

ANTI-DISCRIMINATION (PAY) ACT, 1974

EQUALITY OFFICER'S RECOMMENDATION NO: EP 04/1999

Ms. Louise O'Toole
(Represented by MANDATE)

AND

Tesco Ireland Limited
(Represented by I.B.E.C.)

File No: EP 07/1998

1. DISPUTE

- 1.1** This dispute concerns a claim by MANDATE on behalf of Ms. Louise O'Toole that she is entitled to the same rate of remuneration as that paid to fourteen named male comparators in terms of Section 3(c) of the Anti-Discrimination (Pay) Act, 1974. The names of the claimants and the comparators are listed in Appendix A.

2. BACKGROUND

- 2.1** Tesco Ireland Limited operates 75 supermarkets throughout the Republic of Ireland employing in excess of 7,000 people. The claimant commenced employment with the respondent company as a full-time Crèche Supervisor in Crazy Prices in Lucan on 8th July, 1991. She is paid £226.92 per week for a 39 hour week in accordance with the top point of the Dublin grocery sales assistants pay scale.
- 2.2** The Union initially named 17 male comparators who are employed by the respondent company as Chargehands. It argues that the claimant performs 'like work' with each of the named male comparators and is, therefore, entitled to the same rate of pay i.e. 7½% Chargehand differential. In a letter to the Equality Officer dated 11th January, 1999 the Union withdrew 3 of the named male comparators from this claim (see Appendix A).
- 2.3** On 27th March, 1998 the Union submitted a claim for equal pay for the claimant to an Equality Officer for investigation and recommendation.

3. SUMMARY OF THE UNION'S CASE

- 3.1** In its submission the Union was critical of the respondent for not having agreed an Equal Opportunities Policy. The Union says that an examination of the profile of Tesco Ireland store management confirms the sex-based nature of its structure which appears to have permeated almost every layer of the respondent organisation. It says that in a company which employs many thousands of females, the higher, store management structure is almost exclusively male. According to the Union the respondent is on record as an employer who devalues the work of all women employed in their crèche areas. It notes the respondent's letter of 25th August, 1997 in which the respondent says "the Play Areas are not by themselves profit making". The

Union says that the back stores areas are not ‘by themselves profit making’ but the chargehand in this entirely male preserve receives a 7½% differential. The Union says that for the Company the name of the game is making money and unless a particular activity generates ‘a quick buck’ it doesn’t warrant a wage increase even if it does involve the most responsible of jobs, caring for children.

- 3.2** The Union says that it is important to differentiate between the two views the respondent has of the crèche operation. The external view is that crèches do not make profits and are, therefore, no more important than the task of operating a check-out, packing goods on shelves or checking in merchandise at the back door. The internal view of the crèche area is that the duties of all crèche personnel encompasses an extensive range of highly responsible tasks. The Union says that the task of the crèche supervisor is presumably even more responsible still. The Union specifically mentions the respondent’s definition of ‘crèche general duties’ highlighting the following paragraphs:

- 1.5 Instructions to Crèche staff will be given by their Supervisor/Staff Managers/Store Management.
- 1.9 Members of the Crèche Staff are expected to make themselves proficient in First Aid by passing the relevant primary and refresher examinations set by the Red Cross and the order of St. Johns.
- 1.10 Crèche Staff are expected to become proficient in fire fighting and to attend training courses as required.
- 2.1 To attentively supervise the activities of children who have been admitted to the crèche with particular emphasis placed on the safety and well-being of each child.
- 2.2 To comply with the recommendations of the local statutory authorities responsible for Social Services within the area.
- 2.12 When required to, accompany the child to the toilet facilities.
- 3 Crèche Staff should discuss any problem affecting their duties with their supervisor, and when in doubt regarding what action to take, refer to her or the store manager for direction.

3.3 The Union, in its submission, says that the respondent, in its definition of ‘crèche general duties’ refers to the crèche supervisor as ‘her’ which it says implies that this position is one for females only. The Union says that there are many examples of where the authority of the supervisor is underlined by management in its comprehensive document on Crèche Personnel which is attached as Appendix B.

3.4 The Union says that the claimant commenced employment as a full-time Crèche Supervisor in Crazy Prices, Lucan on 8th July, 1991. At the time of her appointment the claimant had the following qualifications:

- A diploma in pre-school Education from the British Playgroups Association;
- A City and Guilds Certificate in pre-school Care and
- A National Certificate in pre-school Care.

The Union states that the claimant ran the crèche without any input whatsoever from store management. She originally attended meetings of the store chargehands but withdrew on the basis that they only dealt with retail matters and never discussed, or displayed an interest in, the crèche operation. The Union says that, like all employees, the claimant is ultimately answerable to store management but in reality she is entirely responsible for the crèche facility. The claimant is paid £226.92 per week, in accordance with the top point of the Dublin grocery sales assistants pay scale. Her name badge, supplied by the respondent, describes her as ‘Louise - Crèche Supervisor’.

3.5 The Union says that the suggestion by the respondent, at the preliminary hearing of this claim, that comparisons between the claimant and comparators may only be valid within stores which contain a crèche, is one which flies in the face of the 1974 Act. It says that to restrict such comparisons to certain outlets within the same ‘place’ is to attempt to re-write the legislation to suit the case of the employers.

3.6 The Union submits that each of the named male comparators perform ‘like work’ with each other and that the claimant performs ‘like work’ with each of the comparators and is, therefore, entitled to pay which is equal to that of the named comparators. The Union asks that the Equality Officer makes such a finding and a recommendation that the claimant be awarded such equal pay with retrospection to 27th March, 1995.

