

OFFICE OF THE DIRECTOR OF EQUALITY INVESTIGATIONS

3 Clonmel Street
Dublin 2.

Phone: 353 -1- 4173300
Fax: 353-1- 4173399

E-mail: info@odei.ie
Website: www.odei.ie

ANTI - DISCRIMINATION PAY ACT, 1974

EQUALITY OFFICER'S RECOMMENDATION NO: DEC - E 2000/04

**161 Named Female Employees
(Represented by S.I.P.T.U.)**

AND

**University of Dublin Trinity College
(Represented by I.B.E.C.)**

**File No. EP 08/1997
 EP 20/1997
 EP 24/1997**

Date of Issue 08/12/2000

1 DISPUTE

1.1 This dispute concerns the claim by S.I.P.T.U. that named members of staff, who are employed as cleaners, catering assistants and secretaries some of whom are part-time workers should be paid the same total remuneration as the named comparators.

2 BACKGROUND

2.1 The University of Dublin, Trinity College is a third level educational institution with 1,400 employees and 11,300 students (undergraduates and post-graduates). The College is funded by the Higher Education Authority (H.E.A.). The Catering Department is run on a commercial basis by the College and is not funded by the H.E.A. The College's residential accommodation is used primarily by the students and is otherwise rented out to conference participants, visitors, etc.

2.2 The College has not contested the claim for equal remuneration on behalf of the cleaners and part time secretaries and in fact in a previous case (Ref: EP 01/1997) equal pay was awarded to the cleaning staff in the College. However, none of the employees in this claim are included in the pension scheme, and the union is claiming inclusion in the pension scheme for the cleaners and part time secretaries and equal pay and inclusion in the pension scheme in respect of the catering assistants.

The union also claims that the claimants recruited prior to the 6th April 1995 should be included in the unco-ordinated pension scheme which was operative at that time. Since then all new full time permanent recruits to the College are included in the occupational pension scheme which was co-ordinated with the State scheme.

2.3 The total number of female catering assistant claimants is 46. Forty-one of these are catering assistants (5 permanent, full-time and 36 temporary, part-time). The other five are chargehand catering assistants, all of them employed on a permanent full-time basis. Other than acting as team leaders the duties of the catering assistants and chargehand catering assistants are generally the same.

2.4 The dispute arose in relation to the catering assistants after the Union served

claims for equal pay (pay and pension rights), on October 12, 1995 and October 17, 1997, on behalf of a total of forty one female catering assistants and five female chargehand catering assistants on the College.

2.5 The Union served claims under the Anti-Discrimination (Pay) Act, 1974, Section 3(b) and (c) on 4th June 1997 and two further ones on 11th August 1997 and 21st October 1997. The union named four comparators initially but after the final hearing in December 1998 withdrew one of these. Accordingly there are three comparators against whom the union are claiming equal pay under the Anti-Discrimination (Pay) Act, 1974, on behalf of the named claimants. The union also served claims on the College for equal remuneration on behalf of part time secretaries and part time cleaners. The details of the claimants' and the comparators' names, employee categories, employment status, weekly working hours and hourly rates of pay are attached (Appendix 1). Also attached are details of the dates of the claims and the dates these were referred to the LRC Equality Service (Appendix 1).

3 SUMMARY OF THE ARGUMENTS MADE BY THE UNION

3.1 The Union says that the basic hourly rate(s) of the catering assistant claimants and comparators are as follows:

temporary catering assistants - £4.19

permanent, full-time catering assistants - £4.19 to £4.68 (5) and

permanent, full-time chargehand catering assistants - £5.15 (maximum point of catering assistant scale plus 10%).

the comparators are paid in accordance with the general operatives' scale, from £4.92 to £5.26 (13 point scale).

The union says that it should be noted that progression on the general operative scale is normally in the form of double increments and the maximum is reached after approximately six rather than twelve years.

3.2 The union says that it is clear from these comparisons that the weekly pay of the claimants are significantly less than those of the comparators. The rates that it has quoted are inclusive of the basic terms of the PCW, Phase 5, effective from

January 1, 1997 to June 30, 1997.

3.3 The Union says that its claim on behalf of all the female catering assistant claimants is for the same hourly rate and incremental credits as apply to the comparators and it is claiming the maximum point of the comparators' scale, plus the 10% differential for the five female chargehand catering assistants.

.29 The union says that while none of the temporary, part-time claimants is entitled to any pension rights, all three comparators have uncoordinated (occupational and State) pension entitlements. It says that this non-contributory occupational pension scheme is based on 1/60ths and with up to ten added years, yields a pension of 40/60ths after 30 years' service.

3.4 The union says that it is claiming, on a pro-rata basis, the same pension rights as apply to the named comparators, in respect of all the temporary, part-time claimants recruited prior to April 6, 1995 (when the occupational pension scheme was co-ordinated with the State scheme).

3.5 The Union says that the catering assistants and chargehand catering assistants work a 5 day, Monday to Friday, 39 hour week, in accordance with a shift roster. It says that the temporary part-time catering assistants work a five day, Monday to Friday week, working a range of hours between 15 to 39 hours a week and the range of hours covered daily by the claimants is from 06.00 to 22.00 hours.

3.6 The union says that the comparator Alan Norris normally works a five day (Monday to Friday) 39 hour week, from 07.00 to 15.30 hours and the comparator Paul Staunton normally works a five day (Monday to Friday) 39 hour week, from 06.00 to 14.30 hours. It says that as part of their working week, these two comparators also work one Saturday in seven. The other comparator George Patterson works a five day (Monday to Friday) 39 hour week, from 8.30 to 17.00 hours, with no Saturday obligation. It argues that while the span of hours of the claimants is a great deal in excess of that of the comparators, the claimants receive no shift or unsocial hours allowances in respect of their onerous schedule.

3.7 The union says that all the claimants are interchangeable with each other and with their five male catering assistant colleagues. It says that two of the five male

catering assistants (Charlie O'Callaghan and Sean Staunton) are permanent, full-time employees on a 39 hour week, while the other three (John Cronin, Raymond Leahy and Martin O'Hanlon) are employed on a temporary, whole-time basis, also with a 39 hour week.

3.8 The union says that of the total of 52 catering assistant and chargehand catering assistant claimants employed by the College, 47 (*one is not a union member and is therefore not included in the claim*) or 90.4% are female and only 5 or 9.6% are male. It further says the proportion of males was even lower than that up to the end of the last academic year (1996/7), when they numbered only 3 or 5.8% and that in the current academic year (1997/8) the employer increased the number of male catering assistants from 3 to 5, or by 66.66%.

3.9 The union says that because the employer failed to address the union's claim, it referred the matter to an Equality Officer of the Labour Relations Commission on October 20, 1997. It says that an earlier claim by the union for pension rights in respect of 13 of these claimants was referred to an Equality Officer of the Labour Relations Commission on April 28, 1997 (the effective date of the claim is the 4th June as the comparators were not nominated by the union until then) and a preliminary hearing of that case by the Equality Officer was held on August 12, 1997.

3.10 The union submits on behalf of the claimants that, in claiming equal pay with the named comparators under section 3(c) of the Anti-Discrimination (Pay) Act, 1974, the skill, physical effort, mental effort, responsibility and working conditions of the claimants are at least of equal value to those of the comparators. It also argues that as it indicated in the job descriptions, the claimants and the comparators (Alan Norris and Paul Staunton) have duties that are similar in nature in that their functions include extensive cleaning duties within the College. Similarly, it argues that the conditions under which both claimants and comparators perform these duties are of a similar nature and are equal in value and consequently, do not warrant any differences in pay. The union is seeking the implementation of the same hourly rate for the claimants as applies to the comparators, and also full implementation and retrospection under the Anti-Discrimination (Pay) Act, 1974.

3.11 The union reiterates its equal pay claim under the Anti-Discrimination (Pay) Act, 1974, Section 3(b) and (c), on behalf of 41 named female catering assistants and

five female chargehand catering assistants (Appendix 1) who are employed by the University of Dublin Trinity College. Specifically, SIPTU's claim on behalf of the 41 female catering assistant claimants is for the same hourly rate and incremental credits as apply to the comparators. Regarding the five female chargehand catering assistants, the claim is for the maximum point of the comparators' scale, the general operative scale, plus a 10% differential.

The Union's claim is in two parts:

- A.** That the claimants are doing like work which is equal in value to the comparators and are entitled to the same hourly rate;
- B** That the claimants are doing like work which is equal in value to the comparators and are entitled to the full range of the incremental scale according to their service.

3.12 The union says that under Section 3(b) of the Anti-Discrimination (Pay) Act, 1974, like work is defined thus:

“where the work performed by one is of a similar nature to that performed by the other and any differences between the work performed or the conditions under which it is performed by each occur only infrequently or are of small importance in relation to the work as a whole”.

It argues that the work of the female claimants is similar in nature to two of the comparators, Alan Norris and Paul Staunton, cleaners. It says that the claimants' duties are listed in their job descriptions and these are of a similar nature to those of the named comparators. The union claims that the job descriptions show the claimants and the comparators (Alan Norris and Paul Staunton) have duties that are similar in nature in that both claimants' and comparators' functions include extensive cleaning duties within the College. It argues that the conditions under which both claimants and comparators perform these duties are of a similar nature and are equal in value and therefore, do not warrant the differences in pay. The claimants' jobs involve cleaning and ensuring the maximum levels of hygiene are maintained. The union argues that the comparators' jobs are similar in nature to those of the claimants. It argues that the differences which occur are not significant enough to justify a higher rate of pay or the non-implementation of the full incremental scale which applies to the comparators' jobs. The union argues that an example of the differences in the duties of the claimants and the comparators would be where most of the former use heavy Nilfisk floor washing machines (weight approx. 200 to 250 lbs) on a daily basis while the latter may occasionally use ladders. It further says that

the working week of the claimants is more unsocial than that of the comparators and the claimants receive no compensation for this aspect of their work.

