



### **Survivor Pensions for Same Sex Civil Partnerships and Marriage**

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 18,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. ASLEF welcomes the introduction of same sex marriage and strongly believes that same sex partners must receive exactly the same treatment in society and in law as opposite sex couples. It is for this reason that ASLEF is extremely concerned that equal marriage is not in fact equal when it comes to survivor pensions.
3. ASLEF recognises that historically, there have been discrepancies between survivor pensions that can be received by widows and widowers. This was also a mistake. However, mistakes when it comes to inequality should be learnt from, not deliberately repeated. For this reason ASLEF strongly opposes legislation that allows schemes to not treat same-sex marriages equally when calculating survivor pensions.
4. ASLEF fully recognises that there will be a cost to equalising survivor pensions as it would equal up a benefit that is currently not available to same sex couples. Such a move would involve the equalisation of widow and widower benefits too which would be a higher cost. It is for this reason that the Government has so far shown resistance to this equalisation. But ASLEF believes that this is a flawed argument for two fundamental reasons. Firstly when it comes to such a black and white case of equality and human rights such as this, within reason, costs should not matter.

Secondly, from the Union's experiences within the private sector pension schemes to which our members belong, the costs are minimal.

5. As society's social attitudes progress, the law changes with it. Same sex marriage coming into statute demonstrates this very point. When laws on these matters change, it is an acknowledgment that previous laws were not just. It is therefore perverse to allow previous laws to affect rights going forward when it comes to matters of human rights and equalities. There are many examples throughout history where the law has allowed injustices to be perpetrated to groups of people because of their gender, race, sexual orientation or disability; however the idea of allowing this legacy to continue in any form would be met with absolute abhorrence. If society and therefore law makers decide that an inequality is wrong, it must not just change the situation going forward, but also ensure that the past mistakes do not continue to have a negative legacy.
6. An argument against the change that has been made is the cost. Once again, ASLEF finds this argument fails to convince. ASLEF members are almost entirely covered by two large private sector schemes. The TfL scheme and Railway Pension Scheme. In both of the schemes, there is full equality for same sex couples. The Railway Pension Scheme is a scheme that has the majority of its contributions coming from profit making companies. Yet despite this, a trustee director of the scheme has told ASLEF that the actuarial guidance given to him showed the cost to be so insignificant that there was no debate or question about equalisation from the trustees or the employer.
7. The government's own figures demonstrate this further. The cost of creating truly equal same sex marriage and making good the mistakes of the past in regard to widow and widower inequalities for survivor pensions would be an increase in contributions of just 0.2% spread over 15 years in public service schemes. A small price to schemes overall, but one that

could make a huge difference to people who lose their civil partner or spouse.

8. In essence, all defined benefit pension schemes are risk sharing funds that will inevitably involve cross subsidy. What is completely unfair however is for people who are of a certain sexual orientation to be forced to subsidise a level of benefits that they will never be entitled to themselves. ASLEF feels that increasing contributions by 0.2% is a small figure in order to right this wrong. If private sector schemes can afford to do it, it's hard to see why the public sector cannot.

Mick Whelan  
General Secretary  
77 St John Street  
London  
EC1M 4NN