4. SUMMARY OF THE RESPONDENT'S CASE

- 4.1** The respondent says that the claimant in this case is employed in the children's play area in the Company's Lucan store. She is paid £226.92 for a 39 hour week and she is seeking a chargehand differential of 7½%. The respondent details a dispute which arose in 1993 between it and those employed in the children's play area in Lucan. The claimant worked in this area at that time. The dispute was resolved and the rates of pay were agreed between the parties at that time. The Union did not raise the issue of equal pay or the chargehand differential at that time and this, according to the respondent, implies that everyone accepted that in 1993 the pay rates for the claimant's job was acceptable to her. The respondent says that nothing has changed since then. The respondent rejects the Union's argument that the claimant is in a post of responsibility as it says she is not responsible for any staff and therefore the respondent rejects the Union's demand for the 7½% differential which is paid to chargehands.
- 4.2** The respondent states that it rejects the Union's claim that the claimant is performing 'like work' under Section 3(c) of the 1974 Pay Act in relation to the named male comparators. It says that it will also be contesting that a valid comparison is possible under the terms of the Act in relation to a number of named comparators. The claimant is employed in Lucan and a number of the named comparators are not employed in the same branch as the claimant. The respondent argues that comparisons can only be made with those comparators working in the Lucan store because the Act says that the claimant and the comparator must be employed in the same place where place is defined as including city, town or locality. The respondent contends that Lucan is a town and no claim arises unless a comparator works in the respondent company in that branch.
- 4.3** The respondent sets out its arguments in terms of Section 3(c) of the Anti-Discrimination (Pay) Act, 1974 under the headings of Skill, Responsibility, Physical Effort, Mental Effort and Working Conditions. These arguments are set out in Appendix C. The respondent concludes that the claimant has no entitlement to 7½% pay differential. Furthermore no entitlement exists in relation to those comparators who are not employed in the same place as the claimant.

5. CONCLUSIONS OF THE EQUALITY OFFICER

- 5.1** This claim concerns a request for equal pay by the claimant employed as a Crèche Supervisor following an advertised competition (see Appendix D for a copy of the job advertisement) and 14 named male comparators who are employed as chargehands/ managers in the respondent company. In making my recommendation in this claim, I have taken into account all of the submissions, both written and oral, made to me by the parties and also the work inspections that I carried out on the work of the claimant and the named comparators. Job descriptions for both the claimant and the named comparators are attached as Appendix E and F respectively.
- 5.2** The claimant earns the same basic rate of pay as each of the named male comparators. The named male comparators are employed by the respondent company as managers in different departments in the respondent's outlets. In addition to their basic rate of pay they also earn a 7½% differential because they hold, what the respondent terms 'Posts of Responsibility'. Consequently I am satisfied that they perform 'like work' with each other. Therefore, I have decided to examine the work performed by the claimant and that performed by one of the male comparators namely the Produce Manager in the Lucan store to establish if 'like work' exists between the work performed by both. If I find that 'like work' does exist, then I consider that the claimant performs 'like work' with each of the named male comparators. Alternatively if I find that 'like work' does not exist then the claimant does not perform 'like work' with each of the named male comparators.
- 5.3** Section 3(c) of the Anti-Discrimination (Pay) Act, 1974 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”.

To establish the level of activity in the crèche I asked the Union to give me details of the number of children in the crèche on specific dates and over specific periods of time e.g. a week and a month. These details are set out in Appendix G. Set out below is the detailed analysis of the work performed by the claimant who is employed as the Crèche/ Play Area

Supervisor in Lucan and the named male comparator employed as Produce Manager also in Lucan.

Ms. O'Toole, Play Area Supervisor (Claimant) vs Mr. Mulligan, Produce Manager (Comparator)

5.4 Skill

The claimant has a number of qualifications relating to the job of child-minding. She must have the ability to relate to children and also good communication skills with their guardians. The claimant must have the ability to deal with customer complaints as and when they arise. She is involved in the interview process for new staff for her work area.

The comparator must have the ability to manage staff. He must also have the ability to communicate with staff, suppliers and customers and be able to deal with customer complaints. The comparator must be able to train staff in all aspects of the job. He is involved in the staff recruitment process.

I am satisfied that the demands made on both the claimant and the named male comparator, in terms of skill, are equal.

5.5 Physical Effort

The claimant has to bend up and down to the children on a constant basis. She vacuums the floor daily and also washes the floor in the toilet area. The claimant would spend the greater proportion of her day on her feet.

The comparator must physically check each pallet of produce being delivered to the store. He must also place produce onto display counters hence the physical effort involved in moving produce from one place to another. It may also involve some bending up and down. The comparator would spend the greater proportion of his day on his feet. He must ensure that his area is clean and, if necessary, clean the floor.

I consider that the demands made on both the claimant and the named male comparator, in terms of physical effort, are equal.

5.6 Mental Effort

The claimant must be constantly alert when minding the children in her care. She needs to remember the faces of the children's guardians so that she can be satisfied that the person who leaves in a child is the same person as that who collects the child.

The comparator must be constantly checking the produce for quality and he carries out spot checks on products from a health and safety perspective. On the display counters he must know how to rotate the stock. The comparator must decide if the price of a product should be reduced based on its quality and freshness. When there is a 'Special Offer' on a product or where its price is reduced the comparator must remember to check the S.E.L.s to ensure that the price displayed to the customer is correct. The comparator must maintain on-going check on the display counters to ensure that they are adequately stocked up and that there are sufficient bags available for the customers. The comparator monitors competition and takes action where necessary.

I find that the demands placed on the named male comparator, in terms of mental effort, are greater than those placed on the claimant.

5.7 Responsibility

As Crèche/Play Area Supervisor the claimant is responsible for the operation and running of the crèche/play area. She has to manage the staff both full-time and relief staff. The claimant is responsible for the well-being of the children under her care. She must ensure that they are happy and entertained. If a child has a problem or cannot be settled the claimant must attempt to resolve the problem or contact the child's guardian. The claimant is also responsible for the children's security and she must ensure that the doors to the play area are locked at all times. If a child want to use the toilet facilities the claimant may have to assist the child depending on his/her age. The success of the play area is dependent on the trust the customers have in the claimant's ability to look after their children and manage the crèche/play area. The claimant is responsible for organising maintenance should any of the equipment in the crèche/play area get broken. She also has to organise relief staff to cover breaks, lunches and days off. The claimant must manage staff assigned to her either on a full-time or part-time basis.

