

Ahmed v BBC – the BBC pay a high price for equal pay

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Ms Ahmed is the presenter of “Newswatch”, a short fifteen minute TV programme designed to allow viewers to discuss and debate their views on BBC News which she was paid £440 per episode. She relied on Jeremy Vine as her comparator, who was paid £3,000 per episode of “Points of View”, a very similar programme which airs views of viewers on all BBC programmes.

Ms Ahmed argued that the work she undertook was the same or broadly similar to that of Mr Vine. The BBC sought to argue that this was not the case for various reasons, including that Points of View was a high profile entertainment programme whilst Newswatch was part of the BBC’s news programme.

The Tribunal agreed with Ms Ahmed, finding that the work was sufficiently similar to allow Ms Ahmed to rely on Mr Vine as a comparator. The length of the programmes was the same, each aired and discussed BBC viewer’s opinions, each read a script from an autocue and both spent very similar amounts of time in the studio per programme.

The burden therefore, shifted to the BBC to show that there was a non-discriminatory reason for the discrepancy in pay. In a judgment certain to send shivers down the spines of BBC senior management, the Tribunal held that it could not. Despite raising various factors that justified the difference in pay, such as the difference in profile between the two programmes, the fact that Mr Vine has a much bigger profile, and that was much more experienced, the BBC produced very little evidence that demonstrated that these factors were taken into account at the time that the pay decisions were made. The burden was therefore not discharged and the claim succeeded.

It is important to note that the Tribunal did not make any positive findings that the BBC had discriminated against Ms Ahmed, just that it could not demonstrate that it had not which is sufficient for an equal pay claim to succeed. Whilst the Tribunal’s judgment is not remarkable from a legal perspective, it serves as a useful reminder of the great dangers of poor or non-existent documentation of pay decisions and places equal pay back into the forefront of the public consciousness.

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