3.13 The union says that under Section 3(c) of the Anti-Discrimination (Pay) Act, 1974, like work is defined thus:

“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.”

3.14 The union says in relation to skill that it believes that the jobs performed by the claimants require at least as much skill as the job performed by the comparators. It says that in determining how to assess comparative skill levels, it believes that specific facets of the available job related information can be used. It argues that account has to be taken of the formal training given and the level of experience achieved by the claimants in order to achieve the maximum amount of skill required to achieve the highest performance standards which are required by the College. It further says that from the job descriptions provided, it can be seen that the claimants require a great deal of aptitude in order to perform their duties to a standard of excellence. It says that the aptitude demanded of the claimants is at least as great as that required from the comparators. The union says that it believes that the job description shows that the claimants are required to perform a wide range of duties, working largely on their own initiative with infrequent intervention from senior management. The union claims that in performing these duties there is considerable freedom of action, in that intervention by senior personnel would be very infrequent. The union says that in summary, then, it can be seen that the claimants have significant knowledge in terms of specific skills and systems, have a decision making capacity and work with infrequent intervention from senior personnel.

3.15 The union says that by their very nature, the claimants' jobs require a great deal of physical effort, and at least as much physical effort as that of the comparators' posts. For instance, the claimants carry heavy sacks, weighing from 7 to 12 kilos, over considerable distances. They also use large Nilfisk floor washing machines (weight approx. 200 to 250 lbs) that are heavy and difficult to handle. The claimants also carry heavy vacuum cleaners (weight: 85 lbs approx) and heavy bags of rubbish to Boiler House.

3.16 The union says that in relation to mental effort, the work of the claimants' is at least as great as that of the comparators. It is the responsibility of the claimants to ensure that they complete their full range of duties and their daily routines in the hours allotted.

3.17 The union says that by virtue of the nature of the College, significant levels of responsibility attach to all positions in the College. It argues that the claimants contribute a valuable service to the College by ensuring the maximum standards of cleanliness and hygiene. It argues that the claimants do their own work planning and prioritising. It further says that the claimants have to work on their own initiative to a high level of excellence. The union says that the claimants and comparators report to the same management structures and receive similar levels of supervision and that the standard of the claimants' work has a direct bearing on the number and nature of claims of negligence against the College.

3.18 The union says that as shown in the job descriptions, the claimants' area of activity is vast and varied. It says that it can be shown that working in some areas where claimants are employed can be hazardous and extreme care has to be exercised in their line of work, for example, working with hot food and hot surfaces and hot liquids. It argues that claimants also have to contend with the psychological and physical dangers of cleaning the toilet areas. Safety gloves have to be worn in many areas. At best, the claimants' working conditions are equal to those of the comparators.

3.19 In summary, the union submits on behalf of the catering assistant claimants that, in claiming equal pay with the named comparators under section 3(c) of the Anti-Discrimination (Pay) Act, 1974 the skill, physical effort, mental effort, responsibility and working conditions of the claimants are at least of equal value to those of the comparators. It argues that by virtue of their work, it justifies the claim for the higher rates of pay as those which apply to the comparators. Moreover it says as indicated in the job descriptions the claimants and the comparators (Alan Norris and Paul Staunton) have duties that are similar in nature in that their functions include extensive cleaning duties within the College. Similarly, the conditions under which both claimants and comparators perform these duties are of a similar nature and are equal in value and, consequently, do not warrant any differences in pay. In seeking the implementation of the same hourly rate for the claimants as applies to the

comparators, the union is also seeking on behalf of the claimants, full implementation and retrospection under the Anti-Discrimination (Pay) Act, 1974.

3.20 As part of this claim the union also claims that equal pay with the comparators should apply to the three categories of staff, catering assistants, supervisory catering assistants and both part time secretaries and part time cleaners (in fact there are only 13 female full-time cleaners). It argues that in a previous claim taken under the equality legislation (Ref: EP 01/1997) that equal pay was awarded to the cleaners both part and full time. It is now seeking to have the pension rights that the comparators have awarded to both cleaners and to the part time secretaries.

3.21 From the legal perspective, the union cites legal precedent which has been established and, in particular, referred to European Case Law and says in relation to

“C.184/189 NIMZ v FREIE UND HANSESTADT Hamburg: 1991

This case covers seniority requirements and pay under Article 119 of the Treaty Collective Agreements and the reasons other than sex defence.

The European Court of Justice held that seniority clauses fell within the definition of pay within the meaning of Article 119.

Article 119 precluded collective agreements from discriminating against part-time workers where these were predominantly female.”

it further says that

“Also of interest is the Court’s ruling that offending provisions in collective agreements are automatically invalid, and that no collective bargaining is needed to remove them.”

The union also cites the decision of the House of Lords (United Kingdom) on indirect discrimination and part-time workers:

“Case R v Secretary of State for Employment ex parte E.O.C. (1994)

This case covers equal pay, equal treatment, indirect discrimination against part-time workers by means of hours threshold, redundancy payment, unfair dismissal and social policy in defence.

The House of Lords found that there was prima facie indirect discrimination, since a far greater proportion of women than men were employed as part-time workers.

This decision seems to give employees in the United Kingdom rights by virtue of their contract of employment regardless of any hours threshold.

The decision is of particular relevance to Ireland, since it is inconceivable that Irish

Courts, or the European Court of Justice for that matter, would follow the reasoning of the House of Lords when considering the compatibility of the relevant Irish law (the Worker Protection - Regular Part-time Employees Act (1991) with European Union law if a challenge to this were made.”

3.22 In seeking the implementation of the same hourly rate for the claimants as applies to the comparators, the Union is also seeking on behalf of all the claimants, full implementation and retrospection under the Anti-Discrimination (Pay) Act, 1974 and asks the Equality Officer to uphold its claim for equal pay for the named claimants and for the full range of the General Operative scale to be applied to them.

4 SUMMARY OF THE ARGUMENTS MADE BY THE EMPLOYER

4.1 The employer says that there are three groups of claimants involved in this case. Some are employed as cleaners, some as catering assistants, some as secretarial staff. It says that the comparators are employed as Buildings Office General Operative (P McGrath), *who has since been withdrawn as a comparator in this claim*, Houseman (P Staunton and A Norris) and Groundsman (G Patterson).

4.2 The employer says that the hourly rates of pay for each of the groups is as follows:

Cleaners	£4.92 - £5.26
Catering Assistant	£4.19 - £4.68
Secretarial	£6.78 - £8.42
Comparators	£4.92 - £5.26

4.3 The College accepts that “like work” exists between the jobs performed by the Cleaners and Secretarial staff when compared to the jobs performed by the comparators. However, the College argues that as the allegation is one of indirect discrimination, females are not significantly adversely affected compared to males where access to the pension scheme is only open to full-time staff.

4.4 The College does not accept that “like work” exists between the jobs of the

named comparators and the claimants employed as Catering Assistants. Without prejudice to this argument the College also argues that females are not significantly adversely affected compared to males and thus no indirect discrimination has occurred by allowing access to the College pension scheme to full time staff only. Furthermore, it says that there are grounds other than sex to explain the fact that the Catering Assistant pay scale is not influenced by the fact that the vast majority of this category of worker are female.

4.5 The College rejects the claim by the claimants employed as Catering Assistants that “like work” as defined by Sections 3(b) and 3(c) of the 1974 Act exists between their job and the job performed by the named comparators.

4.6 The College says that Section 3(b) of the Anti-Discrimination (Pay) Act, 1974 defines “like work” as occurring:

“Where the work performed by one is of a similar nature to that performed by the other and any differences between the work performed or the conditions under which it is performed by each occur only infrequently or are of small importance in relation to the work as a whole.”

It says that the jobs of Catering Assistant and those of Buildings Office General Operative, Houseman and Groundskeeper do not involve work of a similar nature. It says that there is no similarity whatsoever in the functions of the claimants’ job on the one hand and the comparators’ jobs on the other. Furthermore it says that the differences between these jobs are occurring all of the time and finally, it would not be correct to say that the differences are of small importance in relation to the work as a whole.

4.7 The College says that under Section 3(c) of the Anti-Discrimination (Pay) Act, 1974, “like work” is defined as occurring:

“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.”

The College does not accept that “like work” as defined above exists between the jobs of Catering Assistant and those performed by the named comparators. The College says that the jobs of the comparators involve significantly greater skill, responsibility, mental effort (apart from the job of Groundskeeper) responsibility and working conditions than the job of Catering Assistant.

4.8 The College says that “like work” is not disputed between the jobs of cleaners and secretarial staff and the named comparators. However, it considers that this claim is one of indirect discrimination and that it is alleged that the College have set down a requirement to join the pension scheme, which part-time workers cannot fulfil and that this rule significantly adversely affects females compared to males.

4.9 The College says that whilst 100% of staff in the 3 categories to which the claimants belong are female there are also other categories which are predominantly male and who are treated the same as the claimants in relation to access to the pension scheme. It says that in the academic staff category (the only other category in which there are a significant number of part-time staff) males make up 63% of the part-time staff and females make up the remaining 37% of these staff. Therefore, it argues that males are not treated more favourably than females in relation to access to the pension scheme. It says that even where a significant proportion of a particular category are male they are not allowed to join the College pension scheme. It argues that this is no different to the way females employed in a part-time capacity and who make up a significant proportion of a particular category are treated.

4.10 The College says that without prejudice to the above argument, there are grounds other than sex, in relation to Catering Assistants, to justify their lower rate of pay (and thus no entitlement to pension) compared to the named comparators. It says that up to 1975 there was a Catering Attendant and a General Catering Assistant category of worker. It says that the Catering Attendants were all male and their rate of pay was related, amongst others, to the old male Kitchen Assistant rate, and the General Catering Assistants were all female and their rate of pay was linked amongst others to the previous female Kitchen Assistant rate. It says that in January 1980 the Catering Assistant and Catering Attendants rates were amalgamated onto one scale which was equivalent to the former Catering Attendant scale. The College argues that from the above it is clear that the rate of pay for the Catering Assistant has not been influenced by the fact that the vast majority of this category of worker are female.