The comparator is responsible for managing the operation of his Department and for managing his staff. He undertakes on-the-job staff training. The comparator places orders for products daily and he bargains with the supplier for the best price having regard to the quality of the produce. The comparator is ultimately responsible for all decisions he makes in relation to his Department e.g. what products he orders, the quality of the produce he accepts, staff rotas, authorisation of annual leave and training. He must ensure that he meets sales targets, that his expenditure e.g. on wages is within budget and that stock loss is kept to a minimum. The comparator is responsible for stock taking in his area where he must physically count the stock. This exercise is subject to a spot check by Head Office staff. The comparator must operate 'Special Offers' as and when required by Head Office and he must ensure that he makes a claim for monies owing to the Store as a result of the 'Special Offer'. Failure to do this would result in the Store being at a loss.

Having balanced the level of responsibility required of the claimant with that required of the named male comparator I find that the demands made on the claimant are higher than those made on the named male comparator.

5.8 Working Conditions

I am satisfied that the claimant and the named male comparator have good working conditions and that demands made on them in this regard are equal.

5.9 In summary I find that the demands made on the claimant and the named male comparator in terms of skill, physical effort and working conditions are equal. I find that the demands made on the named male comparator, in terms of mental effort, are higher than those made on the claimant. In terms of responsibility, I find that the demands made on the claimant are higher than those made on the named male comparator. Overall, therefore, I am satisfied that the demands made on the claimant in relation to her job as a Crèche/Play Area Supervisor are equal to those made on the named male comparator in relation to his job as Produce Manager in the Lucan store. As I have found, in paragraph 5.2 above, that each of the named male comparators perform 'like work' with each other it follows that the claimant performs 'like work' with each of the named male comparators in terms of Section 3(c) of the 1974 Pay Act.

- 5.10** The Union, in its referral of this claim, named a number of comparators who, while employed by the respondent, are based in different outlets to the claimant. It argued that, as they were employed by the same employer, the place of work is irrelevant. The respondent, in its submission, held a different view and argued that Lucan (the place where the claimant is employed) is a town and that the other places named by the Union are not in the town of Lucan. As I have found that the claimant performs ‘like work’ with each of the named male comparators (i.e. those who were named and work in Lucan and those who were named but work in outlets in other locations) it is not necessary to make a finding in relation to the issue of ‘place’ in this instance.
- 5.11** At the final hearing in this claim the parties raised a number of issues which I do not consider impact on the claim for equal pay and the outcome of the analysis which I undertook as part of this investigation. The respondent said that the claimant was not working in a crèche but in a play area and implied that this was constituted a significant difference. The Union said that the claimant was working in, what could be more accurately termed, a drop-in centre. In this regard I note that, when the claimant applied for the position, she answered a job advertisement entitled “Crèche Supervisors/ Attendants”, see Appendix D. The Union placed a lot of emphasis on the fact that the claimant was given the job title of ‘Play Area Supervisor’ by the Company and held that she did have staff responsibility as part of her job. The respondent disputed this saying that the claimant had no supervisory functions. The Union also pointed out that the claimant, when appointed, was placed on the maximum point of the scale. The respondent said that this was solely in recognition of her qualifications. As already stated these issues, while noteworthy, do not impact on the analysis (detailed above) which I undertook of the work of the claimant and the comparators.
- 5.12** I note that no arguments were made by the Company on grounds other than sex in terms of Section 2(3) of the Anti-Discrimination (Pay) Act, 1974.

6. RECOMMENDATION

- 6.1** In view of the foregoing that Ms. Louise O'Toole performs 'like work' with that performed by each of the named male comparators in terms of Section 3(c) of the Anti-Discrimination (Pay) Act, 1974 I recommend that Tesco Ireland Limited pay Ms. O'Toole the same rate of remuneration as that paid to each of the named male comparators i.e. the 7½% differential. Payment should be made for three years in advance of the date of the claim i.e. 27th March, 1998.

Gerardine Coyle
Equality Officer

26th May, 1999

APPENDIX A

Claimant Details
and
List of Comparators

Claimant:

Ms. Louise O'Toole
Crèche/Play Area Supervisor, Tesco, Lucan

Salary: £226.92 per week (39 Hour Week)

Comparators:

Mr. Eddie Clarke
Off-Licence Manager, Crazy Prices, Lucan

Mr. Des Byrne
Quinnsworth, Rathfarnham

Mr. Frank Dillon
Back Stores Manager, Crazy Prices, Lucan

Mr. Stephen Coughlan
Goods Receiving Manager, Quinnsworth, Nutgrove

Mr. David Dunne
Delicatessen, Crazy Prices, Lucan

Mr. David Gorman
Goods Inwards Chargehand, Quinnsworth, Phibsboro

Mr. Don Harrington
Non-Food Manager, Crazy Prices, Lucan

Mr. Frank Hughes
Quinnsworth, Bray

Mr. Lar Heavey
Meat Manager, Crazy Prices, Lucan

Mr. Frank Kavanagh
Quinnsworth, Clondalkin

Mr. David Mulligan
Produce Manager, Crazy Prices, Lucan

Mr. Michael O'Neill
Quinnsworth, Blanchardstown

Mr. Sean Brennan
Crazy Prices, Ballyfermot

Mr. Tony Owens
Quinnsworth, Dun Laoghaire

Salary: £226.92 per week (39 Hour Week) plus 7½% differential for holding what is termed a Post of Responsibility. Comparators working more than 39 hours per week are in receipt of an overtime payment for these extra hours.

APPENDIX B

Document submitted by the Union

on

Crèche Personnel

APPENDIX C

Respondent's Arguments
under Section 3(c) of the
Anti-Discrimination (Pay) Act, 1974

Skill

There is very little skill required to perform the complainant's job. The job is similar to baby-sitting. The job involves little discretion as there are strict guidelines in place. All that is required to be considered for a post in this area is that one be first aid trained, be responsible, not be under 18 years and be affiliated towards children. The complainant reports to the Staff Manager who in turn reports to the Store General Manager.

There would be a high level of skill involved in the comparators jobs. Each would manage a department and would have full autonomy in running that department. The comparators would report to the Store General Manager and would be less closely supervised than the complainant. They would have to make judgements in relation to quantities of stock to order, dealing with difficult customer complaints, dealing with staff matters in the department, controlling costs, achieving profit targets and achieving sales targets. In the case of the Goods Receiving Manager whilst he would not have responsibility for profit and sales targets he would have responsibility for incoming goods and storing those goods. For example, there would be over £40,000 worth of goods coming into the Lucan store every day. He also drives a fork-lift truck.

