in the health service for about 5 years now, and one of the things that I do on a regular basis once a week I've been told I can't have a contract for because I'm a casual worker. But even though I've been doing it for over 12 months now and this is the third time I've been doing it for quite a long time, I understand that if somebody elsewhere in our health trust loses their job because something closes down, they will be redeployed and take over my work. Is this legal given that I've been doing it for quite a long time, and can I therefore claim redundancy money? Or will I just have to accept the situation?

**LEWIS:** Clive Howard?

**HOWARD:** I think the first issue, Isabella, is to work out what is your status. It may be that you are another terminology we would use - a freelancer - and you have no

employment rights. A casual worker covers many things. If you are, for example, a part-time worker - you may be a worker who comes and only works one day a week or whatever - you may be able to establish your employment rights. If you want to have the benefit of fair process and obtain redundancy payments, you really do need to establish that you're not just a so-called freelancer or casual worker in that sense, but actually an employee, possibly part-time employee and so on. If you're a part-time employee, you shouldn't be discriminated in any way simply because of your status.

**ISABELLA:** Well I do pay tax and you know ...

**HOWARD:** Are you under PAYE? Do they deduct tax at source?

**ISABELLA:** Yes, they deduct tax every month and I have payslips going all the way back for 5 years.

**HOWARD:** What is your working pattern? Do you work one day a week, two days a week?

**ISABELLA:** It varies every week. I do, at the moment, one day a week on a regular basis because the previous person retired and I was told that they'd been told they couldn't fill the post - i.e. they couldn't give a contract to somebody - but they obviously needed somebody to carry on doing it, so I agreed to do that. And then I do anything else that's required. So on average, I probably work about two and a half days a week.

**HOWARD:** And you work pretty consistently that kind of ...?

**ISABELLA:** Oh pretty consistently, and I have done for the last 5 years.

**HOWARD:** It's messy, but I think you may well have rights as an employee. I don't know if the others think ...

**LEWIS:** And what's the implication, Sarah Veale, if she has for what she's asking?

**VEALE:** Well you've been there for 5 years, so you've got past the 2 year qualifying period for statutory redundancy, so you would be entitled to redundancy pay according to your hours and the length of time you've worked for them. So at least that. But if you get past, as Clive says, that hurdle of establishing that you're an employee and not a casual worker, you would have a right to redundancy pay.

**ISABELLA:** I mean I contribute to the pension scheme, for example.

**LEWIS:** That sounds very much like an employee, Lucy.

**McLYNN:** Yes, it definitely does sound like you are an employee. And it was just occurring to me that if the thing that you're fearing is that when they're making other people redundant within the NHS, they're going to sort of target your job to redeploy people - if you are, you may well have an argument to say well actually it's discriminating against you because you work part-time hours. So quite apart from employment rights, there could be well be an issue in there that if they're saying well we're going to try and move full-time employees being made redundant into your job, you're a part-time worker or employee. So ...

**ISABELLA:** They have a lot of part ... Sorry, they have a lot of part-time workers who have contracts. It's just that I don't have a contract.

**McLYNN:** Well you don't have a written contract, but you do definitely have a contract. That's implied from the fact you've worked for them for that length of time.

**ISABELLA:** Right.

**McLYNN:** So you know at least that's some reassurance for you, I hope - that you know there is a contract.



**LEWIS:** That's an important point, Sarah Veale, isn't it, because we've had a couple of emails from other people on different topics saying, 'I don't have a contract'? But in fact you do have a contract once you start working for somebody.

**VEALE:** You do. Once you're receiving money and you're doing the work, there is effectively a contract between you. And also it's worth knowing that in statutory law you should be given a written statement of employment particulars, which isn't a contract but that should set out what you're going to be paid, what your hours are going to be, what you do if you want to raise a grievance and so on. So that's important to remember as well. It wouldn't make you an employee, but it would at least set out what your basic terms are.

**ISABELLA:** Right, right.

**LEWIS:** Okay, well thanks for your call, and I hope that's helpful, Isabella. Some work for you to do, as there often is on this phone-in. I'll just take an email now from Roger, and I'm sure we get quite a lot of people in this position. He works for a government regulator, he says. It's recently been merged with another, I presume. But there are huge differences in the salaries. He says he's managed staff who are actually paid more than him and there are several thousand pounds difference in the salaries for the same job because obviously the two organisations are different and now they've merged. He wants to know if that's legal or not. What are your rights when similar organisations merge and people are paid very different amounts for the same work? People of the same sex, I presume, rather than a sex discrimination case. Clive?

