

1. DISPUTE

- 1.1** This dispute concerns a claim by the I.P.U., on behalf of Mr. John Thewlis, Mr. Conor Horgan and Mr. Paul Niall who are employed by the Irish Times Limited, that they are entitled to the same rate of remuneration as that paid to two named female comparators in terms of Section 3(a), Section 3(b) and Section 3(c) of the Anti-Discrimination (Pay) Act, 1974. Details of the claimants and the comparators are listed in Appendix A.

2. BACKGROUND

- 2.1** The Irish Times Limited was established in 1859 and it publishes the Irish Times and the Irish Field. Mr. Thewlis, Mr. Horgan and Mr. Niall are employed as Analyst/Programmers earning annual salaries of £26,000.
- 2.2** The two named female comparators both work as Commercial Systems Support Executives with annual salaries of £31,000. The Union argues that each of the claimants perform 'like work' with that performed by each of the two named female comparators and are, therefore, entitled to the same rates of pay. On 10th January, 1997 a claim was lodged by the I.P.U. under Section 3(a), Section 3(b) and Section 3(c) of the Anti-Discrimination (Pay) Act, 1974, on behalf of Mr. Thewlis, Mr. Horgan and Mr. Niall, to an Equality Officer for investigation and recommendation.

3. SUMMARY OF THE UNION'S CASE

3.1 According to the Union there are three separate Information Technology (I.T.) Departments within the Irish Times as follows:

The I.T. Services Department	-	Est. 1970
The Editorial Systems Team	-	Est. 1991
The Commercial Systems Team	-	Est. 1992

The Union says that the Editorial and Commercial System teams were originally set up as temporary situations with the intention of their ultimate integration into the Main I.T. Services Department. The Union states that the claimants sought and were refused jobs in both these teams on the basis that they were temporary units and the work would ultimately be accommodated within the main I.T. Department.

3.2 The Union states that the claimants work in the I.T. Services Department as analyst/programmers earning annual salaries of £26,000. The two female comparators, who are the same grade, work in the Commercial Systems Team and have an annual salary of £31,000 each.

3.3 According to the Union the claimants are professionally qualified as Analyst/Programmers (3rd Level). They can perform analyst work, programming and system support work and do so in all three areas of I.T. operations. The Union contends that the two female comparators are not professionally qualified and are confined to systems support work in their own area.

3.4 The Union argues that the claimants have an entire range of responsibilities in excess of system support which is more onerous and more skilled than that pertaining to the jobs performed by the named comparators. The Union

says that neither of the comparators could perform the duties of the claimants whereas, in reverse, the claimants can and regularly do perform the work of the comparators.

3.5 The Union states that the claimants are professionals in the broader I.T. area while the comparators have grown up with the particular system. The Union says that the comparators would not have any I.T. experience outside of their own area and would have a very limited knowledge of the broader I.T. system. The claimants, in contrast, would be fully interchangeable with I.T. Specialists in any other organisation.

3.6 The Union is satisfied that the comparators have a good working knowledge of their own system and can provide support for most of the difficulties that may arise. However, the Union says that the more complex issues have to be referred to the professionals in I.T. Systems Department including the claimants.

3.7 The Union states that, when the Commercial System was originally introduced, it was the expressed intention to have it fully integrated and supported from the I.T. Services Department and staff were so advised at the time. Because the team was only to be temporary the claimants were prevented from applying for a job in the team. The Union says that the predecessor of the Commercial Team was called 'Class' and this was serviced and supported by the I.T. Systems Team.

3.8 The Union says that the claimants must be able to support three systems whereas the comparators only support one system. On this basis the Union contends that the jobs must be deemed to be equal. The Union

states that the claimants' role is even much more sophisticated and must, therefore, be acknowledged as operating well in excess of Clause 3(c) of the 1974 Pay Act. The Union says that, as the claimants are male and the comparators are female, the fact that the claimants are denied access to jobs in the Commercial Systems Team is a case of discrimination under the 1974 Act.

