

ANTI-DISCRIMINATION {PAY} ACT, 1974

EQUALITY OFFICER'S RECOMMENDATION NO.EP 03/99

PARTIES

79 Named Female Employees
{Represented by S.I.P.T.U.}

and

Celtic Linen (Wexford) Limited
{Represented by I.B.E.C.}

Files No. EP 17/97 & EP 09/98

1. Dispute

1.1 This dispute concerns a claim by the union on behalf of 79

named female claimants that they are entitled under the terms of the Anti-Discrimination (Pay) Act, 1974 to the same rate of remuneration as paid to the appropriate named comparator(s).

2 Background

- 2.1** Celtic Linen (Wexford) Limited is a company in the laundry, linen hire and workwear rental business. Its principal customers are hospitals, hotels and factories.
- 2.2** The claimants are employed by the Company either as Supervisors, Assistant Supervisors or General Operatives. The General Operatives are paid at the same rate of pay as are the Supervisors (calenders). The Assistant Supervisors are paid at different rates of pay depending on their duties. Each of the comparators named by the Union are paid at a higher rate of remuneration than that paid to any of the claimants.
- 2.3** In July, 1997 the Union served a claim in respect of 84 named female claimants. The claim form also furnished the name of ten male comparators. In the course of the investigation of this dispute a revised list of names of 79 claimants was received and the number of comparators was reduced to five. In February, 1998 the Union withdrew Mary Doyle as a claimant and at the same time it made some adjustments in relation to the claims of like work under Section 3 of the Act.
- 2.4** In February, 1998 the Union also furnished new claims in respect of Ms. A. Hayden, Ms. K. Jordan and Ms. J. Kavanagh. These claimants, together with the four named as

comparators, are all named in the original referral form, the only difference being that the claimants, under section 3(c) of the Act, now claim "like work" with additional comparators.

2.5 The Equality Officer held a preliminary joint hearing with the parties. Subsequent to that hearing he carried out inspections of the work of the claimants and the comparators on various dates in 1997/1998, the last date on which inspections were carried was on the 13th February, 1998. In the period between the job inspections and the final hearing, which was held on the 20th April, 1998, the Equality Officer received further correspondence from each of the parties. Subsequent and arising from the hearing he received further submissions from both parties to the disputes. The last correspondences was received in January, 1999.

3 Summary of the Claimants' Case

3.1 The Union contends that the 79 claimants do "like work" within the meaning of Section 3(a), (b) or (c) with the appropriate named comparator and are therefore entitled to receive the same rate of remuneration. A list of the names of the claimants and the comparators is at Appendix i. Descriptions of the jobs of the claimants and the comparators drawn up by the Union are at Appendix A and B respectively..

3.2 The Union points out that the workforce is predominately female. The claim as outlined, the Union advises, is based on those working in particular departments at the time of the claim being made. It states that there is significant interchangeability within the plant.

- 3.3 In relation to the Company's case on grounds other than sex the Union submits that the system of payment is still based on the traditional male/female rates which were never reviewed after the introduction of the Equality legislation.

4. **Summary of the Company's Case**

- 4.1 The Company argues that none of the claimants have any entitlement to equal pay with any of the named comparators because like work does not exist between any of the comparators and any of the claimants. Descriptions of the jobs of the claimants and the comparators are at Appendix C and D respectively. In support of its case that like does not exist the Company points to its job comparisons of the various jobs, under section 3(a), (b) and (c) of the Act. The job comparisons are Appendices E.
- 4.2 The Company submits "without prejudice" to its case on like work that there are grounds other than sex to justify the pay differential. The respondent contends that "where the Company deems that the work of a female is equal to that of a male then the Company pays the same level of remuneration". In support of this contention the Company points to the case of Ms. Marie Dempsey who, when she operated a dry cleaning machine, was paid the same rate as males employed in these positions. The Company maintains that if Ms Dempsey was not discriminated against on the grounds of gender in relation to her rate of pay than neither can any of the claimants allege discrimination on grounds of gender.

5 **Conclusions of the Equality Officer**

- 5.1** In making my recommendation in this case I have taken into account all of the submissions, written and oral, made to me by the parties to this case and also the work inspections which I carried out on the work of claimants and the comparators. I am satisfied from my inspections of the work of the comparators and the work of the claimants, that the descriptions submitted by the parties broadly reflect the jobs of the employees involved in this claim. The detailed job descriptions of the claimants and the comparators, as presented by the Union are at Appendices A and B. The job descriptions of the claimants and the comparators submitted by the Company are at Appendix C and D respectively.
- 5.2** Having regard to the number of claimants and comparators in this case and the nature of the work involved it was not practical to assess the jobs purely by observation. Accordingly, I relied to an extent on the claimants and the comparators to explain their work to me in detail through an interview format. This they did and following the interviews I went with the jobholders, accompanied by the claimants' Union representatives and the Company's representatives, to their different work locations where they each outlined their various duties.
- 5.3** In the course of my job inspections I established that the work of those claimants' employed as operatives cover a diversity of jobs from the operation of machines to canteen work. Accordingly for the purposes of my job comparisons I have categorised the claimants having regard to the nature of their work. However, I am satisfied from my work inspections that the work differences of the claimants, within the categories I have placed them, are of small importance to their work as a whole and that they are employed on "like work" with each other in terms of Section 3(b) of the Act.

It is therefore sufficient for the purposes of work inspections to initially compare the work of one of the claimant's (operatives) in each category with the work of a comparator.

- 5.4** I note that the Calender Supervisors are on a higher rate of remuneration than the Assistant Supervisors(Calenders). I further note that the Company states that Assistant Supervisors(Calenders), Ms Murphy and Ms Dilworth, work as Lead Operators for part of the year. In the course of my work inspections I carried out inspections of Ms Murphy's and Ms Dilworth's work as Assistant Supervisors and the work of the Supervisors. I am satisfied from my inspections here that the work performed by both grades is the "same", having regard to wording of the Act at section 3(a).

I note that Ms Kavanagh and Ms Wickham, both of whom are designated as Assistant Supervisors, are on two different rates of pay and that their duties involve hospital sorting/packing and linen hire sorting respectively. Accordingly I carried out separate comparison in respect of these two claimants.

I further note that a second claim was received in February, 1998 in respect of the Calendar Supervisors, Ms Hayden and Ms Jordan and Assistant Supervisor Ms Kavanagh. I have addressed these claims in the course of my investigation and my recommendations are included in this document.

- 5.5** I note that all the claimants have claims under Section 3(c) and that some of them have claims under Section 3 (a) and (b) of the Act. I propose initially to compare the work of each of the claimants with each of those comparators cited by the Union under Section 3(c) of the Act. Section 3(c) of the Act

states that two persons shall be regarded as employed on like work:-

"where the work performed by one is equal in value to that performed by the other in terms of the demands it makes in relation to such matters as skill, physical or mental effort, responsibility and working conditions."

5.6 Section 3(c) of the 1974 Act requires that the work of a claimant be compared with that of a comparator in terms of "equal in value". In my opinion, the demands placed on the work being compared does not require that the work of one be shown to be precisely equal to the demands of the other. I note that in *Murphy -V- Bord Telecom Eireann* Justice Keane in the High Court, in relation to the term "equal in value", stated:

"No doubt, the words should not be used so as to require a mathematical exactitude of equality, having regard to the statutory context in which they are used."

5.7 I note that the Union has cited in its original claims, under Section 3(c), Mr Michael Devereux as a comparator in relation to all the claimants and Mr David Nolan in relation to some of the claimants. A list of the names of the claimants, together with the names of the comparator(s), as nominated by the Union under section 3(c), is at **Appendix iv - page 27**). In my job comparisons, under Section 3(c) of the Act, I have taken account of every aspect of the work performed by each of the claimants and each of the comparators here in relation to "skill", "physical and mental effort", "responsibility" and "work conditions". The details of the job comparisons that I carried out begin at **Appendix 1 (page 30)** and continue

to **Appendix 13 (page 73)**. The Union's and the Company's views in regard to Section 3(c) of the Act in the context of this case are at **Appendix A** and **Appendix E** respectively.

**SUPERVISORS & ASSISTANT SUPERVISORS (CALENDARS) - Vs -
TUMBLER OPERATOR**

- 5.8** In relation to the comparison here I propose to compare the work of Ms Hayden with the work of Mr Devereux, the only comparator nominated by the Union in its original claim (July 1997). Details of my comparison, together with the name of the other claimant Supervisors and Assistant Supervisors here are at **Appendix 1 (page 30)**.

I have found here that similar demands are placed on the claimant and on the comparator with regard to "physical and mental effort" and "working conditions" and that greater demands are placed on her in terms of "skill" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Hayden does perform work of equal value with that of Mr Devereux it follows that the work of the other Calender Supervisor, Ms Karen Jordan, and the work of the Assistant Supervisors (Calenders), Stephanie Murphy and Mary Dilworth is "like work" for the purposes of Section 3(c) of the Act.

5.9 SUPERVISORS (CALENDERS) and WASH HOUSE SUPERVISOR

I have found that Ms Hayden and Ms Jordan perform like work with Mr Devereux, as outlined in the preceding paragraph, and as he is on the same rate of remuneration as Mr Walsh

and Mr O'Connor, who are both named as comparators in respect of the February, 1998 claim, and as I am satisfied that that they perform like work with each other in terms of Section 3(b), there is no need to do a comparison between the work of the claimants here with either of these comparators. Mr Roche (Wash house Supervisor) the other named comparator, in relation to the February, 1998 claim, is on higher rate of remuneration than the other comparators here. I therefore propose to compare his work, under Section 3(c) of the Act, with that of the two Supervisors (Calendarers).

- 5.10 I have selected Ms Hayden for my comparison with the work of Mr Roche and details of it are at **Appendix 2 (page 34)**. I have found here that similar demands are placed on the claimant and on the comparator with regard to "physical effort" and "working conditions" and that greater demands are placed on him in terms of "skill", "mental effort" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Roche for the purposes of Section 3(c) of the Act. As I found Ms Hayden does not perform work of equal value with that of Mr Roche it follows that the work of the other Calendar Supervisor, Ms Jordan is not "like work" for the purposes of Section 3(c) of the Act.

ASSISTANT SUPERVISOR (SORTING & PACKING) AND TUMBLER OPERATOR

- 5.11 The original claim received from the Union in respect of Ms Kavanagh named Mr Devereux , for the purposes of Section 3(c) of the Act, as the only comparator. In a claim received in February, 1998, on behalf of Ms Kavanagh, the Union in addition to naming Mr Devereux as a comparator also cited Mr Walsh and Mr O'Connor, both Wash house Operators,

as comparators. As the same rate of remuneration applies to these three comparators, and with the benefit of my work inspections, I am satisfied that they perform like work with each other in terms of Section 3(b) of the Act. As Mr Devereux is common to both the July, 1997 and February, 1998 claims I have selected him for comparison purposes.