**HOWARD:** Yeah, I mean you mention same sex because equal pay obviously involves different sex. There is obviously issues to do with age discrimination, race discrimination and so on. But assuming there's no discrimination issues arising, if you've got people working on completely different terms because there are two organisations that come together (unfortunately this happens quite often - one organisation may well have considerably better terms than the other) often there is very little that the people who are worse off can do. In some situations - if it's very extreme and they refuse to change those terms - you can probably argue that there's

been such a breakdown in trust in the relationship between employer and employee that you could actually bring things to an end, a sort of constructive dismissal scenario. But that's pretty extreme.

**LEWIS:** If you were paid a great deal less than the person sitting next to you, for example?

**HOWARD:** Yes, and the employer was just not interested in trying to deal with it in any way.

**LEWIS:** Right, well Roger says they've started a job evaluation but it's a slow process. So I suppose that is the way to deal with it, and he says it's taken nearly 2 years and I suppose it could go on a bit longer. But they're addressing the issue, so there's not much you can do. So I'm afraid it is legal, Roger, despite what you think in your email. Thanks very much for sending it to us. We'll now go to our next call who is Catherine in Selby. Catherine, your question?

**CATHERINE:** Hello. I've worked for the NHS for 7 years now. I have MS myself and I've had it for approximately 17 years and I've been able to manage it on my own. Now they keep changing my shifts at work. Since December of last year, this year I should say, I've had nothing but trouble at work with them changing my shifts. I've gone on at 7 o'clock, which means I'm up at quarter past five, get ready for work and that, and then I finish at 3. Or the next shift could be I could start at 12 and finish at 8, and then the next day they'd give me an early shift as well, which meant that I was only getting like 5 hours sleep in between. Well my medication for my MS and the tiredness just made me have relapses and I've had two relapses in that time.

**LEWIS:** I should think it would be pretty bad for anyone really. Sarah Veale?

**VEALE:** Well Catherine, absolutely. I'm really particularly shocked that a hospital is treating someone with a registered disability in such an appalling way. I mean you have an absolute right under the disability discrimination laws for the employer to make a reasonable adjustment to accommodate your condition, and I'm absolutely

horrified that they're not doing that. So I think a conversation with them is needed pretty urgently. Let them know that you are aware of what your rights are under disability discrimination law. They're a public body. They should be treating you properly and you would have a right to go to a tribunal and make a complaint under that legislation.

**LEWIS:** And is it really right, Catherine, you can work two shifts with 5 hours sleep in between? I would have thought, Lucy McLynn, that was against the Working Time Directive?

**McLYNN:** Yes under the working time regulations, you have to, as a worker, have daily rest of at least 11 hours. And whilst there are limited exemptions if you're moving from one shift pattern to another just as a gap between one shift and the next, that would be completely in breach of the regulations.

**LEWIS:** Yes.

**CATHERINE:** I've had letters from the MS nurse and she said to let me go back because I've always worked three long days which ... I've got quite a lot of energy. I'm not a person with MS that's like sitting down all the time. I've got quite a lot of energy, I like to keep going, and I find that I can do three long days. I've done that all the time up to this year. And now they've changed my shifts to like going in every day, I'm either at work 3 days or I'm off 3 days because you know it's just making me so tired. And to have two relapses ...

**LEWIS:** Well I'm sure it is. Clive Howard, what do you suggest here?

**HOWARD:** I think the first step is to make it quite clear what kind of shift pattern that you want is helpful. If you're going to talk about reasonable adjustments with the employer, tell the employer what would be reasonable as far as you're concerned. If you can back that up with medical advice, so much the better. And rather than just speaking to the employer, when you're dealing with things as important as reasonable adjustments, you really do need to start a paper trail. So it's a matter of making a

written request; but when you set out your request tell them what's good for you, what's good in terms of shift pattern.

**CATHERINE:** I've done all this and they don't listen to me. I've had letters from my doctor, from my specialist nurse, and I've brought grievance letters. I feel now that I'm getting bullied because every time I go to work there's something else they're getting at me over.

**LEWIS:** Yes, it does sound as if you've tried a lot of the things. And, Sarah Veale, without saying go to your union, which obviously is a thing you can do ...

**VEALE:** How did you guess?

**CATHERINE:** I've done that as well.

**HOWARD:** She's done that.

**LEWIS:** Catherine says she's done that. What can you do at this sort of real end of the tether that Catherine seems to be?

**VEALE:** You could try asking ACAS if they can intervene because this seems a ridiculous situation to be in. But I would tell them that you're intending to start employment tribunal proceedings. Get the union to start them off for you. Serve them with a notice that they're going to be in front of the tribunal and that's not going to do them any good reputationally. And also disability discrimination - you get unlimited award of damages for that, so it's worth it.

**LEWIS:** It could be very expensive. So just finally after doing everything right, just make the threat and say, "I'm going to a tribunal ...

