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### **Birmingham Branch**

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Dear UNISON member,

On Monday 21<sup>st</sup> August the Council launched its Mutually Agreed Resignation Scheme (MARS) for staff. To see the Council's MARS information about the scheme please follow this link from your BCC log on . [Mutually Agreed Resignation Scheme \(MARS\) \(sharepoint.com\)](#)

For months we have been requesting a copy of the legal settlement agreement staff will be asked to sign so that this could be shared with our lawyers, but so far they have refused to share it. We believe that senior officers have done this in an attempt to undermine your trade unions. We are aware however, that if you write to the Council's MARS email address and ask if the settlement agreement prevents you from taking an equal pay claim, the answer they give is yes. The settlement agreement is also likely to affect any other claims you may have against the Council, but we cannot give full advice until we have a copy.

We are currently looking at the legality of the policy as we believe that it may indirectly discriminate against women with genuine equal pay claims.

### **Equal pay liability**

The Council have said that they have up to a £760M equal pay liability. Who does this affect?

Any member that has previously settled a claim could have an ongoing claim against the Council. This would run from the time you settled your last claim. So for example if you had an MOU parity payment and settled in 2021 – you could have an ongoing claim from 2021 until you leave the Council or change job. If you settled in 2018 with firms such as Equal Pay Legal – you could have an ongoing claim from 2018 until you leave the Council or change job. If you haven't settled yet for third generation you could have a claim going back 6 years that is ongoing. Leaving under the MARS policy would take away your ability to make a claim. We strongly believe that the Council are trying to wipe out some of their equal pay liability by using this scheme.

### **Is it like Voluntary Redundancy?**

No the MARS policy is not the same as a VR exercise. The Council want to save money on redundancy costs by persuading staff to resign themselves in exchange for a payment. The

Council have admitted that they are using this scheme to avoid the costs of redundancy.

As part of our national terms and conditions of employment if we are made redundant after the age of 55 due to redundancy we can start to claim our pension. If you are made redundant when you are over age 55, you will receive immediate payment of the pension you have built up – providing you have met the two year vesting period and the Council pick up the pension strain costs of you leaving early. This entitlement is lost if you leave under the MARS policy.

### **It's a resignation**

If you leave under the MARS policy, you are resigning from your post, and you may not be able claim any benefits or mortgage protection etc.

### **Overpayments, laptop or car loans**

Any money owed to the council will be deducted from any final payment.

### **Breach of continuous service**

Officers have also chosen to ignore another important national condition of service and that is the loss of continuous service. If you have worked for another local authority for 10 years and then move to Birmingham to a new council job within 4 weeks, and then work here for 4 years, if you are made redundant all of your local authority service is taken into account when calculating your redundancy so it would be based on 14 years. In the MARS policy this would only take into account the 4 years you worked for Birmingham City Council.

### **Financial advice**

As everyone's situation is different we are unable to offer individual financial advice. However, UNISON members will be able to use a union solicitor if they choose to leave using the MARS policy and are happy with what is being offered.

Please do join us at one of the information sessions.

Best wishes

### **Caroline Johnson & Tracey Mooney**

Joint Branch Secretaries

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