- 5.12** I have found, as detailed at **Appendix 3 (page 38)**, that similar demands are placed on the claimant and on the comparator with regard to "physical and mental effort" and "working conditions" and that greater demands are placed on her in terms of "skill" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act.

ASSISTANT SUPERVISOR (SORTING-LINEN HIRE) AND TUMBLER OPERATOR

- 5.13** The claim received from the Union in respect of Ms Wickham named, for the purposes of Section 3(c) of the Act, Mr Devereux as the only comparator. I have found, as detailed at **Appendix 4 (page 41)**, that similar demands are placed on the claimant and on the comparator with regard to "skill", "physical effort" and "working conditions" and that greater demands are placed on him in terms of "mental effort" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act.

CALENDER OPERATORS AND TUMBLER OPERATOR

- 5.14** I have selected Ms Coughlan for my comparison of her work with that of Mr Devereux (Tumbler Operator), the only named

comparator here, and details of it, together with the names of the other claimants here, are at **Appendix 5 (page 44)**. In summary I have found here that similar demands are placed on the claimant and on the comparator with regard to "skill", "physical effort" and "working conditions" and that greater demands are placed on him in terms of "mental effort" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Coughlan does not perform work of equal value with that of Mr Devereux, the only comparator named by the Union here, it follows that the work of each of the other Calendar operators is not "like work" for the purposes of Section 3(c) of the Act.

SORTING OPERATIVES AND TUMBLER OPERATOR

- 5.15** I have selected Ms Quinn for my comparison of her work with that Mr Devereux (Tumbler Operator), the only named comparator here, and details of it, together with the name of the other claimants here, are at **Appendix 6 (page 48)**. I have found here that similar demands are placed on the claimant and on the comparator with regard to "physical effort" and that greater demands are placed on him in terms of "skill", mental effort" and "responsibility". Under "working conditions" I have found that greater demands are placed on the claimant. Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Quinn does not perform work of equal value with that of Mr Devereux, the only comparator named by the Union here, it follows that the work of each of the other operatives on sorting duties is not "like work" for the

purposes of Section 3(c) of the Act.

HANGING OPERATIVES AND TUMBLER OPERATOR

5.16 I have selected Ms Waters for my comparison of her work with that Mr Devereux (Tumbler Operator), the only named comparator here, and details of it, together with the names of the other claimants here are at **Appendix 7 (page 51)**. I have found here that similar demands are placed on the claimant and on the comparator with regard to "skill", "physical effort" and "working conditions" and that greater demands are placed on him in terms of "mental effort" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Waters does not perform work of equal value with that of Mr Devereux, the only comparator named by the Union here, it follows that the work of each of the other operatives on hanging duties is not "like work" for the purposes of Section 3(c) of the Act.

TOWELS OPERATIVES AND TUMBLER OPERATOR

5.17 I have selected Ms Walsh for my comparison of her work with that of Mr Devereux (Tumbler Operator), the only named comparator here, and details of it, together with the names of the other claimants here are at **Appendix 8 (page 54)**. I have found here that similar demands are placed on the claimant and on the comparator with regard to "skill", "physical effort" and "working conditions" and that greater demands are placed on him in terms of "mental effort" and "responsibility". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of

the Act. As I found Ms Walsh does not perform work of equal value with that of Mr Devereux, the only comparator named by the Union here, it follows that the work of each of the other operatives on towels is not "like work" for the purposes of Section 3(c) of the Act.

FOLDING(WORKWEAR) OPERATIVES AND TUMBLER OPERATOR

5.18 I have selected Ms Gainford for my comparison of her work with that of Mr Devereux (Tumbler Operator), the only named comparator here, and details of it, together with the name of the other claimants here are at **Appendix 9 (page 57)**. I have found here that greater demands are placed on the comparator than on the claimant with regard to "skill", "physical and mental effort", "responsibility" and "working conditions". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Gainford does not perform work of equal value with that of Mr Devereux, the only comparator named by the Union here, it follows that the work of each of the other operatives on folding (workwear) is not "like work" for the purposes of Section 3(c) of the Act.

REPAIRS (WORKWEAR) OPERATIVE AND STORES OPERATOR

5.19 The Union nominated two comparators here Mr Devereux (Tumbler Operator) and Mr Nolan (Stores & relief). Both are on the same rate of remuneration and with the benefit of my work inspections I am satisfied that they perform like work with each other in terms of section 3 of the Act. As Mr Nolan works in close proximity with Ms Goff I have selected him for comparison purposes here.

5.20 Details of my comparison of Ms Goff's work with that of Mr

Nolan (Stores & Relief) are at **Appendix 10 (page 60)**. I have found here that greater demands are placed on the comparator than on the claimant with regard to "skill", "physical and mental effort", "responsibility" and "working conditions". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Nolan for the purposes of Section 3(c) of the Act. It follows that the work performed by her is not "like work" with the other named comparator here Mr Devereux.

LOCKER SYSTEM OPERATORS(WORKWEAR) AND STORES OPERATOR

5.21 The Union nominated two comparators here Mr Devereux (Tumbler Operator) and Mr Nolan (Stores & relief). Both are on the same rate of remuneration and with the benefit of my work inspections I am satisfied that they perform like work with each other in terms of section 3 of the Act. As Mr Nolan works in close proximity with the claimants I have selected him for comparison purposes with Ms McMahon.

5.22 Details of work comparison, together with the names of the other claimants here are at **Appendix 11 (page 64)**. I have found here that greater demands are placed on the comparator than on the claimant with regard to "skill", "physical and mental effort", "responsibility" and "working conditions". Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Nolan for the purposes of Section 3(c) of the Act. As I found Ms McMahon does not perform work of equal value with that of Mr Nolan, it follows that the work of each of the Workwear Locker System Operators is not "like work", with either of the two comparators named here Mr Nolan or Mr Devereux, for the purposes of Section 3(c) of the Act.

CUT DOWNS OPERATIVES AND TUMBLER OPERATOR

- 5.23** The Union nominated two comparators here Mr Devereux (Tumbler Operator) and Mr Nolan (Stores & relief). Both are on the same rate of remuneration and with the benefit of my work inspections I am satisfied that they perform like work with each other in terms of section 3 of the Act. I have selected Mr Devereux for comparison purposes with Ms Bradley.
- 5.24** The details of work comparison here are at **Appendix 12 (page 68)**. I have found here that greater demands are placed on the comparator than on the claimant with regard to "skill", "physical effort", and "responsibility" and under the heading of "mental effort" and "working conditions" I have found that the demands on them are equal. Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Bradley does not perform work of equal value with that of Mr Devereux, it follows that the work of Ms Foley, the other operative in Cut Downs is not "like work", with either of the named comparators here Mr Devereux or Mr Nolan, for the purposes of Section 3(c) of the Act.

CANTEEN OPERATIVES AND TUMBLER OPERATOR

- 5.25** I have selected Ms Mooney for my comparison of her work with that of Mr Devereux (Tumbler Operator), the only named comparator here. The details of work comparison here are at **Appendix 13 (page 71)**. I have found here that greater demands are placed on the comparator than on the claimant with regard to "physical effort" and "responsibility" and that the demands on them in regard to "skill", "mental

effort" and "working conditions" are equal. Accordingly, taking into account the overall demands on the claimant and the comparator, I find that the work performed by her is not "like work" with that performed by Mr Devereux for the purposes of Section 3(c) of the Act. As I found Ms Mooney does not perform work of equal value with that of Mr Devereux, it follows that the work Ms Phillips, the other operative with canteen duties, is not "like work" for the purposes of Section 3(c) of the Act.

5.26 I note that the Union maintains that the claimants, whose names appear at **Appendix ii (page 24)**, do like work under section 3(a) of the Act, with named comparators. As I have found that Ms M Dilworth and Ms S Murphy, Assistant Supervisors, (Calenders) together with Ms A Hayden and Ms K Jordan, Supervisors (Calenders), perform like work with the named comparator Mr Devereux, under Section 3(c) of the Act, there is no need to address their claim against him under Section 3(a) of the Act.

I note that Mr Roche (Wash house Supervisor) who is also named as comparator in relation Ms Hayden and Ms Jordan under section 3(a) is on higher rate of remuneration than the other comparator (Mr Devereux) here. I therefore propose to address their claims here, under Section 3(a) of the Act, in relation to Mr Roche.

5.27 Section 3(a) of the Act is specific in that the comparison test applicable is whether or a claimant performs the "*the same work.....or where each is in every respect interchangeable* " with the comparator. Having regard to the fact that there is no case made that Ms Hayden or Ms Jordan ever carried out the work of Mr Roche and as their work is clearly not the same, as is apparent from my comparison of

their work under section 3(c) of the Act, (**Appendix 2 - page 34**) I must hold that neither of these two claimants perform like work with Mr Roche under section 3(a) of the Act.

5.28 Having regard to the fact that none of the three remaining claimants named under Section 3(a) Ms Dempsey, Ms McMahon or Ms Moore have ever carried out work as a relief in Linen Hire Despatch, relief Driver, relief Tumbler Operator or Wash house Operator which are all features of the work of the Mr Nolan, the only named comparator here, I must hold that none of these three claimants do like work with him under Section 3(a) of the Act.

I should add here that I note that Ms McMahon substitutes for Mr Nolan when he is "on relief" work. I further note that the Company informed me that his remuneration is in respect of not only his duties in Stores but also by reason of his "relief" work e.g. Driving, Tumbler Operator etc. I therefore cannot hold that Ms McMahon has an entitlement under section 3(a) to equal pay with Mr Nolan.

5.29 In addition to the claims that claimants perform like work with named comparators under Section 3(a) and (c) the Union has also claimed that some of the claimants do like work with named comparators under Section 3(b), a list of the names of the claimants here and the named comparators are at **Appendix iii (page 25)**.

5.30 As I have found that the Assistant Supervisors, Ms M Dilworth, Ms S Murphy and Ms J Kavanagh and the Supervisors Ms A Hayden and K Jordan perform like work with the named comparator Mr Devereux, under Section 3(c) of the Act, there is no need to address their claim against him under Section 3(b) of the Act.

As Mr Devereux is on the same rate of remuneration as Mr Walsh and Mr O'Connor, who are both also named as comparators in respect of Ms Hayden, Ms Jordan, Ms Murphy, Ms Dilworth, and Ms Kavanagh, and as I am satisfied that that these comparators perform like work with each other in terms of Section 3, there is no need to do a comparison between the work of these five claimants with the work of any of these comparators. Mr Roche (Wash house Supervisor) the other named comparator in relation to section 3(b) is on higher rate of remuneration than the other comparators here. I therefore propose to address the claims here, under Section 3(b) of the Act, in relation to the work of Mr Roche.

- 5.31** The Act at Section 3(b) provides that two persons shall be regarded as employed on like work

"where the work performed is of a similar nature.....and any differences.....occur only infrequently or are of small importanceto the work as a whole."