Responsibility

The complainant shares responsibility for children whilst they are in the play area with another person who works there. There would be a low number of children in the play area at any one time. There are approximately 160 children per week placed in the play area. This equates to an average of 3 - 4 children per hour. There would be fluctuations in this average number throughout the day and it would also vary by the day of the week. The complainant has no responsibility for staff, neither has she responsibility for budgets. She cannot change her own day off without agreeing this with her staff manager.

The comparators on the other hand, have responsibility for staff in their department. They also have responsibility for cost control, minimising waste, sales targets and gross profit targets and in the case of the Goods Receiving Manager, responsibility for large volumes of stock and safety when driving the fork-lift truck.

Physical Effort

There is no significant physical effort involved in the jobs performed by either the

complainant or any of the named comparators.

Mental Effort

There is a low level of mental effort involved in the job performed by the complainant. There is a small number of children in place in the play area and there would be times during the day when in fact there would be no children in the play area.

On the other hand there is significant mental effort involved in the jobs performed by the named comparators. There is significant mental effort involved in running a department. There is a lot of planning and co-ordinating of work. The comparators must ensure that a constant check is kept on budgets to ensure that they are being achieved and in the case of the Goods Receiving Manager, physically checking goods that are delivered, returning stock, ensuring safe use of equipment used in the stores, directing and controlling supplier merchandisers and security of warehouse stock and stock in the loading area.

Working Conditions

The working conditions in the jobs performed by the complainant and the named comparators are reasonably good.

APPENDIX D

Copy of the Company's
Job Advertisement
for the Claimant's position

APPENDIX E

Equality Officer's
Job Description
for the Claimant

Job Holder: Ms. Louise O'Toole

Job Title: Play Area Supervisor

Reports to: Store Manager

Salary: £226.92 per week (Maximum point of a six point pay scale ranging from £146.34 - £226.92)

Location: Tesco t/a Crazy Prices, Lucan

Hours of Work: 39 Hour Week

Number of Staff: 1 (Full time)
Other staff fill in at break time, lunch times and days off.

Note: The crèche/play area is open to children from the ages of two to six years and parents are allowed to leave their children in the crèche/play area for up to two hours. Parents are asked not to allow their children bring toys into the crèche/play area with them.

Duties:

- ⇒ Cleans the childrens' toilet facilities.
- ⇒ Cleans the play area, disinfecting all toys and hovering the floor.
- ⇒ Records details of the children as they are being handed in (i.e. child's name, name of person leaving the child in and the time at which the child was left in).
- ⇒ Where it is a child's first visit, the claimant explains the procedure to the child's guardian.
- ⇒ Gives the child a sticker with his/her name on it.
- ⇒ Takes off the child's coat and hangs it up along with anything else the child may have brought in. While children are not allowed to bring toys in with them sometimes it is not possible for the guardian to take a toy from the child when putting them into the play area. The claimant must settle the child and if she can get the toy off the child she puts it away in a secure place until the child is collected at which time she gives it back to the child.
- ⇒ Plays with the children.
- ⇒ Settles any child who gets upset. If unable to settle a child the claimant uses an intercom system to contact the child's guardian.
- ⇒ Maintains a log of everything that happens in the play area e.g. when staff report for duty, what cleaning has been completed, maintenance issues e.g. fault with the television, details of the children being left in and collected, etc.
- ⇒ Deals with customer complaints and informs management.

- ⇒ At the end of each day records the total number of children who would have used the play area that day.
- ⇒ Approaches management as the need arises e.g. to seek approval to change a day off, to inform them of complaints, to advise them of maintenance problems.
- ⇒ Organises relief staff if short a staff member.
- ⇒ Manages staff. There is one other full-time member of staff and then relief staff for breaks, lunch, days off, etc.
- ⇒ Makes out staff rota weekly.
- ⇒ Involved in the interview process for recruiting staff.

APPENDIX F

Equality Officer's
Job Descriptions for the
Comparators

Job Holder: Mr. Lar Heeney

Job Title: Meat Manager

Reports to: Store Manager

Salary: £226.92 plus 7½% Post of Responsibility differential

Location: Tesco t/a Crazy Prices, Lucan

Hours of Work: 39 Hour Week

Number of Staff: 3 or 4

Note: This comparator is a qualified butcher.

Duties:

- ⇒ Goes through the various checklists covering the areas of hygiene and health & safety.
- ⇒ If on a day's leave the previous day will check the log book for information on what happened in his absence.
- ⇒ When at work maintains a log of everything that happens. The comparator keeps this log and, in his absence, it is kept by the comparator's assistant (No.2).
- ⇒ Decides what has to be ordered and makes out the orders daily. Records what needs to be ordered on Stock Cards.
- ⇒ When the supplier rings give him/her the order. If the supplier does not ring then the comparator must ring the supplier.
- ⇒ Receives a memo every Saturday from Head Office giving details of the 'Special Offers' for the coming week. Comparator must act on this memo.
- ⇒ Fills the display counters for the day. This is an on-going task throughout the day.
- ⇒ Manages three and sometimes four members of staff deciding on the times for breaks, lunches, days off, annual leave, etc.
- ⇒ Gives on-the-job training to new members of staff. It would be at least four months before a new member of staff would be left alone to do basic duties. An apprenticeship as a butcher takes four years.
- ⇒ Deals with customer complaints.
- ⇒ Bargains with suppliers for the best price and reduces the price of a product to the customer at his own discretion.
- ⇒ Undertakes a major clean up before leaving the shop every evening. This involves

scrubbing down the cutting blocks and sterilising them, sterilising knives and machinery, sweeping the floors and washing down the walls, cleaning trays and table tops. The comparator can undertake this task himself but he often delegates it to his staff.