4.11 The College also argues that the European Court of Justice (ECJ) has determined that history can be taken into account when determining whether or not sex discrimination in a pay structure exists. It quotes *Jenkins v Kingsgate (Clothing*

Productions) Ltd case (1981 IRLR228) and says that the ECJ determined that:

“Where the hourly rate differs according to whether the work is part-time or full-time, it is for the national courts (in this case an Equality Officer) to decide in each individual case whether, regard being had to the facts of the case, its history (College emphasis) and the employer’s intention, a pay policy such as in the present case, although represented as a difference based on weekly working hours, is or is not in reality discrimination based on the sex of the worker.”

and that the ECJ also stated in this case:

“A difference in pay between full-time workers and part-time workers does not amount to discrimination prohibited by Article 119 of the Treaty of Rome unless it is in reality merely an indirect way of reducing the level of pay of part-time workers on the ground that that group of workers is composed exclusively or predominantly of women.”

The College says that it is clear from the history of the establishment of the Catering Assistant pay scale that the scale is not in reality a scale which discriminates on grounds of sex and neither is it a means of reducing the level of pay of a group made up exclusively or predominantly of women.

4.12 The College says that the pay scale for the Catering Assistant category, when it was established, was equivalent to the former Catering Attendant scale, which in turn had replaced the male Kitchen Attendant scale and no change in the pay scale occurred when the Catering Attendant scale was established. It says that this Catering Attendant scale was higher than the General Catering Assistant scale which replaced a category including Female Kitchen Assistants and again no change in the pay scale occurred when the General Catering Assistant scale was established.

4.13 The College therefore claims that an argument cannot be sustained that the establishment of the Catering Assistant scale was in reality merely an indirect way of reducing the level of pay of a group of workers made up predominantly of females as the rate of pay for all Catering Assistants is equivalent to the former Catering Attendant scale which was in turn based on a Male Kitchen Attendant scale.

4.14 The College says that clearly, direct discrimination does not arise in this case, or does indirect discrimination arise as females in the College are not significantly

adversely affected by the rule that one must be a full-time employee to qualify for access to the College pension scheme. It says that “like work” does not exist between the jobs of Catering Assistant and those of the named comparators. Furthermore, it says in relation to the Catering Assistant category there are clear grounds other than sex to show that their remuneration package (which would include a pension) has nothing whatsoever to do with the gender of the vast majority of job holders.

5 Conclusions of the Equality Officer

.29 The union has made claims on behalf of three categories of workers within this claim. Claims were made by the union at different times subsequent to the first claim being lodged. The full list of names of the claimants, their grades and the dates the claims were made is at appendix 1. The union is seeking equal remuneration with the named comparators on behalf of 161 claimants. The claim includes cleaners, part time secretaries and catering assistants and chargehands. The employer accepts that “like work” exists between the jobs performed by the cleaners and secretarial staff when compared to the jobs performed by the comparators. However it has not agreed that like work exists between the jobs performed by the catering assistants and the comparators. I have therefore undertaken an examination of the work of both the catering assistants and chargehands and the named comparators. The claim for equal remuneration includes the benefits of the pension scheme which applies to full time staff. In summary there are three categories of claimants

- (i) Part time secretaries
- (ii) part time cleaners and
- (iii) part time and full time catering assistants and chargehands.

The College has conceded that “like work” is not in dispute between the jobs of the secretarial staff and cleaners and the named comparators. It does not accept that “like work” exists between the named comparators and the catering assistants and the catering assistants chargehands. Consequently there are two separate areas of dispute between the parties:

- a equal pay and inclusion in the pension scheme in respect of the catering assistants and
- b inclusion in the pension scheme for part time cleaners and part time secretaries.

5.2 In this recommendation I will examine the claim for equal remuneration for the catering assistants first and then examine the claim for inclusion in the pension scheme.

5.3 In investigating these claims I have taken into account all the evidence available to me i.e. written submissions and further oral submissions made in the course of hearings attended by both parties. I have also carried out an extensive work inspection on the work of the claimants and the comparators. I have drawn up descriptions of the

duties performed by them which are at Appendix 3 and these cover the individual claimants whom I interviewed and whose work I examined during the course of my work inspection.

5.4 I have received a large volume of submissions in this dispute. The College and the union submitted job descriptions in relation to the functions carried out by each of the catering assistant claimants and each of the comparators.

5.5 I have carried out extensive work inspections on the work of a sample of the claimants involved. This sample was agreed with the College and the Union as being representative of the claimants and included a cross sample of the work of all of the catering assistant claimants who work in the various food outlets in the College. I have also examined the work of all of the comparators nominated

5.6 I am satisfied that I have been able to draw up comprehensive job descriptions for all of these jobs. These job descriptions are at appendix 3.

5.7 I note that the employer argues that there are a number of males employed in the catering assistant grade. This has not been the case historically and I note that there has only been three male appointments to this grade in the past. In the time between when the claim was made and the work inspections were carried out two further appointments were made. While I accept that there now males employed in this grade I consider that this is a recent development and consider that for the purposes of this claim that this can be judged as a predominately female grade.

5.8 There is a similarity of work functions in the work of all the catering assistants and this wide ranging survey has provided me with an overview of the work of all of the claimants and of the comparators. Both the Union and the College agreed that I have examined the work of and interviewed a sufficiently representative number of the claimants to be fully aware of all the work which they perform.

5.9 The claim made by the union relating to “like work” involves 41 catering assistants and all of these staff are completely interchangeable. There are also 5 charge hands who also interchange with the catering assistants but normally only work in the area that they supervise. They are paid a differential of 10% in respect of this additional responsibility. The remainder of the catering assistants however may

be required to transfer between themselves throughout the day by their chargehand/ management. Their hours of work cover the hours between 6.00 AM and 10.00 PM and this span of hours does not attract a shift allowance. The tasks that they carry out make many different demands of them. The claimants are responsible for handling food in a hygienic and responsible fashion and need to have the knowledge of proper practises and procedures for working with food, as food preparation and serving it is a basic part of their duties. Mostly the claimants may start the day by carrying out cleaning work and then move to another area to prepare and serve food. Most of the claimants work under pressure for a considerable part of their day at work. In some areas where they work there is no natural daylight. There is also a considerable amount of physical effort involved in their work. The duties vary between the staff but in the main, they are on their feet all day, they have to wash and manhandle heavy pots and pans, scrub floors, move heavy trolleys laden with dishes, move in supplies and move out rubbish. While this is not the total list of the duties performed by the claimants it is a broad outline of it and is an indication of physical effort required of them. Detailed job descriptions are at appendix 3 for each of the claimants whose work I examined during my work inspections.

5.10 I note that the claim has been made under Sections 3(b) and (c) of the Act and I considered first whether the work performed by each of the claimants is equal in value to the work of each of the comparators in terms of 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 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".

5.11 The comparators each have different job specifications and I have carried out a work inspection on the work of each of them and these are at appendix 3. The claims made by the union on behalf of the claimants cite three comparators on the same pay rates. These are incremental pay scales. I note that while they are not totally interchangeable and while some differences occur in their work these differences do not warrant a different rate of pay. I am satisfied that the differences are of small importance in relation to their work as a whole and that they perform "like work" with each other in terms of section 3(b) of the Act. Accordingly, for the purposes of my comparisons between each of the claimants and the comparators it is sufficient to

compare one of the comparators with each of the claimants I have chosen Mr George Patterson to carry out this comparison. The work of this comparator is at appendix 3.

5.12 There are 46 claimants involved in the claims relating to like work. The names and pay scales of each of the catering assistants and supervisors are included in the list of claimants at Appendix 1. As I have already said I shall compare the work carried out by each of them with that carried out by each of the comparators.

5.13 I note that all of the claimants are either catering assistants or working supervisors. From the work inspections that I carried out I note that all of the catering assistants are totally interchangeable amongst themselves. The supervisors are generally not interchangeable amongst themselves, as they normally supervise a specific work area, but they usually do the same work as the catering assistants and in addition carry out a supervisory function. The supervisors are paid an allowance of 10% for the supervisory element of their work. I note that some differences occur in the work of the catering assistants. However these differences do not warrant a different rate of pay except for the supervisory allowance. With the exception of this allowance I am satisfied that the differences between the work of the various catering assistants are of small importance in relation to their work as a whole and that they perform like work with each other in terms of section 3(b) of the Act. Accordingly, for the purposes of my comparisons, it is sufficient to compare one of the catering assistant claimants with each of the comparators. I have chosen Ms Tracey Stewart to make this comparison. Ms Stewart is employed in the Buttery Restaurant and I consider that her work generally represents the work carried out by the generality of the catering assistants. The work of the claimant is outlined at Appendix 3. I note that while she may normally work in the Buttery Restaurant she is interchangeable with all other catering assistants in the main restaurant and replaces or is replaced by other catering assistants in the event of annual/sick leave as the need arises.

5.14 There are three comparators nominated by the Union and their names and rates of pay are at Appendix 2. As stated at paragraph 5.11 above I shall compare the work of Mr Patterson with the claimant mentioned in the previous paragraph (5.13). The work of this comparator is outlined at Appendix 3.

5.15 I have compared the work carried out by the claimant and the comparator and have taken into account every aspect of the work performed by each of them in

relation to skill, physical and mental effort, responsibility and working conditions.