As I have stated in relation to comparisons involving Mr Roche under Section 3(c) a feature of his work in the Wash house area includes that he pre-programmes washing machines, he is a keyholder for the whole plant, he substitutes for the Plant Manager and is on call. In contrast the claimants' work either lies in the area of the operation of the calenders or sorting/packing and none of them are on call, keyholders or do they substitute as Plant Manager. I therefore cannot hold that they are employed in like work with Mr Roche under Section 3(b) of the Act.

5.32 The Union claims that five Locker System Operators, as at **Appendix iii (page 25)**, perform like work under Section 3(b) with Mr Nolan, who also works in the Locker area. However, as stated in relation to comparisons involving Mr Nolan under Section 3(c) a feature of his work is that he is also employed as a relief in Linen Hire Despatch, relief Driver, relief Tumbler Operator and relief Wash house Operator. As none of the claimants here perform any of these jobs I cannot hold that they are employed in like work under Section 3(b) of the Act.

5.33 The Union has named Mr Devereux as the comparator in respect of the remaining 49 claimants named in regard to Section 3(b), including 47 claimants named as Calender Operators. I have already highlighted, under Section 3(c), differences in the work of the Calender Operators and the work performed by Mr Devereux as set out at **Appendix 5 (page 44)**. While these claimants work under the same roof as Mr Devereux and their work concerns drying product I consider that their work is not "*of a similar nature*" to his work in that he is responsible for the performance of five tumblers and as the claimants work as part of teams with different work content to that of Mr Devereux.

5.34 I have already highlighted under Section 3(c) differences in the work of the remaining two claimants, as set out at **Appendix 12 (page 68)**, who both work in "Cut Downs", and the work performed by Mr Devereux. I consider that their work is not "*of a similar nature*" to Mr Devereux work in that he is responsible for the performance of five tumblers and as the claimants work is the examination of items singly and then to decide what action should be taken in relation to the item.

5.35 I have compared the work of the claimants with the named

comparator under Section 3(a), (b) and (c) and I have found that the Supervisors Ms Hayden and Ms Jordan, and Assistants Supervisors Ms Murphy, Ms Dilworth and Ms Kavanagh, all perform "like work" with that performed by Mr Devereux. I note that the respondent has argued that the differences in pay between the claimants and the named comparators is justified under the terms of Section 2(3) of the Act. Section 2(3) provides:

"Nothing in this Act shall prevent an employer from paying to his employees who are employed in like work in the same place different rates of remuneration on grounds other than sex."

Accordingly I will now consider this aspect of the case.

5.36 As I understand the respondents argument on grounds other sex is that where the Company deem the job performed by a female is equal to that performed by a male then it pays the same level of remuneration to that female. In support of this argument the Company point out that Ms Marie Dempsey when she operated a dry cleaning machine was paid the same rate as males in these positions.

5.37 I should state at the outset, in relation to the Company's grounds other sex argument, that discrimination in pay between male and female employees can be unintentional. In my opinion, in the context equality legislation, where a company relies on its own judgement to determine its pay rates it must be clear that its assessment is objective. In the present case there is no evidence before me that the Company gave objective consideration to the pay rates applied to the claimants vis-a-vis its male employees. Accordingly I am not satisfied that the Company has

discharged the onus of proof on it under Section 2(3) of the Act.

5.38 In summary I have found that the Supervisors Ms Hayden and Ms Jordan, and the Assistants Supervisors Ms Murphy, Ms Dilworth and Ms Kavanagh, all perform "like work" , in terms of section 3(c) of the Act with that performed by Mr Devereux Tumbler Operator. I have further found that the Company has not discharged the onus on it, under section 2(3), that there are grounds other than sex to justify the differences in the remuneration of aforementioned claimants and comparator Mr Devereux. Accordingly I hold that the aforementioned claimants are entitled to the same rate of remuneration as that paid to Mr Devereux.

6 Recommendation

6.1 In view of my conclusions, as summarised at 5.38, the claimants Ms Hayden, Ms Jordan, Ms Dilworth, Ms Murphy, and Ms Kavanagh do perform "like work" with that performed by the comparator Mr Devereux, in terms of section 3(c) of the Anti-Discrimination (Pay) Act, 1974, I find that they have an entitlement to the same rate of remuneration as that paid to him.

As I have found that Ms Wickham, who was designated as an Assistant Supervisor, and none of the claimants, who are in the General Operative grade, perform "like work" with any of their named comparator(s) under section 3 of the Act, I hold that they have no entitlement to the same rate of remuneration as that paid to their respective comparator(s).

The claims for equal pay with the comparators, for the

purposes of the successful claimants entitlements, were received on the 17th July, 1997. Section 8(5) of the Act provides for the payment of arrears of remuneration up to a maximum of three years from the date on which the relevant dispute was referred. I therefore recommend that the appropriate retrospection be paid to the successful claimants.

Jim Clerkin,
Equality Officer
25th March, 1999

Appendix i

List of names of Claimants and Comparators

Aileen Hayden	Karen Jordan	Mary Dilworth
Stephaine Murphy	Rose Wickham	Jackie Kavanagh
Maria Dempsey	Maria Balden	Anne Bernie
Aoife Colfer	Breda Breen	Shauna Clooney
Avril Coughlan	Mable Doyle	Breda Duggan
Margaret Farrell	Amanda Furlong	Ann Furlong
Anne Furlong	Denise Furlong	Christine Grey
Danielle Henri	Gretta Hickey	Aine Kehoe
Jackie Kehoe	Linda Maher	Marie Mahon
Theresa Mahoney	Margaret Monaghan	Helen Murphy
Maria Monaghan	Caroline Morrissey	Siobhan Murphy
Lilly Murphy	Margaret Nolan	Mary Nolan
Naomi Nolan	Jackie O'Brien	Michelle O'Brien
Imelda O'Connor	Catherine O'Gorman	Angela Redy
Bernie Roche	Helen Roche	Jean Roche
Leah Roche	Ellen Rochford	Jenny Rochford
Catherine Ryan	Jenny Stenning	Louise Tracey

Kay Walsh	Mary Gainford	Fiona Ryan
Theresa Gordan	Tina Quinn	Freda Lambert
Ann-Marie Byrne	Vicky Waters	Catherine Peare
Ruth Rossiter	Ann-Marie Cullen	Linda Monaghan
Linda White	Monica Duggan	Mary Farrell
Eileen Lawlor	Mandy McMahon	Margaret Connolly
Mary O'Connor	Sheila Murphy	Catriona Byrne
Caroline Goff	Patricia McMahon	Martina Moore
Helen Bradley	Susan Foley	Kathleen Phillips
Dolores Mooney		

Comparators: John Roche Michael Devereux David Nolan
Michael Walsh Mark O'Connor
Section 3(a) Appendix ii

SUPERVISORS

- | | |
|------------------|-----------------|
| 1. Hayden Aileen | 2. Jordan Karen |
|------------------|-----------------|

Comparators: Michael Devereux and John Roche

ASSISTANT SUPERVISORS

- | | |
|------------------|---------------------|
| 1. Dilworth Mary | 2. Murphy Stephaine |
|------------------|---------------------|

Comparator: Michael Devereux

LOCKER SYSTEM OPERATORS

1 Dempsey Maria 2 McMahon Patricia 3 Moore Martina

Comparator: David Nolan

Section 3(b)

Appendix iii

SUPERVISORS

1. Hayden Aileen

2. Jordan Karen

Comparators: Michael Devereux, John Roche, Michael
Walsh

& Mark O'Connor

ASSISTANT SUPERVISORS

1. Dilworth Mary 2 Kavanagh Jackie 3. Murphy
Stephaine

Comparators: Michael Devereux, John Roche, Michael
Walsh

& Mark O'Connor

LOCKER SYSTEM OPERATORS

1 Dempsey Maria	2 McMahon Patricia	3 Moore Martina
4 Byrne Catriona	5 Goff Caroline	

Comparator: David Nolan

Section 3(b)

(cont.)

CALENDAR OPERATORS - 47 OPERATORS

Breda Breen	Aoife Colfer	Yvonne Colfer
Shauna Clooney	Avril Coughlan	Mable Doyle
Breda Duggan	Margaret Farrell	Amanda Furlong
Ann Furlong	Anne Furlong	Denise Furlong
Christine Grey	Danielle Henri	Gretta Hickey
Jackie Kavanagh	Aine Kehoe	Jackie Kehoe
Linda Maher	Marie Mahon	Theresa Mahoney
Margaret Monaghan	Maria Monaghan	Caroline Morrissey
Helen Murphy	Siobhan Murphy	Lilly Murphy
Margaret Nolan	Mary Nolan	Naomi Nolan
Jackie O'Brien	Michelle O'Brien	Imelda O'Connor
Catherine O'Gorman	Angela Redy	Bernie Roche
Helen Roche	Jean Roche	Leah Roche
Ellen Rochford	Jenny Rochford	Catherine Ryan
Jenny Stenning	Louise Tracey	Kay Walsh
Maria Balden	Anne Bernie	

Comparator: Michael Devereux

CUT DOWNS

1 Helen Bradley

2 Susan Foley

Comparator: Michael Devereux

Section 3(c)

Appendix iv

SUPERVISORS

1. Hayden Aileen

2. Jordan Karen

Comparator: Michael Devereux

SUPERVISORS - (Feb '98 claim)

1. Hayden Aileen

2. Jordan Karen

Comparators: John Roche, Michael Walsh & Mark O'Connor

ASSISTANT SUPERVISORS

1. Dilworth Mary

2. Murphy Stephaine

3 Wickham Rose

Comparator: Michael Devereux

ASSISTANT SUPERVISOR - (Feb '98 claim)

Jackie Kavanagh

Comparators: Michael Devereux, Michael Walsh & Mark O'Connor

Section 3(c)

(Cont.)

CALENDAR OPERATORS - 47 OPERATORS

Breda Breen	Aoife Colfer	Yvonne Colfer
Shauna Clooney	Avril Coughlan	Mable Doyle
Breda Duggan	Margaret Farrell	Amanda Furlong
Ann Furlong	Anne Furlong	Denise Furlong
Christine Grey	Danielle Henri	Gretta Hickey
Jackie Kavanagh	Aine Kehoe	Jackie Kehoe
Linda Maher	Marie Mahon	Theresa Mahoney
Margaret Monaghan	Maria Monaghan	Caroline Morrissey
Helen Murphy	Siobhan Murphy	Lilly Murphy
Margaret Nolan	Mary Nolan	Naomi Nolan
Jackie O'Brien	Michelle O'Brien	Imelda O'Connor
Catherine O'Gorman	Angela Redy	Bernie Roche
Helen Roche	Jean Roche	Leah Roche
Ellen Rochford	Jenny Rochford	Catherine Ryan
Jenny Stenning	Louise Tracey	Kay Walsh
Maria Balden	Anne Bernie	

Comparator: Michael Devereux

SORTING/HANGING

1. Ann Marie Byrne	2. Ann Marie Cullen	3. Margaret Connolly
4. Monica Duggan	5. Mary Farrell	6. Freda Lambert
7. Eileen Lawlor	8. Mandy McMahon	9. Linda Monaghan

10 Catherine Peare	11 Tina Quinn	12 Ruth Rossiter
13 Vicky Waters	14 Linda White	

Comparator: Michael Devereux
Section 3(c) (Cont.)