- ⇒ At the end of the day the comparator adds up all dockets and invoices and then writes them into the Goods Receiving Book.
- ⇒ Attends management meetings once a week to discuss sales targets, budgets and the stock loss figure.
- ⇒ Determines the amount of overtime based on the wages budget which is based on a percentage of sales.
- ⇒ Receives a visit every week or two weeks from the Fresh Food Training Manager who advises on trends in Fresh Food Departments, the need for additional staff, etc.
- ⇒ When recruiting staff to the area the comparator is involved in the interview process.
- ⇒ Makes out an annual budget (including overtime) and passes to the Shop Manager for approval.
- ⇒ Supervises staff. Some of the issues include appearance, manner and behaviour.
- ⇒ Maintains a number of pieces of documentation namely the Goods Receiving Book, Good Returned Book, Stock Cards, Stock Book, Staff Rota Sheets, Hygiene Sheets and Health & Safety Sheets.
- ⇒ Uses a computer to print out Shelf Edge Labels (S.E.L.s) when the price of a product is changed.
- ⇒ Makes claims to Head Office to claim back a stock loss figure resulting from a Special Offer. Failure to do this would mean that the Store would be at a loss.
- ⇒ Checks deliveries and signs for them.
- ⇒ Undertakes temperature checks of the cold room.
- ⇒ Involved in Stock Taking i.e. counting all the stock and recording the information on standard forms which are submitted to the Store Manager.

Job Holder:	Mr. David Mulligan
Job Title:	Produce Manager
Reports to:	Store Manager
Salary:	£226.92 plus 7½% Post of Responsibility differential
Location:	Tesco t/a Crazy Prices, Lucan
Hours of Work:	39 Hour Week
Number of Staff:	5

Note: Produce comprises fruit, vegetables, plants and salads.

Duties:

- ⇒ Manages staff.
- ⇒ Clears the floor area and cleans.
- ⇒ Brings in the pallets of produce, delivered the previous evening, to the shopfloor area if this task has not already been done.
- ⇒ Checks the quality of the stock, checks the code on the stock (i.e. the best before and sell-by dates) and checks that the S.E.L.s are correct especially if there is a Special Offer on the product.
- ⇒ Rotates the stock from the previous day where the quality of it is O.K. and it is within the sell-by date.
- ⇒ Fills the display area with produce and returns to Stores any excess produce.
- ⇒ Checks if any produce needs to be reduced to clear and makes the decision to reduce the price of the product.
- ⇒ Performs spot checks on produce to ensure that it is O.K. from a health and safety perspective.
- ⇒ Maintains an on-going check of display areas and replenish stocks and bags for customers as required.
- ⇒ Deals with customer queries and complaints.
- ⇒ Draws up staff rotas.
- ⇒ Authorises staff overtime when there is a staff shortage.
- ⇒ Trains staff on the job. Explain what produce is in season and when the season ends. It takes 1 - 1½ years to train a member of staff in all aspects of the work.

- ⇒ Meets with management once a week to discuss issues arising from running the Department, sales targets and budgets for the week ahead. The budgets are determined by Head Office and the comparator must work within them.
- ⇒ Gets the agreement of the Store Manager to approve overtime.
- ⇒ Orders produce on a daily basis by ringing suppliers. An order is based on the previous week's sales.
- ⇒ Keeps a record of orders on Stock Cards.
- ⇒ In deciding what supplier to order from the comparator gets in samples and compares quality and price.
- ⇒ Supervises staff.
- ⇒ Authorises annual leave.
- ⇒ Trains all staff and examines them on what they have learned from the manuals.
- ⇒ Where stock is being returned to a supplier the comparator informs the supplier on the same day as the stock has been received otherwise he will not get credit for that product(s).
- ⇒ Deliveries are made on one lorry from a number of suppliers. The comparator must inspect goods being delivered to ensure that all of the order has been delivered. This entails a physical check of each pallet.
- ⇒ Signs the docket if satisfied that all the stock has been delivered.
- ⇒ Enters the docket into the Goods Receiving Book and checks the prices being charged by the supplier for each product.
- ⇒ Checks that the price being charged by the supplier corresponds with the price list issued by Head Office. Reports any discrepancies back to Head Office and informs the supplier.
- ⇒ Monitors competition. If a competitor is charging a lower price for a particular product the comparator informs Head Office.
- ⇒ Every Wednesday night the comparator can reduce the price of a product and claim back the loss from Head Office. This is known as a Wednesday night £500 spend.

Job Holder: Mr. David Dunne

Job Title: Delicatessen Manager

Reports to: Store Manager

Salary: £226.92 plus 7½% Post of Responsibility differential. Receives overtime payment for the additional hours worked over the standard 39 hour week.

Location: Tesco t/a Crazy Prices, Lucan

Hours of Work: 45 Hour Week

Number of Staff: 14

Note: This Department comprises nine sections namely Fish, Hot Foods, Pies, Pizzas, Salads, Cooked Meats, Rashers & Sausages, Hot Bread and Fresh Cakes. Another member of staff deals specifically with Fresh Cakes.

Duties:

- ⇒ Checks the cleanliness of the area from the previous day i.e. the closing down procedures had been followed through correctly.
- ⇒ Makes a mental note of any problems and records them in writing later.
- ⇒ Turns on the ovens and puts on the chickens.
- ⇒ Pulls all the covers off the counters.
- ⇒ Puts on the baguettes to power bake.
- ⇒ Starts setting up the displays on the counters taking products from the fridge.
- ⇒ Checks that all prices are correctly displayed.
- ⇒ When the displays are finished, cleans down the area and leave out rubbish to the compactor at the back of the Stores area.
- ⇒ Comparator moves staff around the various Sections depending on their experience.
- ⇒ Comparator orders stock and records the order details on Stock Cards. To decide on the quantities of stock to order the comparator deducts the stock on hand from what was ordered the previous week and orders the balance. The comparator may have to ring the supplier, but the supplier generally rings him. The comparator bargains with the supplier for a better price.
- ⇒ The comparator also orders packaging items used in his Department e.g. foil bags for chickens, cups for salads, etc.