5.16

Skill

When considering the skills required for the two posts in question I took into consideration the training and experience required for both posts. I note that there is usually no need for decision making on the part of the comparator. Likewise the work of the claimant is fairly routine in that it is dependent on the menu which is decided by management. Both the claimant and the comparator need a working knowledge of their tasks to carry out their work and I am satisfied that both of them were able to acquire this knowledge "on the job". The claimant has to (as part of a team) prepare the serving area daily prior to the lunchtime opening and has to deal with people and serve customers at the counter. The claimant works under pressure during the lunch hour period and along with her colleagues has to ensure that all the requirements for serving the menu are ready in advance of the busy lunch time period. The claimant has to have the necessary skills to hygienically prepare and cook the various items on the menu, as when the chef/commis chef is not available at the counter she cooks food as required. The claimant also handles cash and both sets up and cashes up the cash registers in her turn. She has to be generally flexible throughout her working day and may have to work in another area depending on how busy the other food service areas are. The claimant also makes the daily order to the store room for ongoing dry stores and checks these on receipt. A great deal of her work involves dealing with the public i.e students and academic staff. The comparator's tasks vary with the seasons. He may have to deal with the public during his daily task of clearing up rubbish from the grounds but this is not a major facet of this task. The comparator uses lawn mowers and other gardening utensils in the course of his work. He also uses some chemicals in the course of his work and needs to be aware of the effects of their use. He also needs the skills required for pruning etc and carrying out his tasks.

In terms of skill I consider that the demands made on the claimant are similar to those made upon the comparator.

Physical effort

The claimant works in a very hot environment under constant pressure throughout most of the day. The claimant has to move goods around the kitchen, remove rubbish and move heavy trolleys of dishes. The pots and pans used in the kitchen are very hot and heavy. The claimant has to handle these, both in and out the ovens and at the wash up stage when required. Both the claimant and the comparator are on their feet all day. The comparator has to push one of two lawn mowers but this is not on a daily basis. In inclement weather he is usually allocated indoor work by his supervisor. He may have to lift heavy cuttings from pruning the roof top gardens and this is done by raising them to the roof and lowering them carefully to avoid windows etc.

In terms of physical effort I consider that the demands on the claimant are similar to those made on the comparator.

Mental Effort

I note that the claimant when operating the cash register has to concentrate on the task in hand as any mistakes made cannot be retrieved later. The claimant also has to ensure that the serving area is properly and hygienically set daily. She has to ensure that all requirements/ingredients are set up in advance of the rush hour are to hand. She has to ensure that all food she serves is properly prepared/cooked. She has to alternate between all her various tasks to ensure that that all are carried out in a timely fashion. This latter takes a certain amount of planning and concentration. She has to compile the daily order for the stores and check that the goods ordered are in fact received.

The comparator has to carry out his tasks in a timely and an efficient manner. He has to ensure that when using any tools that he does so in accordance with good safety practises eg ladder so as not to cause injury or inconvenience to himself or the public. He has also to take care when using chemicals but this is not a regular feature of his work.

On balance I consider that in terms of mental effort that the demands made on the claimant are somewhat more demanding than those made upon the comparator.

Responsibility

Both the claimant and the comparator have daily routines and while they both report to a supervisor unless there is a particular task required from them they both generally carry out their tasks in a routine fashion. The comparator works in the gardens and is responsible for maintaining a portion of the grounds in order. He cuts the grass, weeds both manually and by the use of chemicals, he prunes both rose bushes and other plants, he tends flower beds and rose bushes, and he also looks after the rockery in the Provost's garden. He does not hold the keys to this garden but collects and returns it each time he uses it. The claimant on the other hand has to ensure that the food she handles is properly and hygienically handled and cooked. The claimant when operating the cash register has to concentrate on the task in hand as any mistakes made cannot be retrieved later. The claimant is responsible for setting up the serving area in a proper and hygienic manner daily. This includes ensuring that all requirements/ingredients are set up in advance of the rush hour are to hand. She has to ensure that all food she serves is properly prepared/cooked. She is responsible for carrying out all her various tasks and has to alternate between them to ensure that all are carried out in a timely fashion. The claimant has to compile the daily order for the stores and check that the goods ordered are in fact received. The claimant is also responsible for setting up, operating and cashing up the cash register.

I consider that, in terms of responsibility, the demands made on the claimant are greater than those made upon the comparator.

Working conditions

Both the claimant and comparator work a five day week. I note that the comparator works from 8.30 to 5.00 daily. The claimant works from 11.00 am to 7.30 pm. The claimant and the comparator work in quite different environments. The claimant works on a counter serving hot food and handling hot pans etc all day. The comparator on the other hand works in the grounds where the temperature is a varied. However he is able to carry out indoor work during inclement/cold weather in the greenhouse etc.

I consider on balance that the demands made on the claimant in terms of working conditions are similar to those made on the comparator.

5.17 In summary, I am satisfied that the demands made on the claimant in terms of **skill, physical effort, and working conditions** are the same as those made on the comparator and in terms of **mental effort** and **responsibility** the demands made on the claimant are higher than those made on the comparator. Consequently, I find that under Section 3(c) of the Act that the work carried out by the claimant is equal in value to that carried out by the comparator.

5.18 At paragraphs 5.10 to 5.17 I have compared the basic duties of the claimant, Ms Stewart with the comparator Mr. Patterson. As I am satisfied that each of the claimants employed by Trinity College and working as catering assistants perform like work with Ms Stewart in terms of Section 3(b) of the Act (with the exception of the work that attracts an allowance as I outlined in Paragraph 5.9 above) I am also satisfied that the work of each of these claimants is equal in value to that of Mr. Patterson under Section 3(c) of the Act. I am also satisfied that the claimants perform like work with Ms Stewart whether these are full time or part time hours. As the work carried out by Mr Patterson is equal to that of the other named comparators under Section 3(b) of the Act, it follows that the work of each of the catering assistant claimants is equal in value to the work of the comparators under Section 3(c) of the Act.

5.19 The College has also argued that there are grounds other than sex to justify the different rates of pay being paid the claimants and the comparators.

Section 2(3) of the Act states

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

I note that the employer argued that there are grounds other than sex to justify the payment of different rates to these two separate categories of workers. It has argued that up to 1975 there was a Catering Attendant and a General Catering Assistant category of worker. The former was an all male grade and its rate was linked to the old male Kitchen Assistant rate while the latter was an all female grade with its rate of pay linked, amongst others, to the previous female Kitchen Assistant rate. The College has argued that in January 1980 the Catering Assistant and Catering Attendants rates were amalgamated onto one scale which was equivalent to the former Catering Attendant scale. The College argues that from this it is clear that the rate of pay for the Catering Assistant has not been influenced by the fact that the vast

majority of this category of worker are female. While I accept that the rates were adjusted in 1980, the documentation supporting the College's arguments and the reasons behind this change in the nomenclature and payments to the staff are unclear. I consider that this is an irrelevant argument, given the lapse of time since it took place and the fact that none of the current staff, of either management or workers were involved in whatever negotiations took place at that time. Further the work of the catering assistant and the manner in which it is now carried out has changed and evolved during the years since 1980 and the changes that took place then, have to be viewed from the perspective of the **current** claim which addresses the situation in which the staff presently work. There is ongoing change in the services provided by the Catering Department and for example, in the period from the time the claim was served to when the work inspections were carried out, the Catering Department had ceased to make their sandwiches (an area employing two full time and one part time staff) and had also established an additional food outlet within the grounds of the College. From my observations, particularly from the work inspections I carried out, I consider that this is an area of ongoing change and comparisons of this nature with what obtained in 1980 is no basis to justify the current rate of pay of the claimants when comparing them to another group of workers.

5.20 The claimants who are employed as chargehands are in receipt of a differential of 10% for performing supervisory work. As I have found that the work performed by the catering assistant claimants not in receipt of any such allowance equal to that performed by the comparator I find that the additional payments relate to work over and above the grade. Accordingly I consider that these payments should also continue to be paid by the College.

5.21 In summary, as I have found at paragraphs 5.10 to 5.17 that each of the catering assistant claimants and the comparator Mr. Patterson are performing work of equal value and at paragraph 5.19 that a defence in relation to "grounds other than sex" does not apply I find that the catering assistant claimants are entitled to the same rate of remuneration as the comparator.

5.22 As I have found that the that catering assistants are performing work of equal value with the comparators I shall now examine the claim, made by the union on behalf of all of the part time claimants, for inclusion in the pension scheme. This includes part time catering assistants, part time cleaners and part time secretaries. All permanent

full time staff are included in the pension scheme. A new pension scheme was introduced in the College in 1995. Prior to that a non-consolidated scheme was in operation. The non-consolidated pension scheme allowed for the member to receive a Social Welfare pension independent to the private pension scheme. Under this arrangement staff could have a pension of more than 100% of their salary when they retired and generally part time staff, rather than full time staff, benefited from this arrangement. Staff who have been appointed since 1995 and who have been allowed to join a pension scheme belong to a consolidated pension scheme. This consolidated pension scheme sets a ceiling, at two thirds of salary, to the total pension payable.

5.23 Staff who have worked full-time and revert to part-time working may keep their preserved benefits until they wish to avail of them provided they have worked full-time for at least five years. Different regulations apply to staff depending whether they are paid weekly or monthly. There are different rates of deductions. Prior to 1995 members who were weekly paid staff did not contribute to the pension scheme while monthly paid staff paid a 1½% deduction. Since 1995 these rates have been increased to 1½% for weekly paid staff and 6½% for monthly paid staff. The staff concerned have had an increase in pay to offset this extra cost to them.

5.24 I note that secretarial full-time posts may be split and shared by two job-sharers. A jobsharing vacancy arises when a request is made by the incumbent of a post and management agree to treat the post as a job sharing one. In this instance both people will work 19½ hrs per week. They are entitled to remain in the pension scheme. However when staff are recruited from outside the College to fill vacancies that arise in this manner, they are not included in the pension scheme even though they are employed in the same grade and on occasion may be employed for the same number or more hours per week. In this instance the post is not seen as job sharing and the worker concerned does not have the right to join the pension scheme even though the worker concerned is a permanent employee.

5.25 Temporary staff have no rights in relation to the pension scheme. Some of the canteen assistants are part-time temporary and do not progress up the pay scale. They are employed for term time only and any service they have is not considered for progression up the pay scale. They remain at the bottom point of the scale and are not included in the pension scheme.