**VEALE:** Absolutely.

**LEWIS:** ... and just be aware you might have to pay me unlimited damages if it's found in my favour."

**VEALE:** Exactly.

**LEWIS:** You think that might bring them to their senses?

**VEALE:** I would have thought so.

**LEWIS:** There seem to be sort of smiles and nods around the table. So good luck with that, Catherine. And I'm sorry that, as often happens, you have to do all the work to get what really you should have been given as your rights in the first place. Let's move onto Patricia now who's calling us from West Yorkshire.

**PATRICIA:** Hello. I'm ringing about a matter that I think might be a bit similar to your NHS contract question earlier. I'm a part-time hourly paid tutor in a local further education college. I teach adults evening classes. And for the last 4 years, I have established classes with students who've come back every year because they enjoy being together and they like the class. This year the students of one class asked me specifically was I teaching next year and I was reassured by my line manager that yes I was and they all signed up. And then two days before the class started, I was told that, no, in actual fact that class was being given to another member of staff who has a 0.5 appointment because she had no students in her classes this year. And it was done just overnight in what felt like a very arbitrary way, so I just wondered where I stand on that really.

**LEWIS:** So you feel you're being discriminated against because of your part-time work status?

**PATRICIA:** Hourly paid status, yes.

**LEWIS:** Lucy McLynn?

**McLYNN:** I think it's an interesting situation, Patricia, because what you're describing is that you work part-time but under a contract where you're hourly paid ...

**PATRICIA:** Yes.

**McLYNN:** ... whereas the person to whom your work's being transferred is someone who is also part-time, but on a fractional contract, on a sort of permanent part-time contract.

**PATRICIA:** That seems to be the situation, yes.

**McLYNN:** So I think that makes it more complicated because obviously I think your employer would say well it's nothing to do with part-time status; it's to do with the fact that you're one of our hourly paid lecturers and what we envisage with the hourly paid lecturers is that that work may go up and down and you're kind of on variable hours or maybe you're on zero hours in your contract. And so I think it is a bit complicated. But certainly there have been cases recently where variable hours employees like yourselves have been able to establish that to target the hours of those kind of workers has been unlawful.

**PATRICIA:** Right.

**McLYNN:** So at the risk of sounding like Sarah, it might be one to get some advice from the union. I know it's a very topical issue within the unions in the further education section.

**PATRICIA:** Okay. But in principle, because I'm hourly paid my employer does have the right to vary my hours in that way?

**McLYNN:** I would imagine that that's what your contract will say. That would be normal.

**LEWIS:** So that's sort of the purpose, isn't it - that this helps them manage a variable workload by having people that they can make work more or less really. Very briefly, Clive.

**HOWARD:** Yeah, I mean the real issue would be if you were part-time and you were being treated worse than a full-time colleague, that is when the part-time regulations come into play. They don't come into play in this scenario.

**LEWIS:** Okay. Well thanks for your call, Patricia, and good luck with that. Let me just go to an email. This is Barbara who works for a large company. She's been there 16 years. Retirement age there is currently 65. We were talking about that earlier. She is 60 and wants to reduce her hours, but the company doesn't like - she says - employing part-timers and usually refuses. Can she as someone 60, I suppose she thinks heading for retirement, reasonably ask for and get a reduction in her hours? Sarah Veale?

**VEALE:** I think she can perfectly reasonably ask. I'm afraid she may not get. The one warning actually I'd give is if there's an occupational pension scheme which you're part of - if you reduce your hours and your pay close to when you're going to retire, you may find that will have a huge impact on what you take home because your pension ...

**LEWIS:** (*over*) It's based on your final pay.

**VEALE:** Exactly. So I'd be very careful about that actually.

**LEWIS:** Right, okay. So ask, but you might not get, and look out for the pension implications if you want to work part-time close to retirement. Good advice. Thanks very much for your email, Barbara. And let's go to Will now who's calling us from Norwich. Will, your question?

**WILL:** Hello. I'm a self-employed painter, artist, and I'm thinking about getting

somebody to help me in the studio for about four hours a week initially - a student, possibly an art student - helping to prepare boards and things like that. And I wondered what my responsibilities would be as an employer if someone was contracted on a self-employed basis? I mean that would be the idea. It would essentially be self-employed basic of contracted work.

**LEWIS:** So there's two questions really, aren't there? Will this person be an employee or will they be self-employed? And in either case, if you have a liability if they injure themselves or to pay them national insurance and that kind of thing? Lucy?

**McLYNN:** Yes, I mean it's a good question. I mean I think self-employed status can be quite difficult to achieve, and in the sort of situation you're describing it seems unlikely to me that this is going to be someone who would be genuinely self-employed because they would be working kind of under your direction and presumably you would tell them when you want them to come in and do the work and when you need your boards preparing.