- ⇒ When the supplies are delivered the comparator checks and weighs them. He undertakes a physical examination of the product to check for quality and freshness. He reports any problems to Head Office.
- ⇒ The information on the dockets accompanying the orders is entered into the Goods Received Book by the comparator.
- ⇒ If satisfied with an order the comparator signs the docket and gives it a sequence number. The sequence number indicates that the order has been received.
- ⇒ All the supplies are then packed away in the cold rooms provided that they are not needed for the display counters.
- ⇒ Comparator cuts meat as back-up for the display counters.
- ⇒ Comparator is involved in the interview process for recruiting staff.
- ⇒ Comparator undertakes training in the various pieces of equipment e.g. deep fat fryer, chicken ovens, bread ovens, automatic and manual slicer, etc.
- ⇒ Comparator trains staff in the rotation of stock from stores to the cold rooms and from the cold rooms to the display counter.
- ⇒ Undertakes staff training at three levels as follows:
 - Junior staff - on-the-job, manuals, videos - it would be one year before a junior staff member could be left on their own.
 - Middle Level - on-the-job
 - Senior staff - training in document checking, orders, etc. - development into a management position.
- ⇒ Attends management meetings once a week or once a fortnight to discuss sales targets, budgets and to plan the week ahead.
- ⇒ Drafts the annual wages budget and passes it to the Store Manager who sends it to Head Office for approval.
- ⇒ Decides on overtime needs and informs the Store Manager of his decision.
- ⇒ Implements the Wednesday £500 spend and claims back from Head Office.
- ⇒ Uses the computer to print out checklists and also extract sales details for the various sections in the Department.
- ⇒ Uses a scanner gun to establish what S.E.L.s are missing and generate new ones.
- ⇒ Undertakes a Stocktake every couple of weeks. This comprises a physical count of

all stock.

- ⇒ Receives a bulletin every week from Head Office giving details of price changes. The comparator must ensure that these are the prices being charged to the customer. Comparator uses the computer to amend prices, where necessary.
- ⇒ Where a competitor is charging a lower price for a product the comparator informs Head Office.
- ⇒ Supervises staff on various issues including appearance and manner. Imposes discipline, where necessary.

Job Holder: Mr. Frank Dillon

Job Title: Back Stores Manager

Reports to: Store Manager

Salary: £226.92 plus 7½% Post of Responsibility differential

Location: Tesco t/a Crazy Prices, Lucan

Hours of Work: 39 Hour Week

Number of Staff: 1

Duties:

- ⇒ Comparator helps to unload the supplies from the van.
- ⇒ Comparator scans in the bar code on all the deliveries using a hand held scanner machine. He then keys in the quantity of the particular product delivered.
- ⇒ The information that is scanned is automatically printed out in duplicate on a printer which is located in the back stores area. One copy is given to the supplier and the other is retained for reference. All scanned information automatically updates the records in Head Office and it is on the basis of this information that payment is made. The comparator is held responsible for this information and its accuracy.
- ⇒ Once the delivery is scanned the comparator brings it in and builds it up using a forklift. The comparator received two days training in the use of the forklift.
- ⇒ The comparator has a computer terminal which he accesses to get a draft docket of what is going to be delivered by the various suppliers. This draft docket issues from Head Office. It contains a reference number and the comparator keys this number into the scanner once the delivery has been received.
- ⇒ The comparator will know what suppliers will be making deliveries on any one day and if a supplier does not arrive the comparator will ring him.
- ⇒ The comparator sorts out all returns by supplier. Using the scanner he then scans the bar codes of all the products being returned. There are, on average, £400 - £500 worth of products returned on a weekly basis.
- ⇒ The comparator is responsible for the security on the back door i.e. who enters and who leaves the premises.
- ⇒ The comparator holds a key to the front door of the Shop.
- ⇒ The comparator must lock away high value products e.g. cigarettes.
- ⇒ There could be four or five suppliers making a delivery at any one time. There are also times when no deliveries are being made.

- ⇒ The comparator undertakes stock taking every eight to ten weeks. This involves counting all the stock in the Stores area and some of the stock on the shop floor. The comparator then completes a standard form recording the quantity of the stock and its value and he passes this form to either the Store Manager or the Assistant Store Manager. Stock taking usually takes one day to complete and then Head Office staff carry out spot checks.
- ⇒ The comparator organises the transfer of products from the Store to another Store and vice versa. The transfer of products between Stores operates on the same principle as returns. The item being transferred is scanned, the quantity of the product being transferred is input and the Store number where the product is being sent is also input.
- ⇒ Persons training to become managers must be trained in the working of the back stores area and the comparator undertakes this training as and when required.
- ⇒ The value of the stock being received by the comparator ranges from £30,000 to £40,000 a day. However on Tuesdays it is generally valued at between £40,000 and £50,000.

Job Holder:	Mr. Don Harrington
Job Title:	Non-Food Manager
Reports to:	Store Manager
Salary:	£226.92 plus 7½% Post of Responsibility differential
Location:	Tesco t/a Crazy Prices, Lucan
Hours of Work:	39 Hour Week
Number of Staff:	5 (2 full-time, 3 pro-rata)

Note: This Department covers hardware, seasonal and drapery. (While the comparator is responsible for drapery, he is not responsible for its day-to-day running.)

Duties:

- ⇒ Undertakes safety and hygiene checks daily.
- ⇒ Checks the deliveries that are left on the shop floor. Uses a hand scanner to check the bar codes on the products.
- ⇒ Signs the delivery dockets if happy with the delivery.
- ⇒ Puts the products on display.
- ⇒ Deals with customer queries and complaints.
- ⇒ Deals with suppliers. Rings in orders for hardware and seasonal items and keeps a record of the order on Stock Cards.
- ⇒ Deals with cross orders which happen regularly. Head Office buys in a big quantity of a product and distributes it among the various stores. It also sends the comparator a draft docket setting out the quantity of the product being sent to the Store.
- ⇒ Attends management meetings sometimes once a week, sometimes once a month. At these meetings receives advice on how to increase sales. Also discusses how the Department can keep within the budget set by Head Office.
- ⇒ Undertakes staff training on-the-job.
- ⇒ Does a stock take every sixteen weeks. This entails counting all the stock on the shop floor and in stores. The comparator then completes a stock take form setting out the Stock amount and the price. This is followed by a spot check undertaken by staff from Head Office.
- ⇒ Supervises staff and deals with disciplinary issues.