5.26 From my outline of the pension scheme in the preceding paragraphs it is clear that there are many anomalies concerning the membership and entry into the pension scheme. In particular I refer to the secretarial grade where some staff working 19½ hours per week can participate in the pension scheme while others who are performing the same grade/type of work and are paid on the same pay scale and who are also permanent are debarred from joining the pension scheme. The employer argues that if this claim were to be conceded that it would lead to claims from other groups of staff in the College.

5.27 The union claims that the claimants should have similar remuneration to the comparators who as full time staff have the right of entry to the pension scheme. I consider that it is necessary to address two issues here

5 can access to or membership of a pension scheme be termed remuneration?

6 does a pension scheme that does not allow entry to part time workers discriminate against such workers?

5.28 Remuneration or pay has been defined by the ECJ in its judgement in Case No (1990) Maria Kowalska v Freie Und Hansestadt Hamburg, as including consideration whether in cash or in kind, whether immediate or future, provided the worker received it, albeit indirectly, from his employer in respect of his employment. I also note that in a pay award to the executive grades in the Civil Service in May 1993 the pension entitlements of the grades was taken into account when a claim for an increase in salary was arbitrated upon. Increases were awarded on foot of this claim. However these increases awarded as a result of this claim were adjusted downwards to reflect the fact that the claimants had a pension scheme, and the increases because of “...arrangements attaching to Civil Service pension rights...” were adjusted downwards and the arbitration report went on to find that “...the appropriate deduction would be 3%”. Taking both of these cases into account I find that pension rights are part of remuneration.

.29 The union has argued that non membership of the pension scheme is discrimination against the claimants. In its defence the College has argued that the academic staff who are part time do not have access to the pension scheme and that there is a majority of males in this category of employment. It further argues that the females are not significantly adversely affected compared to males and thus no indirect discrimination has occurred by

allowing access to the College pension scheme to full time staff only. The college argues that part time academic staff do not have access to the pension scheme. I note that this claim under examination was made in relation to workers who are non academics and who do not have the same or similar terms of employment as academics. This claim is in relation to workers who are permanent staff but who are not allowed access to the pension scheme because they are part time workers. The comparison is between claimants and comparators who belong in general to either the catering department or administration.

.30 I have examined the argument made by the College and I note that in Case No 43/75 Defrenne II that the ECJ found that a collective agreement which allowed employers to maintain a difference in total pay as between two categories of workers, those who worked a specified minimum number of hours each week and those who, whilst performing the same tasks, did not work that minimum number of hours, led to discrimination against female workers as compared with male workers in cases where a considerable lower percentage of men worked part time. This judgement found that such a collective agreement would in principle be found to infringe Article 119 unless the employer shows that the exclusion is based on objectively justified factors unrelated to any discrimination on grounds of sex. I have examined this claim in line with the findings in this ECJ determination. I note in this case that the claimants and comparators are employed by the College in administration and the claimants are employed in traditionally female grades of work with a high incidence of female part time participation. Part time workers are not allowed join this scheme (the only exception to this is job sharing secretarial staff). I consider that the College has refused entry to the pension scheme to all the workers in this claim **because** they are part time workers. As I have already noted above this exclusion was found to be contrary to Article 199 in the Defrenne II case. As the majority of part time workers in the grades represented in this claim are female I find under the Anti- Discrimination (Pay) Act 1974, that the scheme discriminates against the claimants.

5.31 I find that the claimants, whom I have found to perform work of equal value with the comparators (catering assistants) and those whom the College agreed perform work of equal value with the comparators (cleaners and secretarial staff) should not be

debarred from the pension scheme because they are part time workers.

6 Recommendation

6.1 In view of my conclusions and having regard to the provisions of Section 8{5} of the act, I recommend that each of the catering assistant claimants (listed at appendix 1 page 7), be paid the same rate of remuneration as the comparators. These rates should be applied retrospectively for three years prior to the respective dates of claim or in the case of staff recruited in the three year period prior to the claim, to the date that they were recruited. I further recommend that all the claimants listed at appendix 1, page 7, be given access to the College pension scheme and entry to the pension scheme should be applied retrospectively for three years prior to the respective dates of claim or in the case of staff recruited in the three year period prior to the claim, to the date that they were recruited..

Ms. Mary Solan Avison,
Equality Officer.

October 2000

List of Appendices

Appendix 1	Names of claimants and rates of pay,
Appendix 2	Names of comparators and rates of pay
Appendix 3	Work inspection reports and job descriptions as drawn up by the Equality Officer

APPENDIX 1

**Names of Claimants
and
Rates of Pay**

Contents

Names of claimants

Lists of claimants as supplied by union page 2

Total list of claimants page 7

Final lists of claimants submitted by union. Page 11

Names of claimants

Note

The union made **three** separate claims on behalf of its members in this case.

1 The initial claim made in this case did not cite a comparator and as this omission was not rectified until 4 June 1997 that became the effective date of the claim. This claim was in respect of pension rights. 116 claimants were included in this claim. (page 2)

2 A further claim was made on 11 08 1997. Again this claim was in respect of pension rights. This claim was made on behalf of 16 members. (page 4)

3 The final claim by the union was made on 21 10 1997. This claim was for equal pay for 41 catering assistants and 5 supervisors. (page 5)

17 of these had already been included in the claim dated 04 06 1997

The total claimants involved in this claim is 161

I have attached the lists as received from the union in respect of these claimants. These are at pages 4-6.

A comprehensive list of the claimants and their respective dates of claim is at pages 7-10.

The claimants are listed by positions held in the College.

In total there are 161 claimants in respect of the claim for inclusion in the pension scheme and 46 catering assistants named in respect for the claim for equal pay with the named comparators.

The union provided an updated list of claimants subsequent to the final hearing. This comprises three lists of the claimants included in the claim for pension entitlements. These are at pages 11-14.

In summary the union has claimed equal remuneration with the comparators on behalf of two categories of workers

- (a) inclusion in the pension scheme for those whom the management did not dispute the fact that equal pay applied and
- (b) equal pay for equal work for catering assistants. (46)

The hourly rates of pay for each of the groups is as follows:

Cleaners	£4.92 - £5.26
Catering Assistant	£4.19 - £4.68
Secretarial	£6.78 - £8.42

Appendix 1

Names of claimants and date when first claim made on their behalf		
Claimants	Status	Date claim made by union
Maureen Baker	Cleaner	04 06 1997
Bernie Bergin	Catering Assistant	21 10 1997 & 04 06 1997
Marie Bizzell	Cleaner	04 06 1997
Denise Bond	Catering Assistant	21 10 1997 & 04 06 1997
Bridget Bollard	Cleaner	04 06 1997
Paula Browne	Cleaner	04 06 1997
Ann Browne	Cleaner	04 06 1997
Kathleen Burke	Cleaner	04 06 1997
Sheila Burke	Cleaner	04 06 1997
Ann Byrne	Cleaner	04 06 1997
Joan Byrne	Secretarial	04 06 1997
Margaret Byrne	Cleaner	04 06 1997
Mary Byrne	Cleaner	11 08 1997
Eileen Byrne	Catering Assistant	21 10 1997
Rose Carey	Cleaner	04 06 1997
Margaret Carroll	Cleaner	04 06 1997
Marie Cassidy	Cleaner	04 06 1997
Martine Campbell	Catering Assistant	21 10 1997
Judith Chambers	Catering	04 06 1997
Esther Colgan		11 08 1997
Marion Conlon	Cleaner	04 06 1997
Ann Connell	Cleaner	04 06 1997
Edel Connolly	Catering Assistant	21 10 1997 & 04 06 1997
Gay Conroy	Secretarial	04 06 1997
Susan Corrigan	Cleaner	04 06 1997
Theresa Corrigan	Cleaner	11 08 1997
Ita Cregan	Catering Assistant	21 10 1997 & 04 06 1997
Anne Courtney	Catering Assistant	21 10 1997
Josephine Crowe	Cleaner	04 06 1997
Kathleen Cullen	Cleaner	04 06 1997
Bernadette Cunningham	Cleaner	04 06 1997
Pat Clyne	Catering Assistant	21 10 1997
Mary Cullen	Catering Assistant	21 10 1997
Anna Cunningham	Catering Assistant	21 10 1997 & 04 06 1997
Catherine (Kay) Darcy	Cleaner	04 06 1997
Ester Deane	Cleaner	04 06 1997
Maureen D'Arcy	Cleaner	04 06 1997
Theresa Dent	Cleaner	04 06 1997
Geraldine Devitt	Catering Assistant	21 10 1997 & 04 06 1997
Aileen Dillon	Cleaner	04 06 1997

Rita Doherty	Cleaner	04 06 1997
Eileen Dolan	Cleaner	04 06 1997
Ann Donegan	Cleaner	04 06 1997
Rose Doolan	Cleaner	04 06 1997
Mary Doran	Cleaner	11 08 1997
Kathleen Dornan	Cleaner	11 08 1997
Catherine Dowdall	Cleaner	04 06 1997
Triona Douglas	Catering Assistant	21 10 1997
Catherine Dowling	Cleaner	11 08 1997
Kathleen Dowling	Cleaner	04 06 1997
Kathleen Doyle	Cleaner	04 06 1997
Monica Doyle		11 08 1997
Leonora Dungan	Secretarial	04 06 1997
Christina Duggan	Cleaner	04 06 1997
Lorraine Doyle	Catering Assistant	21 10 1997 & 04 06 1997
Marie Dunne	Cleaner	11 08 1997
Breda Farrell	Cleaner	04 06 1997
Kathleen Feeney	Cleaner	11 08 1997
Bridget Finn	Cleaner	04 06 1997
Caroline Fitzpatrick	Catering Assistant	21 10 1997 & 04 06 1997
Sheila Fitzpatrick	Cleaner	04 06 1997
Elizabeth Fitzsimmons	Cleaner	04 06 1997
Patricia Flanagan	Cleaner	11 08 1997
Evelyn Foran	Cleaner	04 06 1997
Eileen Forbes	Cleaner	04 06 1997
Phyllis Forbes	Cleaner	04 06 1997
Ita Gannon	Secretarial	04 06 1997
Pauline Gillard	Cleaner	11 08 1997
Kathleen Gleeson	Cleaner	04 06 1997
Sandra Greene	Catering Assistant	21 10 1997
Bernadette Grehan	Cleaner	11 08 1997
Catherine Grehan	Cleaner	04 06 1997
Vivienne Griffin	Cleaner	04 06 1997
Julie Hanlon	Cleaner	04 06 1997
Antoinette Hayden	Cleaner	11 08 1997
Eileen Holmes	Cleaner	04 06 1997
Sheila Hyland	Cleaner	04 06 1997
Kay Jackson	Catering Assistant	21 10 1997 & 04 06 1997
Janet Johnson	Catering Assistant	21 10 1997
Linda Jones	Catering Assistant	21 10 1997
Dolores Judge	Catering Assistant	21 10 1997
Veronica Kavanagh	Cleaner	04 06 1997
Lorraine Keane	Cleaner	04 06 1997
Karen Kelly	Catering Assistant	21 10 1997 & 04 06 1997
Margaret Kelly	Cleaner	11 08 1997
Lucy Kenny	Cleaner	04 06 1997
Patricia Keoghane	Secretarial	04 06 1997
Emer Kiernan	Cleaner	04 06 1997
Mary Kinghorne	Cleaner	04 06 1997
Mary Leahy	Catering Assistant	21 10 1997
Patty Laffan		04 06 1997