4. SUMMARY OF THE COMPANY'S CASE

- 4.1** According to the Company the claimants are employed as Analyst/Programmers. Mr. Horgan and Mr. Niall each have an annual salary of £26,699 while Mr. Thewlis has an annual salary of £29,400. The difference in salaries is entirely attributable to the fact that Mr. Thewlis, by agreement, works nights permanently and for which he is paid the night rate. The Company says that the comparators are employed as Commercial Systems Support Executives and have annual salaries of £21,828 basic plus a bonus payment of £8,500 per annum.
- 4.2** The Company states that the claimants are alleging that they are performing 'like work' under Section 3(a), 3(b) and 3(c) of the Anti-Discrimination (Pay) Act, 1974. The Company rejects that 'like work' exists between the jobs of the claimants and the named comparators. The Company also contends that there are legitimate grounds other than sex to justify the higher levels of remuneration to the comparators.
- 4.3** The Company rejects the Union's claim that the claimants perform the same work as that performed by the comparators under Section 3(a) of the 1974 Act. The Company says that the claimants are members of the I.T. Services Department. This Department maintains and

develops a range of computer systems, some of which are the responsibility of the claimants. In contrast the Commercial Systems team are advertising specialists who are centrally involved in the day-to-day production control and monitoring of newspaper advertising. The Company contends that full interchangeability does not take place between the jobs of the claimants and the named comparators for example the comparators provide training to advertising sales staff on the use of the advertising system while the claimants do not.

4.4 The Company also rejects the assertion by the Union that 'like work' as defined by Section 3(b) of the 1974 Act exists between the jobs performed by the claimants and the jobs performed by the named comparators. The Company says that the claimants' jobs, as technical specialists, involve the provision of a range of information technology services whereas the comparators are advertising specialists centrally involved in the day-to-day newspaper advertising production process. The Company says that the differences between the jobs of the claimants and the comparators occur all the time and are of sufficient importance to justify a higher rate of pay in the case of the comparators.

4.5 The Company rejects that 'work of equal value' as defined by Section 3(c) of the 1974 Act exists between the job of the claimants and the named comparators. It examined the work in terms of skill, responsibility, mental effort and working conditions as follows:

Skill

To perform the job of a claimant one requires a diploma in information technology or experience in a general commercial computing environment. There is a reasonable amount of judgement and initiative required in the job.

The claimants are reasonably closely supervised and the I.T. Manager is available for consultation if problems arise.

Computer literacy and significant exposure to newspaper advertising and sales production are necessary to perform the work of the comparators. Excellent communication skills are required as they must deal with users in a pressurised environment. They are expected to solve problems rapidly due to time pressures. They are not closely supervised and must prioritise the work themselves. They are also required to have excellent training skills to train users to required levels.

On the basis of the foregoing the Company claims that there is a greater skill involved in the job performed by the comparators.

Responsibility

The claimants have some support duties but in the main they are not in the areas of newspaper production. The systems the claimants support include management information systems, accounts and billing systems. Errors which may be made will be picked up by others and the impact will not be as great as in the case of the comparators.

The comparators have responsibility for supporting all advertisement sales personnel who can be dealing with customers when problems occur. There can be upwards of 60 staff on the system at any time, any one of whom can call the systems team for assistance. The comparators are responsible for ensuring that all advertisements are processed through the various system functions, including accounts functions, within deadlines. Any failure to resolve problems can result in loss of

advertisements and consequent loss of revenue. The comparators have full responsibility for formal primary and follow up training for system users. A mistake or delay in error resolution by the comparators could have serious implications for the production of the newspaper. For example if advertisements are delayed in the system, the overall production of the newspaper will be delayed as pages will not be complete when required. This can have revenue loss implications.

According to the Company there is greater responsibility involved in the comparators' job.

Mental Effort

The comparators perform the job in a more pressurised environment. Comparators jobs often involve intense bursts of concentration to solve time critical issues. This is not usual in the claimants' jobs. Comparators often have to deal with several issues simultaneously. The claimants usually deal with one issue at a time. Comparators usually work on their own during time critical periods. The claimants work in a team environment with management support usually available. The comparators work to tight deadlines which create a greater intensity of mental effort.

The Company says that there is a greater mental effort in the job performed by the comparators.

Working Conditions

The claimants (with the exception of Mr. Thewlis) usually work normal office hours. The comparators cover the requirements of the job without additional payment even when these go beyond normal office hours. The comparators also cover for holidays, illness and other work requirements without additional compensation for

working the extra hours involved. Mr. Thewlis works an agreed fixed length night shift for which a differential of £2,701 per annum is paid. Coverage requirements of the systems team is greater than those required of the claimant.

On this basis the Company states that the working conditions are more demanding for the comparators jobs.