- ⇒ If it came to the comparator's attention that a local shop was selling a product cheaper than the comparator, the comparator would inform Head Office.
- ⇒ Undertakes a weekly checklist e.g. S.E.L.s, planogram i.e. product display based on a plan.
- ⇒ In the event of stock loss the comparator must:
 - telephone the suppliers to try to get better value;
 - carry out spot checks on deliveries;
 - ensure that the S.E.L.s are correct;
 - record missing stock in the Stock Loss Book.
- ⇒ The comparator acts as duty manager in charge of the entire store on Bank Holiday week-ends and on Sundays.

Job Holder:	Mr. Eddie Clarke
Job Title:	Off-licence Manager
Reports to:	Store Manager
Salary:	£226.92 plus 7½% Post of Responsibility differential and overtime payments for hour worked over the standard 39 hour week
Location:	Tesco t/a Crazy Prices, Lucan
Hours of Work:	48 Hour Week
Number of Staff:	4

DUTIES:

- ⇒ The off-licence area opens at 10.30a.m. The comparator collects the keys to the area and opens it up. He also turns off the alarm system.
- ⇒ The comparator orders all the alcohol for the store. He must be conscious that stock levels should be kept low. The comparator places his order with the Company's own Dispatch Department in Tallaght. In determining the amount to order the comparator obtains the stock cards for the different types of alcoholic drink from the systems checker. He places his orders on a weekly basis. The comparator is familiar with what drink products are sold and the type and quantity that needs to be re-ordered.
- ⇒ The comparator checks in all the deliveries. Invoices are received from the Tallaght office on the computer system. If there is any discrepancy the comparator rings the Dispatch Department and the Store is credited for those products it did not receive.
- ⇒ The beer is generally stored on the shelves while excess wine and spirits are stored in the locked cage in the back stores area. The comparator and his deputy hold keys to this storage area.
- ⇒ The comparator rosters staff, he supervises them, authorises annual leave and he imposes discipline if necessary.
- ⇒ The comparator undertakes stocktaking every 12 to 14 weeks. He organises for two staff (not necessarily based in the off-licence section) to assist him in this exercise. The comparator gets stocktaking sheets for the different types of alcohol e.g. wines, spirits, beers, etc. All products are priced and the quantity of the product in each box is marked up on the boxes. These are then counted and the counts are recorded on the stocktaking sheets. The comparator is also responsible for doing a stocktake of the cigarettes. The stocktaking task normally takes place on a Saturday and is checked by an Auditor the following Monday.
- ⇒ The comparator may have to return alcohol stock. This may result from a wine being corked or because a product is not selling well and is going out of date. The

comparator brings the returns to the staff in the back stores area and the latter organise the documentation for these returns. In relation to beers the comparator gives the returns back to the sales reps. who give him the equivalent in value to the returns.

- ⇒ The comparator deals with sales reps. at times when there are promotions on and the sales rep. requests extra space for their product. The comparator makes the decision on whether or not to give extra space for the promotional item. This decision is based on whether the comparator considers the product will sell.
- ⇒ The comparator prints S.E.L.s for various products. To do this he uses a gun to scan the products, inputs details to the computer e.g. type of S.E.L. required and then prints the S.E.L.s on the printer. The comparator undertakes this exercise a couple of times a week.
- ⇒ Every 2 weeks the comparator undertakes integrity checks. He again uses the gun to scan the products. Then he attaches the gun to the computer and transmits data from the gun to the computer. The integrity check will inform the comparator if an S.E.L. is missing or if a product price is wrong.
- ⇒ The comparator gives his staff on-the-job training especially in relation to product knowledge. The comparator himself undertook a number of training courses on the various wines.
- ⇒ The comparator deals both with customer queries and complaints.
- ⇒ The comparator gets a sales budget from Head Office which is an estimate of what he will make in alcohol sales in a week. This is set out on the computer and the comparator must access it. He uses it as a guide and it has no implications for him as sales have always exceeded estimates.
- ⇒ The comparator stands in for the Night Manager when he is on holidays. This duty takes place throughout the night. The comparator must oversee the packing of shelves and monitor security. He is also trained in the use of the forklift truck and he must use it during the course of the night.
- ⇒ The comparator must ensure that all products are correctly priced. If the S.E.L. price of a product is lower than the price when the product is scanned at checkout then the customer has to be given the product free. This results in stock loss for the Company.
- ⇒ The comparator locks up the store every Saturday night. He must also set the various security alarms.

Job Holder: Mr. David Gorman
Job Title: Goods Inwards Chargehand
Reports to: Store Manager
Salary: £226.92 plus 7½% Post of Responsibility differential
Location: Tesco t/a Quinnsworth, Phibsboro
Hours of Work: 39 Hour Week
Number of Staff: 1

Duties:

- ⇒ Comparator opens the store every morning at 5.00a.m. to let the cleaners in. He also switches off the alarm system.
- ⇒ Between 5.00a.m. and 6.00a.m. the comparator sorts out trolleys and he returns any pallets, that are on the shop floor from deliveries the previous evening, to the Stores area.
- ⇒ Fresh food deliveries are made between 6.00a.m. and 8.00a.m. One or two other large deliveries may be made during this time period also. The comparator takes in the deliveries and checks that the quantity on the delivery docket corresponds with what has actually been delivered. The comparator keys in the details of the delivery into the hand held scanning gun to produce an invoice. He gives a copy of the invoice to the delivery man and retains the other copy in the Store for about one week, at which stage he bins it.
- ⇒ If a delivery is made before the store opens, the delivery man leaves a delivery docket. The comparator checks the stock to make sure that the physical stock corresponds with what is listed on the delivery docket. If the actual stock differs from what is listed on the delivery docket the comparator only keys into the scanner the physical stock present. The comparator then handles any queries from suppliers which arise because of the differences between the physical stock and the invoice.
- ⇒ The comparator checks that the number of out-of-date pans of bread being taken by the breadman is replaced by the same number of fresh pans. In relation to fresh food items, out-of-date produce is swapped on a one for one basis with fresh produce.
- ⇒ Where other produce is returned the comparator scans these products using the scanning gun to produce a returns invoice which is then given to the appropriate supplier.
- ⇒ From 8.00a.m the comparator checks in deliveries at the back door. The bulk of the larger deliveries are taken in at the back door. The pallets of stock are spread out in the delivery bay and scanned so as to produce invoices for suppliers.
- ⇒ There are between 40 - 50 deliveries made daily with the value of grocery stock handled in any week amounting to £150,000.