**WILL:** Absolutely, but I work self-employed myself. For instance, I teach art classes, and I mean that can be relatively regular work but I have to have public liability insurance for that myself. So I've got to assume that it would be someone in a similar position to me, but at a slightly earlier stage.

**LEWIS:** And you don't want to employ this person because of all the responsibilities it would give you presumably, Will?

**WILL:** Yes. To be honest, I mean it's one of the big kind of factors in whether I should do it really because you know I'm not financially ...

**LEWIS:** I suppose I mean Sarah Veale, the essence of self-employment is that this person that came to work with Will would do lots of other jobs, so she or he would be self-employed. But if it was just with Will, then it would be a bit more difficult, wouldn't it?



**VEALE:** It would be rather more difficult, I think. What I would say though, it's important to know that you would be liable whatever the person's employment status for their health and safety; and if they're injured while they're in your workplace, your home, whatever they're in, they're covered and you would be liable.

**LEWIS:** So sort of equipment and electrical safety and all that sort of thing?

**VEALE:** Yuh.

**LEWIS:** There is, as I recall - and I'm sorry, I don't have the reference - but there is on the HMRC website a question and answer you can fill in to see if you're employed or self-employed and you can tick the boxes and see which it comes out at. Usually when I try it, it comes out as not sure, seek advice - but you never know your luck, Will. Anyway, thanks for your call. And we'll just go briefly to Kate. I think this will have to be the last one. Kate, if you could be brief, what's your question?

**KATE:** Hello, yes. I work for an organisation that joined together with another charitable organisation, and we were all advised at the beginning that our contracts and everything would be the same. Since we've joined, some people from the other organisation who now work with us are allowed to work from home or they're allowed to work earlier than us and work later and book those hours, and we're not allowed to do so. I'm just wondering now that we're all one organisation if we have any rights and we should all be the same?

**LEWIS:** Clive Howard?

**HOWARD:** We've covered some of this area before, but one of the issues. If, for example, other people are working flexibly in this new joint organisation and you want to work flexibly and you make a request and they simply say no, it's probably going to be much easier to challenge that refusal when other people are in the organisation happily working flexibly doing the same kind of work.

**LEWIS:** So flexible hours is easier to argue for than equal pay, for example?

**HOWARD:** Yeah, exactly. And if there's practice in the organisation, this new organisation where people are working flexibly, it's much more difficult for the company to say it's impossible for the organisation to do it.

**LEWIS:** Lucy, very briefly.

**McLYNN:** But I mean I suppose, on the other hand, if contractually the people who are working flexibly had the right to do that under their original contract whereas Kate doesn't under her contract - then just as a pure matter of contract, they may say well, look, we have to let some people do it. We can't change their terms and conditions, but we can't have everyone working flexibly.

**LEWIS:** Two lawyers on both sides of the argument in this very court. I shall now take action and move on. And I said Kate was the last. I think we can squeeze Jerry in if you're very quick, Jerry.

**JERRY:** Hi, I work for a subsidiary of a FTSE 100 company. I work part-time, but I do a job which is a much higher grade than my contract; and for that, I only get a small premium. But my colleagues who have actually got contracts for the higher grade, they're getting a much higher wage than myself and ...

**LEWIS:** Right. I'll just have to summarise, Jerry, if I could, because we're running out of time. But basically you want to know if you have to be paid the same as other people who do the same job. Sarah Veale?

**VEALE:** You don't have to be unless not to do so would be discrimination. So if, for example, you're black and your colleagues are white and they pay you less, then that's race discrimination. But generally speaking if there isn't some protected characteristic, then they can pay you differently.

**HOWARD:** The only other issue would be if you're being treated worse because you're part-time as against the full-time people.

**LEWIS:** Okay, he is part-time.

**HOWARD:** Yuh, so he may have a part-time discrimination argument.

**LEWIS:** Though that normally goes in favour of women rather than men, doesn't it?

**HOWARD:** If he's being treated worse simply because he's part-time, then he may have an argument.

**LEWIS:** He may have a case. Okay Jerry, take the case as a part-timer. Thanks very much for that call. Sorry to rush you, but we are out of time. My thanks to Clive Howard from Russell Jones Walker, Sarah Veale of the TUC, Lucy McLynn from Bates Wells and Braithwaite. And thanks to you for all your calls and emails. You can find out more about equality rights from our website, [bbc.co.uk/moneybox](http://bbc.co.uk/moneybox), where you can listen again, download a copy, subscribe to the podcast, in a couple of days read a transcript. I'm back at noon on Saturday with Moneybox and to take more of your calls on Money Box Live next Wednesday afternoon when the subject will be affording long-term care.