CANTEEN

1 Dolores Mooney 2 Kathleen Phillips

Comparator: Michael Devereux

CUT DOWNS

1	Helen Bradley	2	Susan Foley
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Comparators: Michael Devereux and David Nolan

WORKWEAR LOCKER SYSTEMS

1	Maria Dempsey	2	Catriona Byrne	3	Caroline Goff
4	Patricia McMahon	5	Martina Moore		

Comparators Michael devereux and David Nolan

TOWEL FOLDERS

1 Sheila Murphy 2 Lilly Murphy 3 Mary O'Connor
4 Kay Walsh

Comparator: Michael Devereux

FOLDING (WORKWEAR)

1 Mary Gainford 2 Theresa Gordan 3 Fiona Ryan

Comparator: Michael Devereux

Comparison **Section 3(c)** **Appendix 1**

Ms Aileen Hayden (Supervisor - Calendar Operators) and
Mr Michael Devereux (Tumbler Operator)

Claimants (Assistant Supervisors and Supervisors - Calendar Operators)

Supervisors

Ms Aileen Hayden

Ms Karen Jordan

Assistant Supervisors

Ms Stephaine Murphy

Ms Mary Dilworth

NOTE

The Company has four calendars in operation. The calendars are staffed either by 4 or 6 person teams (claimants). At the time of my work inspections a Supervisor and an Assistant were in charge of the same two calendars. I was informed that all the Supervisors and Assistant Supervisors here were all former calendar operators.

SKILL

The claimant, like the other Supervisors and Assistant Supervisors here, formerly worked as a Calendar Operator. She has all the skills to perform all aspects of calendar work and may be called upon to do so e.g. as substitute when there is an operator short.

As a Supervisor the claimant is required to motivate and monitor the performance of the calendar operators under her supervision, at the time of my inspections she informed me that she was in charge of two calendars and ten operators. The comparator has no staff and while he has a supervisor he is not closely supervised.

The Tumbler Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull full trolleys to the correct location. The claimant in order to ensure the operators under her control have sufficient work regularly pushes/pulls full trolleys,

either alone or with assistance, to the appropriate calendar.

The claimant uses judgement in deciding that a calendar is operating at the correct speed and at the correct temperature for the product passing through the calendar. The comparator is required to use his judgement to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester.

The comparator carries out the minor task of cleaning the front/back lint screens. The claimant may be part of the two person team that regularly in the course of the working week, for the purpose of cleaning the calendars beds and making them smooth, feeds a wax cloth into the four machines. Both the comparator and the claimant have the services of maintenance to maintain/repair their respective machines, however, it is not unusual that the claimant clears blockages/repair tapes in the calendar and assists maintenance in tape repairs/replacements.

The claimant and the comparator both have the skill to train new staff. Both record production figures in relation to their respective machines. However the claimant records the details of output from around the plant every hour and she uses a calculator to make some minor calculations. The claimant is also an auditor in regard to the ISO 9000 Quality System.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day, taking into account in particular the claimant's skills associated with her supervisory role, that there are greater demands placed on her than on the comparator under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys. He also empties the dried contents from the tumblers into trolleys. Both employees here push/pull trolleys. The claimant pushes/pulls the trolleys alone or if she feels it is necessary with assistance. Both employees are on their feet in the course of the working day.

It is often part of the claimant's work to climb to the top of a calendar, there is a ladder attached to it for this purpose, to unblock items caught in the calendar or to assist maintenance repair/replace damaged tapes in it.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

There is a reasonable degree of mental effort required of both employees in relation to the setting of the controls on the machines under their control.

The claimant must use her judgement to ensure that there is sufficient product available to the operators, under her control, to maintain continuity of production. She must be alert to record various production details every hour.

The comparator is required to assess the amount of linen etc. to place into the five tumblers and to gauge the time needed to dry the different loads.

I consider having regard to the overall level of mental effort required from the claimant and the comparator that there are no significant differences in the mental effort required of both employees here.

Responsibility

It is the claimant's responsibility to maximise the efficiency of the two calendars under her control. The comparator has the same responsibility in relation to the five tumblers in his charge.

As a Supervisor it is the claimant's responsibility to motivate and monitor the performance of the calendar operators under her supervision, at the time of my inspections she informed me that she had ten operators under her supervision. The comparator has no staff and while he has a supervisor he is not closely supervised.

The claimant must ensure that problems in relation to the operation of the calendars are brought to the attention of maintenance. The comparator also brings problems in relation to the tumblers to maintenance attention and it is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. The claimant must ensure that the calendars are operating cleanly. A further task of the claimant is to ensure that the calendars are switched off and beds dropped at lunch time and at the end of the working day otherwise there is some danger of fire.

The failure of the comparator to carry out correctly certain tasks such as set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. The loss arising from a fault/error in the operation of the calendar machine would not be a significant loss because damaged items would be noticed after a couple of items pass through the system

I am satisfied having regard to the level of responsibility required of the comparator and the claimant through out their respective working day, taking into account in particular the responsibilities associated with her supervisory role, that there are greater demands placed on the claimant than on the comparator under this heading.

Working Conditions

The claimant and the comparator both work under unpleasant working conditions. Both push/pull trolleys, both bend/lift product from the trolleys and both handle damp/hot product etc.

The claimant's work location is usually in the general area of the calendars and her work also takes her to different areas of the plant. On the day I carried out my inspection of the claimant's work I found that areas of the plant were quite cold/draughty and other areas quite hot. I found the comparator's work area uncomfortably hot from the heat of the five tumblers (dryers). In my view, having regard to the nature of the work carried out and the plant layout, the working environment of both employees here would not greatly improve in the summer months.

It is my opinion, having regard to the overall working conditions of the claimant and the comparator, that the demands placed on them are equal under this heading.

Comparison

Section 3(c)

Appendix 2

Ms Aileen Hayden (Supervisor - Calendar Operators) and

Mr John Roche (Supervisor - Wash house)

Claimants (Supervisors - Calendar Operators)

Ms Aileen Hayden

Ms Karen Jordan

NOTE

The comparison here refers to claims by Supervisors (Calendars) Ms Hayden and Ms Jordan received in February, 1998, which was subsequent to the original claims. The comparator here is Mr Roche, Wash house Supervisor, who is on higher rate of remuneration than the other two comparators both of whom. are on the same of pay as Mr Devereux. A comparison between the claimants' work and that of Mr Devereux is at Appendix 1.

SKILL

The claimant formerly worked as a Calendar Operator. She has all the skills to perform all aspects of calendar work and may be called upon to do so e.g. as substitute when there is an operator short. The comparator has the skill to substitutes for the Plant Manager.

Both the claimant and the comparator are required to motivate and monitor the performance of their respective staff. At the time of my inspections the claimant informed me that she was in charge of two calendars and ten Calendar Operators. The comparator has a total staff complement that fluctuates between 8 and 15, depending on the time of year, and they are divided between Operators in the Wash House and Operators in the Sorting room.

The claimant in order to ensure the operators under her control have sufficient work she regularly uses a low level of skill to push/pull full trolleys, either alone or with assistance, to the appropriate calendar.

The claimant uses judgement in deciding that a calendar is operating at the correct speed and at the correct temperature for the product passing through the calendar. The comparator needs a reasonable high level of skill to pre programme the eight washing machines under his control for operation by his staff.

The claimant may be part of the two person team that regularly in the course of the working week, for the purpose of cleaning the calendar beds and making them smooth, feeds a wax cloth into the four machines. The claimant has the services of maintenance to maintain/repair the calendars, however, it is not unusual that the claimant clears blockages/repair tapes in the calendar and assists maintenance in tape repairs/replacements. The comparator has a reasonably high level of skill to ensure the correct and efficient operation of the 22 machines under his control.

The claimant and the comparator both have the skill to train new staff. The claimant records production figures in relation to the calendars and the comparators must complete time sheets. The claimant also records the details of output from around the plant every hour and she uses a calculator to make some minor calculations. Both employees are involved in the ISO 9002 Quality System.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day that there are greater demands placed on him than on the claimant under this heading.

Physical Effort

The claimant in the interest of production pushes/pulls trolleys. The claimant and the comparator are both on their feet in the course of the working day.

It is often part of the claimant's work that to climb to the top of a calendar, there is a ladder attached to it for this purpose, to unblock items caught in the calendar or to assist maintenance repair/replace damaged tapes in it. The comparator's work of ensuring that all the machinery in the wash house area operate correctly and efficiently demands some physical effort from him.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

There is a reasonable degree of mental effort required of the claimant in relation to the setting of the controls on the calendars under her control. However there is higher level of mental effort required of the comparator to pre programme some of the machines under his control for operation by his staff.

The claimant must use her judgement to ensure that there is sufficient product available to the operators, under her control, to maintain continuity of production. She must be alert to record various production details every hour. The comparator must ensure that the work leaves his areas to meet the demands of other departments.

I consider having regard to the overall level of mental effort required from the claimant and the comparator that there are greater demands placed on the comparator than on

the claimant, particularly taking into account the mental effort needed to pre programme machines.

Responsibility

It is the claimant's responsibility to maximise the efficiency of the two calendars under her control. The comparator has this responsibility in relation to the 22 machines under his control.

As a Supervisor it the claimant's responsibility to motivate and monitor the performance of the calendar operators under her supervision, at the time of my inspections she informed me that she supervises ten operators. The comparator has a total staff complement that fluctuates between 8 and 15, depending on the time of year, and they are divided between Operators in the Wash House and Operators in the Sorting room.

The claimant must ensure that problems in relation to the operation of the calendars are brought to the attention of maintenance. She must also ensure that the calenders are operating cleanly. A further task of the claimant is to ensure that the calendars are switched off and beds dropped at lunch time and at the end of the working day otherwise there is some danger of fire.

The comparator has a high level of responsibility to ensure that 22 machines under his control operate correctly and efficiently. He is a plant keyholder and it is feature of his work that he is "on call" when he is not on duty. He also substitutes for the Plant Manager.

The loss arising from a fault/error in the operation of the calendar machine would not be a significant loss because damaged items would be noticed after a couple items pass through the system. The loss to the Company of the failure to carry out his various duties could give rise to very considerable loss to the Company not only in relation to damage to machinery but loss of production.

I am satisfied having regard to the level of responsibility required of the comparator and the claimant through out their respective working day, that there are greater demands placed on the comparator than on the claimant under this heading.

Working Conditions

The claimant's work location is usually in the general area of the calendars and her work also takes her to different

areas of the plant. On the day I carried out my inspection of her work I found that areas of the plant were quite cold/draughty and other areas quite hot. I found the area where the comparator generally works uncomfortably hot and extremely noisy from the various machines in his area. In my view, having regard to the nature of the work carried out and the plant layout, the working environment of both employees here would not greatly improve in the summer months.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that both work in equally unpleasant conditions.