Josephine Long	Cleaner	04 06 1997
Eileen Lundy	Cleaner	04 06 1997
Mary Lynch	Cleaner	04 06 1997
Joan Maher	Cleaner	04 06 1997
Teresa Mahon	Catering Assistant	21 10 1997
Adrienne Malone	Catering Assistant	21 10 1997
Teresa Malone	Catering Assistant	21 10 1997
Patricia Martin	Catering Assistant	21 10 1997
Lisa Matthews	Catering Assistant	21 10 1997
Olga Maughan	Catering Assistant	21 10 1997
Sarah McCabe	Cleaner	04 06 1997
Barbara McCluskey	Cleaner	04 06 1997
Maureen McCormack	Cleaner	04 06 1997
Elizabeth McCreary	Cleaner	04 06 1997
Patty McDermott	Cleaner	04 06 1997
Ann McDonald	Catering Assistant	21 10 1997
Elizabeth McDonnell	Cleaner	04 06 1997
Ina McDonald		04 06 1997
Pauline McGlue	Catering Assistant	21 10 1997
Glenda Mc Gowan	Catering Assistant	21 10 1997
Mary McLoughlin	Catering Assistant	04 06 1997 & 21 10 1997
Teresa Malone	Catering	04 06 1997
Mary Meade	Catering Assistant	21 10 1997
Mary Monaghan	Catering Assistant	21 10 1997
Betty Mooney	Catering Assistant	21 10 1997
Carol Murray	Catering Assistant	21 10 1997
Margaret Murray	Catering Assistant	21 10 1997
Mary Morris	Cleaner	04 06 1997
Dorothy Mulligan	Cleaner	04 06 1997
Catherine Murphy	Cleaner	04 06 1997
Lily Murphy	Cleaner	04 06 1997
Mary Murphy	Cleaner	04 06 1997
Renee Murphy	Cleaner	11 08 1997
Clare Ni Bhroin	Catering Assistant	21 10 1997 & 04 06 1997
Jean Nolan	Catering Assistant	21 10 1997
Catherine O'Callaghan	Cleaner	04 06 1997
Angela O'Connell	Catering Assistant	21 10 1997
Anne O'Connell	Cleaner	04 06 1997
Martina O'Hanlon	Catering	04 06 1997
Yvonne O'Hanlon	Catering Assistant	21 10 1997
Phyllis O'Neill	Cleaner	04 06 1997
Anne O'Reilly	Secretarial	04 06 1997
Joan O'Reilly	Catering Assistant	21 10 1997
Sheila O'Rourke	Catering Assistant	21 10 1997 & 04 06 1997
Madeline O'Siochain	Secretarial	04 06 1997
Darvee Parkes	Catering Assistant	21 10 1997 & 04 06 1997
Linda Penrose	Cleaner	04 06 1997
Margaret Pidgeon	Cleaner	04 06 1997
Jenny Power	Cleaner	04 06 1997
Ann Rafter	Cleaner	04 06 1997
Elizabeth Reddy	Cleaner	04 06 1997

Teresa Reece		04 06 1997
Elaine Reynolds	Cleaner	04 06 1997
Joan Riley	Cleaner	04 06 1997
Kathleen Scanlon	Cleaner	04 06 1997
Rita Shaw	Cleaner	04 06 1997
Catherine Sinnott	Cleaner	11 08 1997
Savina Smith	Cleaner	04 06 1997
Eimear Smithers	Catering Assistant	04 06 1997 & 21 10 1997
Ann Smyth	Cleaner	04 06 1997
Philomena Smyth	Cleaner	04 06 1997
Tracey Stewart	Catering Assistant	21 10 1997 & 04 06 1997
Margaret Sweeney	Cleaner	04 06 1997
Catherine Taffe	Cleaner	04 06 1997
Mary Walsh	Cleaner	04 06 1997
Linda Ward	Cleaner	04 06 1997
Bernadette White	Cleaner	04 06 1997
Maureen Whyte	Cleaner	04 06 1997
Doreen Whitty	Cleaner	04 06 1997
Noeleen Wilders	Catering Assistant	21 10 1997 & 04 06 1997

Note. The union did not identify the occupations of the claimants that it nominated in the claims it made in June and August 1997. It did identify the claimants in its final claim made in Oct 1997. As a result some of claimants' occupations are not identified in the list above.

APPENDIX 2

**Names of
comparators and
rates of pay**

Names of comparators and rates of pay

The comparators are as follows:

P Staunton Houseman

A Norris Houseman

G Patterson Groundsman

Their hourly rates of pay are £4.92 - £5.26

APPENDIX 3

**Work inspection
reports**

Appendix 3

Contents

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Appendix 3

Trinity College - Work Inspections

I inspected the work of 13 of the catering assistant claimants. These included part time, full time and Chargehands who are in receipt of an allowance of 10%, over the catering assistant rate for the supervisory element of their work. The parties to the claims were agreed that this cross section of claimants whose work I had inspected was a fair representation of all the claimants under investigation. I also inspected the work of the three comparators as they presented at the time of the work inspections. All staff explained to me the seasonal variations in their jobs.

An Overview of the Work Performed by the Catering Assistant Claimants

There are 41 Catering Assistant claimants in this claim and 5 working Chargehands. All of the catering assistant claimants are interchangeable and can be transferred at very short notice to fill in for any one of their colleagues. The Chargehands are "hands on" working Chargehands. All them work alongside the catering assistants, are interchangeable with them and when short staffed with no replacement available normally does the work herself to ensure that it is done.

In the main the claimants work between the hours 6 a.m. to 10 p.m. daily. Food service does not start until 8:30 but a large amount of cleaning is carried out prior to this time in the kitchens and the dining areas. For example one area used in the day time for dining is used for bar service in the evenings and it has to be cleaned early the following morning to ensure that it is up and running for food service during the day starting at 10.30 am. This is particularly necessary when an evening function is held in the bar. The staff who start work between 6 a.m. and 8 a.m. carry out the cleaning work and then serve food during the busy time at lunch hour or perhaps clear tables or work on cash registers during that period. Food is served until late evening in some areas.

There are five different areas where food is served and where the claimants work. The five separate food outlets are as follows; the Buffet and the Buttery where hot food is served on a daily basis i.e. the standard three course lunch. In both of these areas the food is offered on a self-service basis and consequently may not necessarily comprise three courses. There are also three cafes. There is one in the main restaurant block, in which sandwiches, snacks and drinks are served. The cafe in the Arts block provides salads and snack type food and hot soup. In the Hamilton cafe a more comprehensive range of foods is served. In this cafe the daily special is provided, hot soup, salads, sandwiches and some hot-dogs and pizzas etc.

The claimants do cleaning, serve food, stock up with food whatever area they work in. Throughout the lunch hour there is constant pressure on staff due in no small part to the large volume of customers. The claimants work as a team in each of the locations. In general, all the claimants have designated duties that they normally carry out, but as part of this teamwork, if they notice a shortfall in an area outside of their normal work they will assist there in addition to or instead of their designated duties as part of the teamwork ethic.

The College employs chefs who work in the main kitchen, in the Buffet and one who works in the Buttery Restaurant. (At the time the work inspection there was another experimental self service facility in operation in Aras an Phiarsagh which was not there at the time that the claim was made.)

List of the Claimants Interviewed.

Location	Name	Grade
1. Arts Block	Patricia Clyne	Chargehand
2. Buffet Area	Bernie Bergin	Catering Assistant
3. Cafe	Mary Cullen	Chargehand
4. Cleaning	Noleen Wilders	Catering Assistant
5. Cleaning/Buffer	Pauline McGlue	Catering Assistant
6. Cleaning/Buffer	Denise Bond	Catering Assistant
7. Cleaning	Christina O'Hanlon	Chargehand
8. Cafe/Cleaning	Eileen Byrne	Catering Assistant
9. Cleaning/Buffer	Ann McDonald	Catering Assistant
10. Hamilton	Betty Mooney	Chargehand
11. Sandwiches	Mary Leahy	Catering Assistant
12. Buttery Restaurant	Tracey Stewart	Catering Assistant
13. Buttery Restaurant	Edel Connolly	Catering Assistant

Job Descriptions

Name: Patricia Clyne - Chargehand
Location: Arts Block
Hours of Work: 8:00 a.m. to 4:30 p.m. (daily, five day week, full time)

The claimant starts work each morning at approximately 7:30 a.m. which is before her official starting time. She supervises the other catering assistants and ensures that all are working as a team and that all the food on the menu is provided. The service opens for the students at 8:30 a.m. This cafe caters for about 3000 people per day. This is a very busy area with a high throughput of customers.