In conclusion the Company claims that there are significantly greater skills, responsibility, mental effort and more demanding working conditions in relation to the comparators' jobs. Therefore the comparators' jobs are higher value jobs and justify a greater rate of pay.

4.6 The Company says that, without prejudice to its arguments in relation to 'like work', it is arguing that legitimate grounds other than sex exist to justify higher levels of pay to the named comparators. In showing this the Company details background information which is set out in Appendix B.

4.7 The Company says that it does not accept that the jobs of the claimants and the named comparators involve 'like work' as defined by Section 3(a), 3(b) and 3(c) of the 1974 Act. Furthermore it does not consider that the jobs of the comparators are of a similar nature to those performed by the comparators. Rather the jobs of the named comparators are of a higher value to those performed by the claimant. The Company asks that the Equality Officer rejects this claim on the basis of its assertion that 'like work' does not exist between the jobs of the claimants and the named comparators and also because the differences in pay are not on grounds of sex.

5. CONCLUSIONS OF THE EQUALITY OFFICER

- 5.1** In making my recommendation in this case I have taken into account all of the submissions, both written and oral, made to me by the parties and also the work inspections which I carried out on the work performed by each of the claimants and each of the named comparators. Both the Union and the Company included job descriptions for the claimant and the comparators in their submissions. These are attached as Appendix C.
- 5.2** The issue for consideration in this case is whether or not 'like work' exists between the work performed by the claimants and that performed by the comparators within the meaning of Section 3(a), Section 3(b) and Section 3(c) of the 1974 Act. The matter of whether or not the claimants are able to undertake the work carried out by the comparators is not relevant to this case.
- 5.3** I note that Mr. Horgan and Mr. Niall earn the same annual salary hence I am satisfied that they perform 'like work' with each other. I further note that each of the named comparators earn the same annual salary and I consider that they perform 'like work' with each other. I, therefore, propose to firstly examine the work of the claimant Mr. Horgan and the comparator Ms. Murphy in terms of Section 3 of the 1974 Act. I note that Mr. Thewlis is earning a higher annual salary to the other two claimants. According to the Company this is because he works the night shift. Following an examination of his work I am satisfied that his work is different from that undertaken by his colleagues during the day. For this reason I then propose to compare the work performed by Mr. Thewlis with that performed by Ms. Murphy in terms of Section 3 of the 1974 Act.

MR. HORGAN (Claimant) vs **MS. MURPHY** (Comparator)

5.4 Section 3(a) of the Act states that two persons shall be regarded as employed on "like work" where:

"both perform the same work under the same or similar conditions, or where each is in every respect interchangeable with the other in relation to the work".

The claimant is employed as an analyst/programmer in the I.T. Services Department in the organisation. His responsibilities include, inter alia, analysing the requirements for new systems, supporting existing systems, writing BASIC programs and the training of users. The named comparator is employed as a Commercial Systems Support Executive. Prior to her appointment to this position the named comparator worked in the advertising area and is very familiar with the procedures. This knowledge has proved essential in enabling her perform her work as a Commercial Systems Support Executive. The named comparator is responsible for providing computer support and maintenance to the advertising area which comprises seven distinct areas within the Company. She is responsible for monitoring the inputting of advertisements into the system and ensuring that they are all published in the daily newspaper. It is her responsibility to train staff charged with inputting advertising details into the system. As both the Union and the Company submitted the same job description for the named comparators I have accepted it as an agreed job description. Following my examination of the work of the claimant (job description set out in Appendix D) and that of the named comparator (see job description in Appendix E) I find that the claimant is not interchangeable with the named comparator in relation to the work and I am, therefore, satisfied that they do not perform "like work" in terms

of Section 3(a) of the Act.

5.5 Section 3(c) of the Act states that two persons shall be regarded as being employed on like work:

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

In examining the claim under Section 3(c) of the Act, I have taken account of every aspect of the work performed by the claimant and the named comparator in relation to skill, physical and mental effort, responsibility and working conditions.