Comparison

Section 3(c)

Appendix 3

Ms Jackie Kavanagh and Mr Michael Devereux (Tumbler Operator)

Claimant (Assistant Supervisor - Hospital Sorting & Packing)

NOTE

The Company's sorting of soiled garments, soiled bed linen and workwear etc is carried out in two separate areas. The workwear sorting is carried out in a portakabin. The remainder of the sorting e.g. hospital/army contracts and the Company's own linen hire is carried out in the Sorting Room, which is located inside the main building. Ms Kavanagh's work mostly involves hospital contracts and the despatch of product to customers.

SKILL

As an Assistant Supervisor the claimant is required to motivate and monitor the performance of the operators under

her supervision. The comparator has no staff. He has a supervisor but he is not closely supervised. The claimant reports to the Plant Co-Ordinator on matters, such as sanction for days off for the operators under her control and substitutions for absentees.

The Tumbler Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull full trolleys to the correct location. The claimant in order to ensure the operators under her control have sufficient work regularly pushes/pulls full trolleys, to the sorting area.

The comparator is required to use his judgement to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The comparator carries out the minor task of cleaning the front/back lint screens.

In addition to her sorting duties the claimant also works in the despatch area where she has the skill to fold and pack items for despatch. She has basic computer skills to call up customers and to input details of despatches to customers.

The claimant and the comparator both have the skill to train new staff. Both record production figures in relation to their areas.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day, taking into account the claimant's supervisory role and her basic computer skills, that that the demands placed on her are greater than those on the comparator under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys. He also empties the dried contents from the tumblers into trolleys. The claimant uses some physical effort in respect of her folding and packing duties. Both employees here push/pull trolleys, in addition, the claimant pulls/lifts bags of product. Both are on their feet in the course of the working day.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

The claimant must use her judgement to ensure that there is sufficient product available to the operators, under her control, to maintain continuity of production. The comparator must ensure that there is work available for other areas such as army/hospital contracts.

The comparator is required to assess the amount of linen etc. to place into the five tumblers and to gauge the time needed to dry the different loads. The claimant requires a level of mental effort to use the computer to call up customers and then to input details of despatches to the customers.

I consider having regard to the overall level of mental effort required from the claimant and the comparator that there are no significant differences in the mental effort required of both employees here.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents to be dried without damage to them. The claimant's main responsibility is ensure that the soiled items received are sorted.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. It is the claimant's responsibility to motivate and monitor the performance of the two operators under her supervision. The comparator has no staff and while he has a supervisor he is not closely supervised.

The failure of the comparator to carry correctly certain tasks such as set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. The claimant has no responsibility for any machinery but she must ensure that the soiled product passes through her area so that it is washed/pressed etc. in time for despatch on the same day.

In addition to her sorting responsibilities the claimant has the responsibility to pack product for despatch and accurately input into the computer details of the despatches.

I am satisfied having regard to the overall level of

responsibility of the claimant, taking into account her supervisory role and her responsibilities in the despatch area, that the demands on her are greater than those on the comparator under this heading.

Working Conditions

The claimant and the comparator both work under unpleasant working conditions. Both push/pull full trolleys. The comparator handles damp and then hot dried linen etc. and the claimant handles soiled product. The comparator is liable to slight burns from the tumblers.

The claimant's work takes her to the ramps area i.e. where the soiled product is delivered; an area that is exposed to the elements. On the day of my inspection I found that there was quite a strong odour from the soiled product. She is vaccinated against hepatitis B. The claimant's work also brings her to the packing area which was an area that I found to be bright and quite pleasant. In relation to the comparator's work area I found it uncomfortably hot from the heat from the five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of both employees here I consider that equal demands are placed on them under this heading.

Comparison

Section 3(c)

Appendix 4

Ms Rose Wickham and Mr Michael Devereux (Tumbler Operator)

Claimant (Assistant Supervisor - Sorting room)

NOTE

The Company's sorting of soiled garments, soiled bed linen and workwear etc is carried out in two separate areas. The workwear sorting is carried out in a portakabin. The remainder of the sorting e.g. hospital/army contracts and the Company's own linen hire is carried out in the Sorting Room, which is located inside the main building.

At the time of my work inspections Ms Wickham was no longer an employee of the Company. I carried out my inspection of her work with the assistance of Ms Jackie Kavanagh who is familiar with the work formerly performed by Ms Wickham.

SKILL

As an Assistant Supervisor the claimant is required to motivate and monitor the performance of the operators under her supervision. At the time of my inspections there were two operators on sorting I was informed that in the busy period the number rises to three. The comparator has no staff. He has a supervisor but he is not closely supervised. The claimant reports to the Wash House Supervisor on matters, such as substitutions for absentees.

The Tumbler Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull full trolleys to the correct location. The claimant in order to ensure the operators under her control have sufficient work regularly pushes/pulls full trolleys, to the sorting area.

The comparator is required to use his judgement to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The comparator carries out the minor task of cleaning the front/back lint screens.

The claimant and the comparator both have the skill to train new staff, however, the skill level of operators in sorting is low. Both record production figures in relation to their areas.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day, taking into account the claimant's supervisory role, that the demands placed on them are equal under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys. He also empties the dried contents from the tumblers into trolleys. Both employees here push/pull trolleys; the claimant does this in the interest of production. Both are on their feet in the course of the working day.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

The claimant must use her judgement to ensure that there is sufficient product available to the operators, under her control, to maintain continuity of production. She must also use some mental effort, twice daily, when she counts all sorted sheets. The comparator must plan his work so that there is work available for areas such army/hospital contracts.

The comparator is required to assess the amount of linen etc. to place into the five tumblers and to gauge the time needed to dry the different loads.

I consider having regard to the overall level of mental effort required from the comparator that greater demands are placed on him than on the claimant under this heading.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents to be dried without damage to them. The claimant's main responsibility is supervise the unloading of trucks from Dublin and Cork, each morning, and to ensure that all contracts are kept separate. She must also ensure that the soiled items received are sorted.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. It is the claimant's responsibility to motivate and monitor the performance of the two operators under her supervision. The comparator has no staff and while he has a supervisor he is not closely supervised.

The failure of the comparator to carry correctly certain tasks such as set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. The claimant has no responsibility for any machinery but she must ensure that the soiled product passes through her area so that it is washed/pressed etc. in time for despatch on the same day.

I am satisfied, notwithstanding the claimant's supervisory role, that the demands on the comparator are greater on him than on her under this heading.

Working Conditions

The claimant and the comparator both work under unpleasant

working conditions. Both push/pull full trolleys. The comparator handles damp and then hot dried linen etc. and the claimant handles soiled product. The comparator is liable to slight burns from the tumblers.

The claimants work takes her to the ramps area i.e. where the soiled product is delivered; an area that is exposed to the elements. On the day of my inspection I found that there was quite a strong odour from the soiled product. In relation to the comparator's work area I found it uncomfortably hot because of the heat from the five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of both employees here I consider that equal demands are placed on them under this heading.

Comparison

Section 3(c)

Appendix 5

Ms Avril Coughlan (Calendar Operator) and Mr Michael Devereux (Tumbler Operator)

Claimants (Calendar Operator)

Breda Breen	Aoife Colfer	Shauna Clooney
Avril Coughlan	Mable Doyle	Breda Duggan
Margaret Farrell	Amanda Furlong	Ann Furlong
Anne Furlong	Denise Furlong	Christine Grey
Danielle Henri	Gretta Hickey	Aine Kehoe
Jackie Kehoe	Linda Maher	Marie Mahon
Theresa Mahoney	Margaret Monaghan	Maria Monaghan
Caroline Morrissey	Helen Murphy	Siobhan Murphy
Lilly Murphy	Margaret Nolan	Mary Nolan
Naomi Nolan	Jackie O'Brien	Michelle O'Brien
Imelda O'Connor	Catherine O'Gorman	Angela Redy
Bernie Roche	Helen Roche	Jean Roche
Leah Roche	Ellen Rochford	Jenny Rochford
Catherine Ryan	Jenny Stenning	Louise Tracey

NOTE

The Company has 4 calendars in operation. The calendars are staffed by either 4 or 6 persons teams (claimants). All the operators are interchangeable with each other. Calendar Operators "feed" linen etc. into the machine and other Calendar Operators "take off", sort and pack the dried, pressed and folded items. The Calendar Operators change from feeding the calendar to work at the opposite end of it periodically during the day. The claimant selected here for comparison purposes is Ms Avril Coughlan and she is one of 45 Calendar Operators. On the day I inspected her work she was feeding bed linen into the Calendar.

SKILL

The claimant's work of lifting the damp linen from trolleys and feeding it into the calendar machine requires little skill. The Tumbler Operator likewise needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull a filled trolleys to the correct location. It is not unusual that the claimant, in the interest of production, pushes/pulls full trolleys either alone or with assistance.

The claimant uses some judgement in rejecting and setting aside such as, items not properly cleaned, items in need of repair and those items with mildew or rust. The comparator is required to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The claimant may also have to use judgement to adjust the temperature controls of the calendar in order that the product fed through the calendar is properly dried.

The comparator carries out the minor task of cleaning the front/back lint screens. The claimant may be part of the two person team that regularly in the course of the working week, for the purpose of cleaning the calendar beds and to make them smooth, feeds a wax cloth into the four machines. Both the comparator and the claimant have the services of maintenance to maintain/repair their respective machines, however, it is not unusual that the claimant clears blockages from the calendar and assists in tape repairs/replacements..

The claimant and the comparator both train new staff and

while both have supervisors the comparator works under less supervision.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day that there is no significant differences in the demands placed on them under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys and the claimant's work involves her in continually bending/lifting linen etc. from trolleys to feed into the calendar. The comparator empties the dried contents from the tumblers into trolleys. Both push/pull trolleys but this a frequent task of the comparator. Both are on their feet in the course of the working day.

The claimant is expected to recover items that fall into a pit at the front of the calendar either by retrieving the item out with a pole with a hook on it or getting into the pit to recover it. She may also have to climb to the top of the calendar, there is a ladder attached to it, to unblock items caught in the calendar or to assist in repair/replacement of damaged tapes.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

There is little mental effort required of the claimant. She must be alert to detect stains/marks on items and record and put these items aside. There is some mental effort required of both employees in relation to the operation of the controls on their respective machines.

The comparator is required to assess the amount of product etc. to place into the five tumblers and to gauge the time needed to dry the different loads.

I consider, as the comparator has to monitor performance of five tumblers, that there are greater demands placed on him than on the claimant in terms of mental effort.

Responsibility

It is the claimant's responsibility to correctly feed sheets into the calendar so that they are properly dried and pressed. The comparator has the responsibility to maximise the efficiency of the five the tumblers in his charge. The claimant must bring problems in the operation of the calendar to the attention of her supervisor or maintenance. The comparator also brings problems in relation to the tumblers to maintenance attention and it is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines.

