

GMP Equalisation

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Equalisation

- Article 157 of Treaty of Rome
 - Equal pay for men and women
- Barber v Guardian Royal Exchange 1990
 - Pensions are pay, therefore the same benefits for both
 - Different NRD affects pension, therefore these must be equalised
- State pensions (including SERPS) excluded from Art 157 (Defrenne I)
- GMPs reflect SERPS, and so offer differing NRDs

Should GMPs be equalised?

- Are GMPs pay?
 - If imposed by the government, no (Defrenne I and II)
 - If part of contracting out package, yes (Barber)
- Decision is not one-way
 - If scheme does not, and should, men are disadvantaged in breach of Art 157
 - If scheme does, and should not, women are disadvantaged in breach of Art 157
- Does it matter?
 - Priorities on winding up
 - PPF requires it
 - s171 of PA04, which copies
 - s62 PA95 (now replaced) which doesn't equalise GMPs