The claimant's work during the day consists of ensuring that the area is stocked with all the necessary requirements for serving teas, coffees and the food on the menu. She counts the sandwich orders as they are delivered.

The daily work consists of keeping the food on the counters and backup stocked up, keeping the area clean and serving and keeping the queues to a minimum. One member of staff serves at the salad bar and prepares all the food used on it there. There are two cash registers and the claimant operates one of these for considerable parts of each day, and she supervises the overall running the cafe while operating the cash register. She orders the dried goods from the internal stores in the restaurant. This bar does not serve any hot food other than tea or coffee.

Name: Bernie Bergin
Location: Main Kitchen
Hours of Work: 10:30 a.m. - 2:30 p.m. daily Mon-Fri (part time)

The claimant's express job is to set up the counter ready for food service.

This is as follows;

She cleans out the coffee machine and the counters.

She collects the ladles for setting up the counter for food service from the pot washing area. She collects the cups from the wash up area and puts out the cups, saucers, sugar, teaspoons, tea bags. She sets up glasses, trays, cleans up and removes any rubbish from the front of the counters.

She collects the cutlery, rewashes it, polishes it with a cloth and sets it up in the main dining room and this set-up work takes until about 12:00.

She makes the coffee. At 11:55 she opens the counter and starts serving the food. She serves food during the lunch break and if there is a particular rush or when the counter is very busy she operates the second cash register and a commis chef takes over at the counter. She generally does not count the cash. She clears the bain maries on her own and has her lunch break before finishing work.

Name: Mary Cullen - Chargehand
Location: Cafe
Hours of Work: 7:30 a.m. - 4:00 p.m. (daily, 5 day week, full time).

The claimant supervises the staff to ensure that the cafe operates in an efficient manner all day. In addition she carries out the same work as the other canteen assistants.

The claimant commences each day by checking the order and stowing away the food that that has been delivered. She counts the sandwiches that are delivered. The staff work as a team. Between 8:30 a.m. and 5:00 p.m. they make coffee, make sure that the trays are in situ, keep the serving counter stocked all day. The claimant either sets up the milk, sugars, spare stirrers, makes the coffee or ensures that one of the staff does this, she sets up the counters and lines baskets with serviettes to display the scones or other food on sale. Due to the large usage volume of the facility the serving counter needs to be replenished frequently all day long. There is one float provided to cover the two cash registers. She sets up the cash register, counts the float and later sets up the second cash register. Each evening these cash registers are cashed up and one of the claimants is responsible for cashing up as the chargehand finishes work before the area closes down each day. The canteen assistant who cashes up makes the returns to the cash office.

The claimant makes out the daily order for dried food each evening and for tea, coffee, sugar etc for the internal stores where it is assembled and she either collects it or has it collected by a member of staff. She orders the cream cakes and the milk from stores. The cafe uses approximately 5 gallons of milk daily. She reports, to her supervisor, the number of sandwiches left over daily to ensure that the order for the following day is amended accordingly. (Sandwiches are bought in)

They sell a large volume of cans of drinks in this area. The supplies for these are heavy to move about.

The coffee and tea machines have to be washed out and de-stained twice a week. At night all food left over is put away. The claimant ensures that staff clean up each night. As part of this clear up they have to ensure that the cash register is locked up and put away carefully each night as gigs are often run by the Students Union in the area after the cafe is closed.

Name: Noeleen Winders
Location: Main Restaurant
Hours of Work: 7:30 a.m. - 11:30 a.m. daily, Mon-Fri, part-time

The claimant has worked in the college for seven years. Originally she was a full time employee but she now works part time. Each morning the claimant cleans the edges in the food hall. She cleans the brass, shelving and fills the vending machines. The vending machines are for either food (snacks) or cans (drinks). The vending machines for cans need constant replenishing. Two to three times a week she also fills the machines in the coffee dock and has to bring cans upstairs to do this. These cans are heavy to carry. She also fills vending machines in other areas, for example, the Hamilton and the Arts block as and when directed by a supervisor. She also operates the cash register when asked to.

The claimant, if she has finished these tasks before 11:30, looks for other work from her supervisor.

Name: Pauline McGlue
Location: Main Restaurant
Hours of Work: 7:30 a.m. - 4:00 p.m. daily, Mon-Fri, full time

Each morning the claimant starts her daily work by sweeping the stairs, then she scrubs them using a deck scrub. She washes all the tables in the East dining hall. She assists in setting up the serving counter for food service and then Hoovers the floor in the staff dining room. She cleans the skirting boards, washes the window sills and scrubs the tiles. At 11:00 after her break she clears the tables in the downstairs restaurant, sweeps the floor as necessary, puts out the rubbish, washes dishes. She has her lunch at 2:30 and then she helps with the wash up, clearing and tidying up tables until she finishes work at 4:00.

The claimant operates the cash register as requested.

Name: Denise Bond
Location: Restaurant and Buffet
Hours of Work: 7:00 a.m. - 3:30 p.m. Daily, Mon-Fri, full time

Each morning the claimant works at cleaning in the kitchen as instructed by the chargehand. This could involve scrubbing parts of the floor where the mechanical scrubber cannot reach. At 11:00 am she helps set up the counter for the lunch hour and gets out the crockery, milk etc. She works on the counter at serving food to the customers from 12:00 until 2:30. Staff employed at serving food, including the claimant have their lunch at 2:30pm. After that she helps with the wash up and general clear up which she does in conjunction with other members of staff.

The claimant does not deal with cash.

Name: Christina O'Hanlon Chargehand
Location: Main Kitchen
Hours of Work: 6:00 a.m. - 2:30 p.m. Daily, Mon-Fri, full time.

The claimant supervises cleaning staff. She starts work at 6.00 am each morning. The claimant is a working chargehand and works alongside the staff she supervises. She is responsible for organising the cleaning of the main food serving areas, both kitchens and dining areas. In total she supervises eight catering assistants. She allocates work on an ongoing basis but most staff have regular tasks to perform. She starts her own daily work by cleaning the corners and difficult to access places on the floor of the kitchen so that the open areas can be cleaned by an industrial machine. She then carries out cleaning work in the down stairs bar.

When she does not have sufficient staff to carry out the work she consults with a supervisor to arrange additional help.

The catering assistants she supervises also serve lunches to customers and prepare the food serving counters daily. These staff members also clear up after the food service is finished each day.

Name: Eileen Byrne
Location: Cafe
Hours of Work: 6:00 a.m. - 2:30 p.m. daily, Mon-Fri, full time employed

The claimant starts the day by washing the tables in the cafe, then the ladies and gents cloakrooms. She scrubs out the floors, toilets etc. and cleans the entire area. This area is not generally open to the public at the weekend so although she works a five day week she is responsible for all the cleaning of this area. She scrubs the floor of the bar not reached by the mechanical scrubber which is used to scrub the main part of the floor. This work includes moving fairly heavy tables and chairs to allow access by the mechanical scrubber. After food service commences at approximately 11:00 a.m. the claimant clears the tables and takes out rubbish and so on until her lunch break at 12:30. She then continues to clear the tables and the area in the bar and uses a trolley to do this. The claimant is working against time constraints for the most part of the day.

Name: Ann McDonald
Location: Main Restaurant
Hours of Work: 8:00 a.m. - 4:30 p.m. daily, Mon-Fri, full time

Each day the claimant cleans the five offices upstairs used by the staff of the catering department. Her normal daily routine is to dust, polish, tidy up and empty waste paper baskets. She sweeps and scrubs the stairs from top to bottom, including five flights and the hallway. She sweeps and scrubs out the ladies' and gentlemen's changing rooms and toilets. She sweeps the corridor and washes it a few times a week. From time to time she does extra jobs such as supplying the cloths that the chefs use. At 10:30 she starts to set up for the lunch time food serving. She gets the cutlery, glasses, trays, etc. ready. She sets up the serving spoons for food service on the counter each day. She serves the food from 12:00 to 2:00 or 2:30. There is no cooking involved as the chefs supply the serving counter with ready cooked food. There are two canteen assistants serving on each end of the counter. There is one serving area for the students and one for the administrative and academic staff. After the claimant takes her lunch break she clears out the food containers, the bain maries, empties and washes them and she works for the remainder of her shift in the wash up.

During the course of her work the claimant has to carry buckets of boiling water to and from the kitchen.

Name: Betty Mooney Chargehand
Location: Hamilton Block
Hours of Work: 8:00 a.m. - 4:30 p.m. Daily Mon-Fri (full time and permanent)

The claimant is a chargehand and assigns work to the staff. At start up each morning the claimant turns on the ovens, cooks croissants and bread. These have been kept in the fridge overnight. Then she either sets out the food or ensures that a canteen assistant sets out the food, including the scones which are brought from the main catering block by one of the supervisors. The staffing level in the Hamilton is normally four staff members including the claimant. Each morning all the food has to be set out in the display fridges from where it is stored in the other fridge. She counts the sandwiches when they are delivered. All the staff including the claimant serve at the counter during the day. In this facility they make soup, cook pizzas, sausage rolls, pies and there is a machine for keeping food hot. The range of food served also includes cold salads, and the student special which comes from the main kitchen and is similar to that on offer in the main restaurant.

Each day the claimant makes out the order for dried goods and checks the goods on receipt the following day. Throughout the day the counter service area has to be kept stocked and the fridge filled with soft drinks. There is a wash up in the kitchen and all staff give a hand to the one permanent person who is designated on wash up.

Daily the claimant checks the float and sets up the two cash registers. At the end of her shift, she counts the cash and returns the takings plus the float to personnel. Cash is "lifted" by the supervisor and another member of staff during the day.