The failure of the comparator to carry out correctly certain tasks such as set to set a tumbler at the correct temperature for the load therein could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. The loss arising from a fault/error in the operation of the calendar machine would not be a significant loss because damaged items would be noticed after a couple of items pass through the system

Having regard to the fact that the claimant responsibilities are as part of four person team operating a calendar and as the comparator is in sole charge of five tumblers, I am satisfied that there is greater demands in terms of responsibility on him than on the claimant.

Working Conditions

The claimant and the comparator both work under unpleasant working conditions. Both push/pull trolleys and both handle damp product etc. The comparator faces the hazard of slight burns from handling hot items. There is some danger attached to the claimant's task of recovering items that fall into the pit in front of the calendar.

The claimant's work area, on the day on my inspection of her work, was quite cold and draughty. I found the comparator's work area uncomfortably hot from the heat of the five tumblers (dryers). In my view, having regard to the nature of the work carried out and the plant lay out, that the working environment of both employees here would not greatly improve in the summer.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that the demands on them under this heading are equal.

Ms Tina Quinn (Sorting) and Mr Michael Devereux (Tumbler Operator)

Claimants (Sorting)

Tina Quinn	Freda Lambert	Ann-Marie Cullen
Linda Monaghan	Linda White	Monica Duggan
Mary Farrell	Eileen Lawlor	Mandy McMahon
Margaret Connolly		

NOTE

The Company's sorting of soiled garments, soiled bed linen and workwear etc is carried out in two separate areas. The workwear sorting is carried out by the claimant Ms Quinn and usually another colleague in a portakabin. The remainder of the sorting e.g. hospital contracts and the Company's own linen hire is carried out in the Sorting Room, which is located inside the main building. The work in the sorting room is carried by the other claimants named above. The work of the claimants in the two sorting areas is essentially the same. I was informed that at the time of the claim for equal pay the Company had only one hospital as a customer.

Skill

Both employees here need little skill in emptying/filling trolleys or to push full trolleys. Both train new staff, but the nature of the claimant's work is such that it would require little skill to train a new person. Both have supervisors, however, in reality both work under little or no supervision.

The claimant requires a low degree of skill to check for foreign objects in soiled garments. She needs some numery skill to count the workwear from each customer and some skill to record these details.

The comparator must use his judgement to determine the

quantity to place in the machines. He is also required to set the drying time needed for the particular load, this he determines by the wetness and the type of load e.g. bed linen or polyester.

I am satisfied having regard to the low level of skill required of the claimant, and taking into account that the comparator must assess the correct setting for each tumbler load, that the demands on him under this heading are greater than those on the claimant.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys and the claimant's work involves her in emptying the contents of trolleys/bags on to the floor. I note that a table is provided for sorting but the claimant stated at the inspection that she found working from the floor to be quicker. The claimant's work of sorting the soiled garments involves bending/lifting items from the floor and after they have checked for foreign objects place the garments in trolleys. The comparator empties the dried contents from the tumblers into trolleys. Both push/pull trolleys and both are on their feet in the course of the working day.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the effort required of both employees.

Mental Effort

There is some mental effort required of both employees.

In relation to the claimant she counts the soiled product from each customer and records the count. She must also be alert to the dangers of objects in garment pockets e.g. sharp objects, pencils and coins.

The comparator is required to assess the amount of product etc. to place into the five tumblers and to gauge the time needed to dry the different loads.

I consider, as the comparator has to operate and monitor five tumblers, that there are greater demands placed him than on the claimant in terms of mental effort.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents to be properly dried without damage to them. The claimant's

main responsibility is to sort by customer soiled garments.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. It is the claimant's responsibility to ensure that the soiled garments contain no foreign objects and that she correctly counts the workwear from the different customers.

The loss to the Company of the claimant's failure to carry out her tasks would not significant, however, failure of the comparator to carry out correctly certain tasks, such as set the temperature correctly for a load could result in the whole load being scorched, which would be a significant loss to the Company.

Having regard to the fact that the comparator is responsible for operating five tumblers, I am satisfied that there is greater demands in terms of responsibility on the comparator than on the claimant.

Working Conditions

The claimant and the comparator both work under unpleasant working conditions. Both push/pull full trolleys. The comparator handles damp and then hot dried linen etc. and the claimant handles soiled garments. The comparator is liable to slight burns from the tumblers and the claimant cuts from objects contained in the soiled workwear.

The claimant works in a portokabin, on the day on my inspection of her work, it was cold and draughty and the portokabin was open at both ends. She is vaccinated against hepatitis A and B. There was quite a strong odour from the soiled garments and I can appreciate, having regard to the nature of the work, that in summer the area, would be at least as unpleasant. I found the comparator's work area uncomfortably hot because of the heat from the five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant, particularly as the claimant must handle soiled product and must endure strong unpleasant odours, I consider that greater demands are placed on her than on the comparator here.

Ms Vicky Waters (Hanging) and Mr Michael Devereux (Tumbler Operator)

Claimants (Hanging)

Ann-Marie Byrne

Vicky Waters

Catherine Peare

Ruth Rossiter

NOTE

After the soiled workwear has been washed it arrives at the dryer operated by the above named claimants. The drying process here involves the garments being hung on a conveyor and feed through the drying process. The practice here is that one operator feeds the garments into the machine and two operators take the hangers off the conveyor after they have gone through the drying process. The operators change periodically from hanging the garment to taking it off after the drying process. The comparison here focuses on the job of "hanging" the garment.

SKILL

The claimant's work of lifting the damp garments from trolleys and placing them correctly on wire hangers and then to correctly placing them on a slot on the conveyor to through the Drying machine requires some skill; if items are not hung properly it could cause creases in them. The Tumbler Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull a filled trolleys to the correct location. The claimant, in the interest of production, pushes/pulls full trolleys either alone or with assistance.

The claimant uses some judgement in rejecting and setting aside items such as those not properly cleaned or those with soap not properly washed out. The comparator is required to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The claimant may also have to use judgement to adjust the temperature controls of her machine, in order to ensure that garments are properly dried. The comparator carries out the minor task of cleaning the front/back lint screens and the claimant may be part of the two person team that cleans out the filter drawers. Both the comparator and the claimant have the services of maintenance to maintain/repair their respective machines, however, it is not unusual that the claimant clears items of clothing caught on the conveyor in the dryer.

The claimant and the comparator both train new staff and while both have supervisors they are generally left to get on with their respective jobs.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day that there is no significant differences in the demands placed on them under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys and the claimant's work involves her in continually bending/lifting garments from trolleys to place on wire hangers which she feeds into the dryer. The comparator empties the dried contents from the tumblers into trolleys. Both push/pull trolleys and both are on their feet in the course of the working day. The claimant may also have to climb three steps to check that the conveyor is working properly.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

There is little mental effort required of the claimant. She must be alert to detect items not properly washed etc. There is some mental effort required of both employees in relation to the operation of the controls on their respective machines.

The comparator is required to assess the amount of product etc. to place into the five tumblers and to gauge the time needed to dry the different loads. The claimant must ensure that garments are fixed properly on the hangers.

I consider, as the comparator has to monitor performance of five tumblers, that there are greater demands placed him than on the claimant in terms of mental effort.

Responsibility

It is the claimant's responsibility to ensure a variety of garments, from boiler suits to white coats, are placed on hangers properly so that when they go through the dryer they are dried properly and are not creased. The comparator has the responsibility to maximise the efficiency of the five the tumblers in his charge. The claimant may be part of a two person team that has the responsibility to remove the filter drawer for the purpose of cleaning the filters. She

must also ensure that problems in the operation of the dryer are brought to the attention of her supervisor or maintenance. The comparator also brings problems in relation to the tumblers to maintenance attention and it is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines.

The failure of the comparator to carry out correctly certain tasks such as to set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. In relation to items damaged going through the hanging process could not give rise to any significant loss because the fault/error would be noticed after a couple items coming through the system.

Having regard to the fact that the claimant responsibilities are as part of a three person team operating the dryer and as the comparator is in sole charge of five tumblers, I am satisfied that the demands in terms of responsibility are greater on him than on the claimant.

Working Conditions

The claimant and the comparator both work under unpleasant working conditions. Both push/pull trolleys and both handle damp product. Both face the hazard of slight burns from handling hot items.

The claimant's work area was quite hot and I can appreciate, having regard to the nature of the work and the layout of the plant, that in summer the area could be more unpleasant. I found the comparator's work area uncomfortably hot from the heat of the five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that both work under similar conditions.

Comparison

Section 3(c)

Appendix 8

Ms Kay Walsh (Towels) and Mr Michael Devereux (Tumbler Operator)

Claimants (Towels)

Mary O'Connor

Sheila Murphy

Kay Walsh

Lilly Murphy

Helen Roche

NOTE

The Company has one towel folding machine and it is operated usually by two operators (claimants). The machine folds the different type of towel feed into it. The operators change from feeding the machine to work at the opposite end of it periodically during the day. The comparison here focuses on the job of feeding the towels into the machine.

SKILL

The claimant's work of bending and lifting towels from trolleys requires little skill. The Tumbler Operator likewise needs little skill in lifting the selected load into one of the five tumblers (dryers) or to empty the contents, after the drying process, into trolleys. A low level of skill is required of the comparator to push/pull a filled trolleys to the correct location.

There are 4/5 different sizes of towels and the claimant has the skill to place the towel on the correct site; the size of the towel determines the site. The claimant uses some judgement in rejecting and setting aside towels such as those with holes, those with mildew or rust on them. The comparator is required to set the drying time needed for every load, this he determines by the wetness and the type of load e.g. bed linen or polyester.

The comparator carries out the minor task of cleaning the front/back lint screens and the claimant, like the comparator, keeps the general area around her machine tidy. Both the comparator and the claimant have the services of maintenance to maintain/repair their respective machines, however, it is not unusual that the claimant clears a towel caught on the conveyor in the machine.

The claimant and the comparator both train new staff and while both have supervisors, however, in reality they work under little or no supervision.

I am satisfied having regard to the level of skill required of the comparator and the claimant through out their working day that there is no significant differences in the demands placed on them under this heading.

Physical Effort

The comparator's work requires him to fill a tumbler which entails bending/lifting items from trolleys and the claimant's work involves her in continually turning/bending/lifting towels from trolleys to place on

folding machine. The comparator empties the dried contents from the tumblers into trolleys. Both push/pull trolleys and both are on their feet in the course of the working day.

I consider having regard to the various physical tasks required from the claimant and the comparator that there is no significant differences in the physical effort required of both employees.

Mental Effort

There is little mental effort required of the claimant. She must be alert to check the quality of the towels before she feeds them into the machine. There is some mental effort required of the comparator in relation to the operation of the controls on the five tumblers.