- ⇒ The comparator checks the hardware delivery if the Hardware Chargehand is not available at the time.
- ⇒ The comparator deals with all the Sales Reps. who visit the Store.
- ⇒ In making up an order the Sales Reps. come to the Store to undertake a count of all of their products both in the Back Stores area and on the Shop Floor. Having made the count the Sales Rep. suggests an appropriate order level to the comparator. The comparator, in turn, checks the product stock in the Stores Room and on the Shop Floor and accepts or alters the order level suggested by the Sales Rep.
- ⇒ Where suppliers do not send in Reps, the comparator undertakes the above exercise of counting the stock and placing an order.
- ⇒ If a supplier queries an invoice with Head Office the latter contact the comparator in order to resolve the issue.
- ⇒ The comparator is responsible for all stock coming into and going from the Store. He has total responsibility for the Store up until 8.00a.m. when he passes it to the Manager. At all times he is responsible for all those who pass through the back stores area.
- ⇒ Any problems the comparator encounters he discusses with the Store Manager.
- ⇒ The comparator drives the power pallet truck. He received on-the-job training in the operation of the machine. If the truck is broken the comparator must use a hand held truck to pull the pallets around. He must also contact maintenance to repair the power truck.
- ⇒ The comparator must monitor deliveries and contact suppliers where deliveries are late.
- ⇒ The comparator must ensure that stock does not get mixed up with rubbish for the compactor.
- ⇒ The comparator supervises and trains one other member of staff who deputises for him in his absence.
- ⇒ The comparator uses the PC Screen sited at the back door to check that the product is scanning correctly and also to produce stock cards. Stock cards are normally produced by the system checker, but the comparator produces them when a sales rep. arrives out of sequence or if there is a problem with an existing stock card.
- ⇒ The comparator must be careful to input quantities correctly into the scanning gun otherwise the Company could be charged for more stock than it actually received, hence having an adverse impact on Company Profits.
- ⇒ Stocktaking takes place every six weeks. A stocktaking team from Head Office arrives on the Wednesday morning to do a stocktake. On the previous Saturday the

comparator prices each product in the Store Room and prices any products coming into the Store Room on the following Monday and Tuesday. With the assistance of two other staff members the comparator counts everything in the Stores area and ensures to the best of his ability that it is counted correctly. This takes place on the Tuesday evening and the counts are recorded on Stocktaking sheets which are then given on the Wednesday morning to the Stocktaking team from Head Office.

- ⇒ The Stock Room is very small in relation to the quantities of stock being stored. The comparator must, therefore, pile stock up on shelves right up to the roof of the Stock Room. The comparator climbs steps and with the assistance of another person he throws up products or pulls them down. The lighter weight products are put up high e.g. toilet rolls, kitchen rolls, etc.

Job Holder:	Mr. Stephen Coughlan
Job Title:	Goods Receiving Manager
Reports to:	Store Manager
Salary:	£226.92 plus 7½% Post of Responsibility differential
Location:	Tesco, Nutgrove
Hours of Work:	39 Hour Week
Number of Staff:	3

Duties:

- ⇒ The comparator checks in all the deliveries. In the early morning the deliveries tend to be the fresh foods e.g. bread, milk, etc. The comparator scans in the products using a hand held scanner and this produces an invoice. One copy of the invoice is given to the supplier while the other is retained by the comparator. The comparator does not check in meat, fruit, vegetables and hardware.
- ⇒ The comparator is responsible for the layout of the store room/warehouse area. He must ensure that safety precautions are taken at all times and he must be aware of and promote cleanliness.
- ⇒ The comparator orders products from suppliers. He does this through the sales reps. The sales reps have stock cards which they obtain from the respondent organisation. The stock card gives details of what is in stock currently and what has been sold. The sales reps. suggest an order level. The comparator will make the decision on the level of the orders. This decision is based on commonsense. The comparator knows the level of demand for the various products and will decide on the re-order level on that basis.
- ⇒ The comparator gives his staff with on-the-job training.
- ⇒ The comparator deal with any staff problems which may arise.
- ⇒ The comparator keeps all products which have to be returned in a particular section within the Stores area. For some suppliers the comparator must scan in the returns and produce an invoice, the value of which is paid by the supplier. Other companies replace products on a one for one basis.
- ⇒ There are on average 70 - 90 suppliers making deliveries daily with the value of stock handled in any week amounting to approximately £1.1 million.
- ⇒ The comparator schedules deliveries for different days. He must ensure that deliveries are planned so as to avoid congestion. If a delivery is late the comparator contacts the supplier.
- ⇒ The comparator has received training in the use of the forklift truck and he holds a forklift licence.

- ⇒ The comparator undertakes stocktaking every 8 weeks. This takes place over a weekend i.e. Friday, Saturday and Sunday. The comparator must firstly price all the products and then count them. An auditor from Head Office generally comes on the Saturday and checks what is already completed in the stocktake by the comparator. The stocktake is usually completed by the Saturday night and the comparator re-checks it on the Sunday to ensure that he has missed nothing.
- ⇒ The comparator is responsible for all stock coming into and going from the Store. At all times he is responsible for all those who pass through the back stores area.
- ⇒ The comparator must be careful to input quantities correctly into the scanning gun otherwise the Company could be charged for more stock than it actually received, hence having an adverse impact on Company Profits.

APPENDIX G

Details of the
Number of Children
in the Crèche

DATE(S)	NUMBER OF CHILDREN IN THE CRÈCHE
Saturday, 27th September, 1997	65
Sunday, 27th September, 1998	Closed
Friday, 27th November, 1998	72
From 22nd - 28th September, 1997	251
From 23rd - 29th March, 1998	247
From 21st - 27th September, 1998	205
September, 1997	952
March, 1998	873
September, 1998	860