Name: Mary Leahy
Location: Main Restaurant, Sandwich making.
Hours of Work: 6:00 a.m. - 2:30 p.m. Daily, Mon-Fri. Full time

The sandwich making had been discontinued by the college since this claim was made and sandwiches are now bought in. Three people were employed on the sandwich making and the claimant was first on duty each morning. She cooked the bacon on arrival, heated the baguettes from cold and while these were heating/cooking she prepared the lettuce, tomato, coleslaw, etc., for the salads for the sandwiches. The other staff arrived when this work was finished and they made sandwiches until 12:30 p.m. and then prepped for the following day. There were two staff involved in the sandwich making, full-time, eight hours a day and one person who worked a four hour shift.

Name: Tracey Stewart
Location: Buttery Restaurant
Hours of Work: 11:00 a.m. - 7:30 p.m. (39 hour week full time)

The claimant gets the food service area set up when she starts work each morning. She collects the cutlery, polishes it and puts into the display area ready for the customers. She prepares the cutlery required for serving the food on the counter. She fills the sugar bowls and milk jugs. She puts out the salads, arranges the counter display which includes biscuits and fruit. She puts the desserts onto plates when they arrive from the kitchen. She puts out napkins, cups, side plates, soup bowls. She opens (unlocks) the fridge and takes out the chocolates and stacks them on racks in front of the cash register. She gets the cans of soft drinks from the stores and tops up the fridge.

The claimants in the Buttery Restaurant work as a team. There are three claimants working there. They alternate between the food counter, the cash register and clearing tables during the busy service time. When working on the counter the claimant starts serving food at 12:00 and cooks the food if the chef is not there or takes food out of the oven as required. The claimant also reheats the beans and the pizzas in the microwave. The staff rotate between working on the counter (serving food), on the cash register or clearing tables. The staff member who is clearing tables operates the second cash register when long queues form.

Work on the cash register entails for the claimant; she collects the float from the office, counts it into the two cash registers, operating the cash register during the busy period, at the end of the day she counts the cash, she prepares the lodgement book, subtracts the float and returning the cash from both to the office, she orders dried goods from the stores and checks it on receipt the following day. when the cash register is not in use she makes sure it is closed by using the secret button.

Name: Edel Connolly
Location: Buttery Restaurant
Hours of Work: 11:00 a.m. - 7:30 p.m. (full time 39 hour week)

The claimant does work similar to that of the previous claimant. She does a variety of work during the day. She may start in the morning by putting on the dishwasher, washing the trays, polishing the cutlery. She washes the glass front and polishes the brass rail in the open area of the servery floor. She washes the counter and prepares it for serving food. At 12:00 the counter opens for service. The claimant's work is to clear the tables, operate the cash register, and serve hot food. Depending on the length of the queues the claimant operates the second cash register or else serves hot food. The staff work as a team and one member of staff works on the floor and the other in the bar tidying and clearing up after the customers. The claimants clear the tables in the cafe (next door) as well when the restaurant is not busy. The Buttery Restaurant is open until 6:45 p.m. and the staff work at cleaning up until 7:30 p.m.

List of Comparators interviewed

Location	Name	Grade
Gardens	George Patterson	Assistant groundsman
Household area	Phil Staunton	House attendant
Household area	Alan Norris	Cleaner

Job Descriptions

Name: George Patterson
Job Title: Assistant Groundsman
Location: Gardens
Hours of Work: 8:30 - 5:00 (5 day week full-time)

The comparator is employed as a groundsman in the College. The first task he performs each day is to clear up litter and papers etc. from the front area of the College along with his colleagues. He continues with this clearing up until his morning break. He is normally assigned to work in this area so when the clearing up is finished he continues in the same area working at garden maintenance. This includes cutting the grass and edging the lawns. He uses two different size push lawn mowers for this work. One is a heavy machine and he uses a small truck to take it from its storage place to the lawns. The grass cutting continues almost throughout the entire Winter but not as frequently as the Summer. He sets the cutting height of the lawn mower and fills with petrol etc. Major maintenance and repairs of the lawn mowers are sent out to outside contractors.

He also tends the flower beds, gets them ready for planting and generally tidies them up, he prunes some trees. He prunes rose trees in the autumn. In the growing season he sprays them and in the winter he feeds them compost. With regard to pruning he knows generally what has to be done but can also be instructed by his supervisor. The comparator collects and returns the keys to the Provost's garden daily. He looks after the plants (geraniums etc.) in the greenhouse, which is in the Provost's garden. He tends the vine in the greenhouse. It has to be pruned after each season and prepared also for the fruiting season. The comparator does some propagation of plants in the greenhouse but most of his time is spent outdoors.

The comparator tends the seven roof-top gardens in the Arts building and prunes the plants in these as required. There is a lot of cultivation attached to the work in this area. He has to climb out windows to access these gardens and large cuttings have to be lifted up onto the roof and removed down by the rear of the building to avoid windows. He also looks after the gravel paths and has to clean them and weed them and rake them. He has one rose bed beside the GMB and he looks after the ericaceous bed. The comparator may have to work in the sports ground in Santry either on a replacement basis for the operative there or on overtime. The work there generally involves getting sports pitches ready, for example, putting up the nets on the goal posts or line marking.

The comparator uses a ladder to prune climbing roses and to keep ivy in check. At certain times he waters a lot of plants and he decides what is needed. He also looks after the rockery in the Provost's gardens. His normal tools are ladder, secateurs, a rotary lawn mower and a pruning saw. He uses various top dressings, compost or

fertiliser. He carries out manual weed control and chemical control as well. He plants trees, shrubs and bulbs in the Provost's garden.

Name: Paul Staunton
Job Title: House Attendant
Hours of Work: 6:00 - 2:30 (Daily Monday - Friday full-time)

The comparator is employed as a cleaner as part of the household staff. He has worked in this position for about six years and reports to the housekeeper. The comparator is responsible for cleaning the hard to reach parts of the buildings that he has been assigned to. This entails working his way around the area and he does the high dusting in each of these buildings in turn, for example the cornices and florescent lights. He also cleans all the internal high level glass in these buildings, e. g. fan lights over doors. He hovers internal walls. Each morning between 6:00 a.m. and 8:00 a.m. he does dusting, washing floors, cleaning before staff come into work. Other cleaners do cleaning in this area also. He changes the towels in the College, in particular in the staff office areas.

The comparator works in the household area. There are around about 800 students in residence in the college and between 500 - 600 flats/studios. He collects household cleaning goods from the stores and delivers these in a van to the various designated spots for the household staff. He also collects linen, towels, curtains etc., and delivers these as required to the various buildings throughout the college grounds. He removes and re-hangs curtains, mostly to have the curtains cleaned. He works his way around the various buildings in sequence but he may have to do this work out of sequence also. The comparator moves a lot of furniture in the students' residences particularly on receipt of notification that furniture has been broken, for example beds and fridges. The College then replaces these items of furniture. He has to move these up and down narrow staircases but he gets help in this work.

In Summer his work changes quite a lot as the College takes in outsiders as paying guests. This may or may not be connected with conferences. The College supplies linen to the guests. The comparator drives a van and uses this to collect/deliver dirty/clean linen. He also drives people to their rooms if it is a distance from the Admissions Office. He may also sign in/out keys to guests. He also has to move beds to suit the requirements of the guests and put in cots or remove them where there are families involved. He works on his own initiative but is also instructed by the housekeeper as to what is required in the various different areas. The rooms are furnished in a different manner in the Summer when he has to put in crockery, rugs etc. He has to keep a record of what has been placed in the various rooms in order to retrieve them before the term restarts and also he records their placement back in storage again. The comparator works a large number of hours overtime during the Summer.

The comparator also drives outside the College grounds.

Name: Alan Norris
Job Title: Cleaner House Attendant
Hours of Work: 7:00 - 3:30 (Daily Monday - Friday full-time)
he finishes at 2.30 Friday

Note: The comparator works overtime in the summer on Saturdays and Sundays and also stays late in the afternoons on weekdays.

The comparator belongs to the household department and is one of three male cleaners employed there. He works within a team and is generally responsible for a specific group of buildings. The work he carries out is on a rotational basis and while there are certain set tasks that he performs each morning he then does, for example, high dusting or glass cleaning in the various buildings that he is assigned to on a rotating basis, or by direct instruction from his supervisor.

Each morning when the comparator commences work he washes an area of floors in the arts block. Again the supervisor will advise the area to be washed on a particular day. He then cleans the gents' toilets and this includes the entire area of the toilet block. He has to wash down walls, floors, toilets cubicles etc., and also ensure that they are stocked with soap and toilet paper as necessary. This work has to be completed before the area is open to the general public and the supervisor keeps the closed signs up until the floors have dried off.

The comparator then works in the various libraries and reading rooms and does high dusting and also cleans glass over fan lights and hard to reach places. He also cleans all the glass on doors, showcases etc., in the arts block, the Berkerey Library, the Old Library and does high dusting in the Museum building. All of this work has to be completed by 10:00 a.m. At that point he reports to a different supervisor and can be instructed to carry out cleaning in any of the following areas;

The Residence in Dartry
Saint James's Hospital
Sir Patrick Dunnes
Hospital Five
The New Square Residence and
Pearse Street Residence

Duties in relation to these areas can involve cleaning and in the case of Saint James's Hospital and Sir Patrick Dunnes, the delivery of stores as well.

The claimant also takes down and re-hangs curtains as requested by the supervisor in the linen stores. The comparator also covers for other staff when they are on annual leave or sick leave. He helps the other cleaners in the department. He helps with furniture removals during the summer for example replacing beds or installing pictures, paintings and rugs and keeping a record of same.

Each day the comparator spends from 1:30 to 2:30 checking all the gents toilets in the Arts Block and replenishes soap, toilet paper etc., as required.

The comparator drives a Hi-ace Van as required to do either deliveries or collections as instructed by a supervisor. This would be approximately twice a month. The comparator carries a bleep and can be requested to work elsewhere. Sometimes, for example, he may be called to mop up a flood if there has been a spillage prior to

calling in a plumber.

After the comparator finishes checking the gents toilets in the Arts Block prior to finishing his shift, he spends some time cleaning out his big floor washing machine. He then has it ready for early work the next morning. The comparator uses step ladders daily in the course of his work.