The comparator is required to assess the amount of product etc. to place into the five tumblers and to gauge the time needed to dry the different loads. The claimant needs some judgement to ensure that the towels are placed on the correct lanes.

I consider, as the comparator has to monitor performance of five tumblers, that there are greater demands placed him than on the claimant in terms of mental effort.

Responsibility

It is the claimant's responsibility to ensure that the towels are correctly feed into the folding machine; there 4/5 different sizes of towels and the size determines the lane site. She also has the responsibility to carry quality checks on the towels. The comparator has the responsibility to maximise the efficiency of the five the tumblers in his charge. The claimant must also ensure that problems in the operation of the folding machine are brought to the attention of her supervisor or maintenance. The comparator also brings problems in relation to the tumblers to maintenance attention and it is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines.

The failure of the comparator to carry out correctly certain tasks such as set to set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. In relation to the folding machine if the towels are not feed into it correctly they

would come out with the incorrect fold.

Having regard to the fact that the claimant responsibilities are as part of usually a two person team operating the folder machine and as the comparator is in sole charge of five tumblers, I am satisfied that there is greater demands in terms of responsibility on him than on the claimant.

Working Conditions

The claimant and the comparator both face the hazard of slight burns from handling hot product. Both spend the working day on their feet but the nature of the claimant's work is that she is in a confined area at the front of the machine.

The claimant's work area is reasonably pleasant compared to the work area of the comparator which I found to be uncomfortably hot from the heat of the five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that the demands on both then are equal under this heading.

Comparison

Section 3(c)

Appendix 9

Ms Mary Gainford (Folding - Workwear) and Mr Michael Devereux (Tumbler Operator)

Claimants (Folding - Workwear)

Mary Gainford

Fiona Ryan

Theresa Gordan

NOTE

The above named claimants work in Workwear area. The area deals with "locker" workwear such as boiler suits, jackets and coats; the lockers are sited on customers premises. The locker area prepares and assembles the already cleaned and pressed garments for despatch.

The first process carried out, in this area, is the folding of the cleaned and pressed garments. The process ends with the locker order being completed and placed on trolleys/racks for despatch.

SKILL

The claimant needs little skill to carry out her task of folding garments; different folds apply to the different type of garment involved, nor does she require any great skill in moving the clothes rails to and from her work area. The Tumblers Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) nor does he need any great level of skill to fill trolleys with the contents from the tumblers and move it to the correct location.

The comparator must use his judgement to determine the quantity to place in the machine. He is also required to set the drying time needed for the particular load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The claimant requires judgement to carry out quality checks on the garments she deals with e.g. for repairs, re-wash or rust. The claimant needs some skill to spot treat garments that have rust stains. She also needs a little skill to sort the garments by size

The comparator carries out the minor task of cleaning the front/back lint screens and the area around the tumblers. The claimant and the comparator both keep their respective work areas tidy.

I am satisfied having regard to level of skill required of the comparator and the claimant through out their working day that the demands placed on the comparator are greater than those on the claimant under this heading.

Physical Effort

The comparator's work requires him to fill tumblers which entails bending/lifting items from trolleys and the claimant's work involves lifting garments from clothes rail and folding them on the folding table. The comparator also uses physical effort to empty the dried contents from the tumblers into trolleys. Both are on their feet in the course of the working day.

I consider having regard to the various physical tasks carried out by the claimant and the comparator, that overall

the demands on him are greater than those on the claimant in terms of physical effort.

Mental Effort

The comparator is required to assess the amount of product to place into the five tumblers and to gauge the time needed to dry the different loads. The claimant needs some mental effort to sort the garments into the right size and to carry out quality check on them.

I consider as the comparator has to monitor the performance of five tumblers that overall the demands placed on him are greater than those placed on the claimant in regard to mental effort.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents. The claimant's main responsibility is to fold garments properly and to do a quality check on the garments.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. The failure of the comparator to carry correctly certain tasks such as set a tumbler at the correct temperature for the load therein could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. While the claimant has no responsibility for any machinery she has the responsibility to spot treat garments with rust stains.

Having regard to the fact that the comparator is in sole charge of five tumblers, I am satisfied that the demands in terms of responsibility on the comparator are greater than those on the claimant.

Working Conditions

The claimant and the comparator both work in different buildings and under different working conditions.

The claimant spends her working day in a building that is reasonably pleasant. The comparator's work area is on the other hand uncomfortably hot from the heat of five tumblers

(dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that the demands on the comparator here are greater than those on the claimant.

Comparison

Section 3(c)

Appendix 10

**Ms Caroline Goff (Repairs - Workwear) and Mr David Nolan
(Workwear Locker System Stores)**

NOTE

The claimant works in the Workwear area and she carries out minor repairs/alterations on garments already in use. The claimant normally works alone but if she is busy her colleagues in the workwear area are capable of doing some of her work e.g. use the heat sealer.

It is a feature of Mr Nolan's work that in addition to his work in workwear stores, where he spends most of his working time, he is also called upon to act as a truck driver, Wash House Operator, Tumbler Operator and Linen Hire Despatch when the need arises.

SKILL

The claimant needs some level of skill to use different equipment e.g. computer, an industrial sewing machine, patch machine and stud machine. The comparator does not use equipment in relation to his work in stores other than a heat sealer and a computer.

The claimant uses skill and dexterity to carry out tasks such as the removal of zips from garments, which she does with the aid of scissors and the insertion of new zips with the use of the sewing machine. She uses a theropatch machine to fix patches on garments and a stud machine to insert stud on garments.

The comparator uses his judgement to assess whether or not there is sufficient stock in stores to fulfil the needs of the documentation from the office in relation to new garments for the workwear contracts. He has the skill to check deliveries against the delivery note and purchase order.

The comparator and the claimant need basic computer skills to extract and input information in relation to garments and in the case of the comparator details of stock. Both are also required to print from the computer name labels and customers logos and then fix them on garments using a thermopad.

When the comparator substitutes as a relief worker in other areas of the plant he uses other skills for example as a Tumbler Operator he has the skill to maximise the efficiency of the machines and when he is called on to do driving duties he has the skill to drive goods vehicles.

I am satisfied having regard to the overall level of skill required of the comparator, particularly taking into account those skills required of him when his work brings him outside the locker stores area, that under this heading greater demands are placed on him than on the claimant.

PHYSICAL EFFORT

The claimant and the comparator spend the working day on their feet. Both keep their respective areas clean and tidy. The comparator is required to take items from stores, which entails lifting boxes, and on occasions with the aid of a ladder, from high shelving. The claimant's work in the operation of the sewing machine requires some physical effort from her. Both employees here use some physical effort when they use the heat sealer.

When the comparator substitutes as a relief worker in other areas of the plant, for example, as a Washroom Operator or as Tumbler Operator physical demands are made on him such as those required to empty/fill/push trolleys.

I am satisfied having regard to the overall level of

physical effort required of the comparator, particularly taking into account the demands placed on him when he substitutes as a Washroom Operator or as a Tumbler Operator, that overall there are greater demands placed on him than on the claimant in terms of physical effort.

MENTAL EFFORT

The comparator uses some mental effort to go through the documentation from the office to evaluate whether or not there is sufficient stock in stores to meet the orders. If a particular item is not in stock he completes a requisition form for the Sales Office. When new stock arrives he requires some mental effort to check the order.

The claimant needs to use some mental to operate correctly and safely an industrial sewing machine. She also needs a degree of mental effort to carry out her repair tasks.

The work of both employees here require them to input/extract information to/from the computer and to use the heat sealer. Both also print from the computer identification labels and logos for garments.

When the comparator substitutes for example as a Tumbler Operator he must assess the time and temperature needed for the load and he must monitor the performance of the five tumblers. When he is called on to do driving duties he needs a high degree of concentration.

I am satisfied having regard the overall mental effort required of the comparator, particularly when his work brings him outside the locker stores area, that the mental effort required of him is greater than that required of the claimant under this heading.

RESPONSIBILITY

It is the claimant's responsibility to ensure that minor repairs and alteration are carried out on garments. It is also her responsibility to replace logos and/or identification badges on garments already in use.

It is the comparator's responsibility to ensure that there is sufficient stock to meet orders and that customers new orders are despatched, having first put on identification and, if necessary the customers logo on new garments. He is also responsible for checking and putting into stores new stock. He must also update the computer with regard to stock levels.

When the comparator substitutes for example as a Tumbler Operator he has the responsibility to operate five tumblers and when he is called on to do delivery duties he has the responsibility to drive the vehicle.

I am satisfied having regard the overall level of responsibility required of the comparator, particularly when his work brings him outside the locker stores area, that the level of responsibility required of him is greater than that required of the claimant.

Working Conditions

The claimant and the comparator, when he is in Workwear Stores, generally work side by side in a building separate to the main plant. The working environment for the most part is reasonably pleasant and they face little or no hazards in the building.

When the work of the comparator brings him into the main plant area to carry out such jobs as Tumbler Operator or Washroom Operator his working conditions are less pleasant e.g he must put up with heat from the tumblers and the noise from the washing machines. The main hazards that the claimant faces is the dangers associated with the misuse of the sewing machine and the comparator faces a mishap associated with the use of the ladder.

I am satisfied taking into consideration the overall working conditions of the comparator, particularly when his work brings him outside the locker stores area, that greater demands are placed on him under this heading.

Ms Patricia McMahon (Workwear Locker System Operator) and Mr David Nolan (Workwear Locker System Stores)

Claimants (Locker System Operators)

Maria Dempsey

Catriona Byrne

Patricia McMahon

Martina Moore

NOTE

It is a feature of Mr Nolan's work that in addition to his work in workwear stores, where he spends most of his working time, he is also called upon to act as a truck driver, Wash House Operator, Tumbler Operator and Linen Hire Despatch Operator. When Mr Nolan is not performing store duties he is usually substituted by Ms McMahon.

SKILL

The claimant does not need a great deal of skill to complete the "locker" orders. She needs basic numery skills to count the garments for each locker. She also needs a low level skill to assemble the contract and when each order is assembled to fill in the details on the system locker sheets.

The comparator uses his judgement to assess whether or not there is sufficient stock in stores to fulfil the needs of the documentation from the office in relation to new garments for the workwear contracts. He has the skill to check deliveries against the delivery note and purchase

order.

The comparator needs basic computer skills to extract and input information in relation to stores. He is also required to print name labels and customers logos to put them, using a heat sealer machine, on new garments.

The claimant needs a level of skill to ensure that garments for a contract are put into the right contract. She has also the skill to have the filled contracts in the correct area and on the correct day for despatch.

When the claimant substitutes for the comparator in the locker area the same skill, as those required of him, are required of her. However, when he substitutes for example as a Tumbler Operator he has the skill to maximise the efficiency of the machine and when he is called on to do driving duties he has the skill to drive goods vehicles.

I am satisfied having regard to the overall level of skill required of the comparator particularly taking into account those skills required of him when his work brings him outside the locker stores area, that under this heading greater demands are placed on him than on the claimant.

PHYSICAL EFFORT

The claimant and the comparator spend the working day on their feet. Both keep their respective areas clean and tidy. The comparator is required to take items from stores, which entails lifting boxes, on occasions with the aid of a ladder from high shelving. The claimant's work of filling orders requires her to be continually lifting and packing garments. Unlike the comparator her work requires her, on a regular basis through out her working day to push/pull trolleys, filled with orders, to the despatch area.

When the claimant substitutes for the comparator in the locker area the same physical demands, as those placed on him, are placed on her. However, when he substitutes for example as a Washroom Operator or as Tumbler Operator other physical demands are placed on him such as emptying/filling/pushing trolleys.

I am satisfied, having regard in particular to the physical demands placed on the comparator when he substitutes as a Washroom Operator or as a Tumbler Operator, that overall the demands in terms of physical effort are greater on him than those on the claimant.

MENTAL EFFORT

The claimant requires a level of mental effort to fill the contracts that have to be completed. She also needs some mental effort to count and record numbers of garments for despatch. The comparator uses some mental to go through the documentation from the office to evaluate whether or not there is sufficient stock in stores to meet the orders. If a particular item is not in stock he completes a requisition form for the Sales Office. When new stock arrives he requires some mental effort to check the order. The comparator's work in Stores also requires him to input and/or extract information to/from the computer. He also prints labels and logos from data inputted by him into the computer.

When the claimant substitutes for the comparator in the locker area the same mental effort, as those placed on him, are placed on her. However, when he substitutes for example as a Tumbler Operator he must assess the time and temperature needed for the load and he must monitor the performance of the five tumblers. When he is called on to do driving duties he needs a high degree of concentration.

I am satisfied having regard the overall mental effort required of the comparator particularly when his work brings him outside the locker stores area, that the mental effort required of him is greater than that required of the claimant under this heading.

RESPONSIBILITY

It is the claimant's responsibility to ensure that contracts are completed correctly and ready for despatch on time. It is also her responsibility to count and record details of despatched garments. She also has the responsibility to pack the trolleys and bags with the locker garments and ensure that the correct garments go to the right customer. When the contracts are completed she moves them to the despatch area for collection by the drivers.

It is the comparator's responsibility to ensure that there is sufficient stock to meet orders and that customers new orders are despatched, having first put on identification and, if necessary the customers logo, on the garments. He is also responsible for checking and putting into stores new stock. He must also update the computer with regard to stock levels.

When the claimant substitutes for the comparator in the locker area she has the same level of responsibility as that required of him. However, when he substitutes for example

as a Tumbler Operator he has the responsibility to operate five tumblers and when he is called on to do delivery duties he has the responsibility to drive the vehicle and to deliver goods in it.

I am satisfied having regard the overall level of responsibility required of the comparator, particularly when his work brings him outside the locker stores area, that the level of responsibility required of him is greater than that required of the claimant.

Working Conditions

The claimant and the comparator, when he is in Workwear Stores, work in a building separate to the main plant. The working environment for the most part is reasonably pleasant and they face little or no hazards in the building.

When the work of the comparator brings him into the main plant area to carry out such jobs as Tumbler Operator or Washroom Operator his working conditions are less pleasant e.g. he must put up with heat from the tumblers and the noise from the washing machines.

I am satisfied taking into consideration the overall working conditions of the comparator, particularly when his work brings him outside the locker stores area, that the demands on him are greater than those on the claimant.

Ms Helen Bradley (Cut Downs) and Mr Michael Devereux
(Tumbler Operator)

Claimants (Cut Downs)

Helen Bradley

Susan Foley

NOTE

The cut down area examines rejected items of linen to determine how to deal with them e.g. re-wash, or cut down in size. The examination takes place on a "lighted" table.

SKILL

The claimant needs little skill to carry out her task of examining each item of rejected product to determine how to deal with it i.e. re-wash, repair, cut down, return or rag, nor does she need any great skill to move, empty and fill bags. The Tumblers Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) nor does he need any great level of skill to fill trolleys with the contents from the tumblers and move them to the correct location.

The comparator must use his judgement to determine the quantity to place in the machine. He is also required to set the drying time needed for the particular load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The claimant needs some skill to operate an industrial sewing machine, which she uses approximately three times a week to do hemming. She also uses some skill to tear cut downs to a specific size and to spot treat items with rust.

The comparator carries out the minor task of cleaning the front/back lint screens and the area around the tumblers. Both employees keep their respective work areas tidy.

I am satisfied having regard to level of skill required of the comparator and the claimant through out their working day that there is greater demands placed on the comparator than on the claimant under this heading.

Physical Effort

The comparator's work requires him to fill tumblers which entails bending/lifting items from trolleys. The claimant's work involves lifting bags and items from them and after she has dealt with an item she places in the appropriate bag. The comparator also uses physical effort to empty the dried contents from the tumblers into trolleys. Both are on their feet in the course of the working day.

I consider having regard to the various physical tasks carried out by the claimant and the comparator that overall there are greater demands placed on him than on her in terms of physical effort.

Mental Effort

The comparator is required to assess the amount of product to place into the five tumblers and to gauge the time needed to dry the different loads. The claimant needs some mental effort to examine the items in her area and then to determine how to deal with them.

I consider having regard to the overall demands placed on comparator and on the claimant that the demands placed on them are equal.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents. The claimant's main responsibility is to determine what action is required to be taken to deal with the rejected items received in her area and depending on her decision she may have to carry out work on the item herself.

The claimant has the responsibility to operate an industrial sewing machine, which she uses approximately three times a week and operate a patching machine. She must also tear cut downs to a specific size, and to spot treat items with rust.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. The failure of the comparator to carry correctly certain tasks such as set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company. The claimant deals with set aside items on an individual basis.

Having regard to the fact that the comparator is in sole charge of five tumblers, I am satisfied that there is greater demands in terms of responsibility on the comparator than on the claimant.

Working Conditions

The claimant and the comparator both work in different areas of the main buildings and under different working conditions.

The claimant spends her working day upstairs in an area that I found on my visit to be bright, well ventilated and reasonably pleasant. In my view in cold weather her working conditions would disimprove. The comparator's work area is on the other hand I found to be uncomfortably hot from the heat of five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that the demands on each of them are equal.

**Comparison
Appendix 13**

Section 3(c)

Ms Dolores Mooney (Canteen) and Mr Michael Devereux (Tumbler Operator)

Claimants(Canteen)

Dolores Mooney

Kathleen Phillips

NOTE

The claimant here works in the canteen from most of her working day and she gets assistance from another operative, usually Ms Kathleen Phillips, at break times. The assistant's main function is to pour the tea/coffee from the boiler into the cups/mugs of the canteen customers. The Company, at the time of work inspection, catered for two break periods and a lunch break. The canteen was closed, at the time of my inspection, after the lunch break for over the counter sales. The canteen is small and at the time of my inspection, the first break of the morning, between 30/40 employees used it.

SKILL

The claimant needs little skill to carry out such tasks as washing cutlery, dishes etc, cleaning the tables, sweeping the floor and generally keeping the canteen tidy. The Tumblers Operator needs little skill in lifting the selected load into one of the five tumblers (dryers) nor does he need any great level of skill to fill trolleys with the contents from the tumblers and move it to the correct location.

The comparator must use his judgement to determine the quantity to place in the machine. He is also required to set the drying time needed for the particular load, this he determines by the wetness and the type of load e.g. bed linen or polyester. The claimant uses some skill to operate the cash register and she knows the correct prices of sandwiches, rolls, pastries, tea, coffee, toast and sachet of butter which are the only lines sold over the canteen counter; other items such as chocolate, crisps and soft drinks are available from two vending machines. She also needs some skill to check the amount tendered and return the correct change and at the close of business reconcile cash on hands with the total registered; the claimant informed me that the daily take would be somewhere between £35 to £50.

In addition to her duties in the canteen the claimants needs a low level of skill to clean and tidy offices and toilets. She cleans a different office each day and this may entail her to use a vacuum cleaner. The comparator carries out the minor task of cleaning the front/back lint screens and the area around the tumblers.

I am satisfied having regard to level of skill required of the comparator and the claimant through out their working day that there is no significant differences in the demands

placed on them under this heading.

Physical Effort

The comparator's work requires him to fill tumblers which entails bending/lifting items from trolleys and the claimant's work involves her to constantly use physical effort of varying degrees from the light work of making toast, with the use of a toaster, putting sandwiches etc on display and operating the cash register to the heavier work of washing delph etc, cleaning tables and using the vacuum cleaner. The comparator also uses physical effort to empty the dried contents from the tumblers into trolleys. Both are on their feet in the course of the working day.

I consider having regard to the various physical tasks carried out by the claimant and the comparator, particularly as it is feature of his work to fill/empty and push trolleys, that overall there are greater demands placed on him than on her in terms of physical effort.

Mental Effort

The claimant uses mental effort to order stock for one of the vending machines e.g. chocolate and crisps and to know the price of approximately six items for sale over the counter. She orders the stock by phoning in the order to the "Cash and Carry". She also uses a reasonable degree of mental effort in handling and balancing cash.

The comparator is required to assess the amount of product to place into the five tumblers and to gauge the time needed to dry the different loads.

I consider having regard to the overall demands placed on both employees in terms of mental effort that the demands on them are not significantly different.

Responsibility

The main responsibility of the comparator is to ensure that the five tumblers are used to the maximum and that they are set at the correct speed and temperature for the contents. The claimant's main responsibility is to ensure that the kitchen/dining areas of the canteen are clean and tidy and that the canteen is adequately stocked to meet the demands of its customers.

It is an important task of the comparator's work to clear the screens of lint for the purposes of efficiency and to reduce the likelihood of fire in the machines. It is the claimant's responsibility to clean offices and the ladies and gents toilets. The claimant has the task of purchasing items from the a local supermarket e.g. butter and milk.

She also has the trust worthy task of charging the correct price for items sold over the counter and to accurately handle/balance cash.

The loss to the Company of the claimant's failure to carry out her tasks in relation to handling cash would not be significant, as there is a very limited stock for sale over the counter and the total daily take from the canteen in respect of over the counter sales is somewhere between £35 and £50, however, the failure of the comparator to carry out correctly certain tasks such as set a tumbler at the correct temperature for its load could result in the whole load being scorched, which would give rise to a significant financial loss to the Company.

Having regard to the fact that the comparator is in sole charge of five tumblers, I am satisfied that the demands in terms of responsibility on the comparator are greater than those on the claimant.

Working Conditions

The claimant and the comparator both work in different areas of the plant and under different working conditions.

The claimant spends most of her working day in the canteen which is a clean/bright area, with natural light. However she carries out the unpleasant task of cleaning the ladies and gents toilets. The comparator's work area is on the other hand uncomfortably hot from the heat of five tumblers (dryers) and in my view this environment in the summer months would not get any better.

It is my opinion having regard to the overall working conditions of the claimant and the comparator that the demands on them are equal under this heading.