5.6 Skill:

While the claimant and the named comparator work on different computer technologies (i.e. hardware and software platforms) I am satisfied that they both require similar type skills to perform their tasks. The claimant, however, has acquired the additional skills needed to undertake tasks associated with the setting up of PC Networks and the communication link from a laptop to the main office system. He also undertakes analysis to define the requirements of a new computer system where required. Both the claimant and the comparator are required to give training courses to users. Training courses given by the claimant are generally given informally on a one-to-one basis. In contrast many of the training courses given by the named comparator are given to groups of users in a formal training setting. I consider that greater skill is required of the named comparator in giving training courses than is required of the claimant. The process involved in accepting, inputting, validating, publishing

and charging for advertisements in the newspaper is complex and requires a lot of interaction by the named comparator throughout the various stages. I consider that the named comparator needs to have a very good understanding of the entire process to ensure that advertisements are published, customers are satisfied and a correct billing system is invoked.

Having balanced the skill level required of the claimant (in relation to PC Networking and Systems Analysis) and that required of the named comparator (in terms of the advertising process) I find that the demands made on the named comparator, in relation to skill, are greater than those made on the claimant.

5.7 Physical Effort:

Both the claimant and the named comparator may need to go from one area to another when there are computer problems which they have to resolve. Furthermore in solving problems they may need to move Personal Computers in order to access the cables connected to the back of them. In relation to PC Networking the claimant may need to connect computer cables from one point to another. The named comparator needs to go from her office to the Caseroom on a daily basis to check the advertisements as they are published.

I consider that the demands made on the claimant, in terms of physical effort, are equal to those made on the named comparator.

5.8 Mental Effort:

Both the claimant and the named comparator must trace computer problems when they occur. The claimant has the

added task of establishing the cause of problems when the network collapses or when the communications link between a laptop and the main office system fails. Furthermore the claimant must ensure that, when specifying a new system, he correctly encompasses user requirements. The named comparator must concentrate her efforts to ensure that all advertisement requests are accepted and printed. Furthermore she is constantly working to time pressures inasmuch as various tasks must be completed by certain times during the day. Should this not happen it results in a delay in the printing of the newspaper.

Having balanced the level of mental effort required of the claimant against that required of the named comparator I am satisfied that the demands made on her (named comparator), in relation to mental effort, are higher than those made on him (claimant).

5.9 Responsibility:

Both the claimant and the named comparator are responsible for the provision of support on computer systems. They are also responsible for maintaining these systems and ensuring that they are functioning properly. The claimant is also responsible for any system analysis he undertakes and the onus is on him to provide a system which meets user requirements. The named comparator is responsible for ensuring that advertisements are published when required and that these advertisements are then charged to the customer. Should an advertisement be cancelled the named comparator must ensure that Accounts are notified so that customers are not charged in error.

I find that the demands made on the named comparator, in terms of responsibility, are higher than those made on the claimant.

5.10 Working Conditions:

Both the claimant and the named comparator work in an office environment. The named comparator is required to remain in the office until such time as the advertisements are printed so that she can check that all the advertisements are correct. Should an error occur the named comparator must correct it before numerous copies of the paper are printed. This could be anywhere from 6.30p.m. to mid-night. The named comparator is scheduled to work on the later shift every second week and, where necessary, she has to cover for annual leave and sick leave. Furthermore, she must work every second Saturday and every second Bank Holiday. In contrast the claimant's working day starts at 8.45a.m. and finishes at 6.10p.m. daily. If he has to remain late he is compensated by getting time off.

I consider that the demands made on the named comparator, in terms of working conditions, are greater than those made on the claimant.

5.11 In summary, based on the foregoing, I find that the demands made on the claimant, in terms of physical effort, are equal to those made on the named comparator. However, I consider that the demands made on the named comparator, in relation to skill, mental effort, responsibility and working conditions, are greater than those made on the claimant.

5.12 Section 3(b) of the Act states that two persons shall be

regarded as employed on "like work" 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 work as a whole".

I have already stated that I consider the work undertaken by the comparator to be more demanding than that undertaken by the claimant. I am satisfied that the on-going differences already outlined between the work performed by the named comparator and that performed by the claimant and also the greater demands placed on her by her work constitute valid reasons for a difference in remuneration in terms of Section 3(b) of the Act.

5.13 Based on the foregoing I find that the claimant does not perform 'like work' with the named comparator within the meaning of Section 3(a), 3(b) and 3(c) of the Anti-Discrimination (Pay) Act, 1974. As I have already found that the claimants (Mr. Horgan and Mr. Niall) are doing 'like work' with each other and that the named female comparators (Ms. Murphy and Ms. Sheridan) are doing 'like work' with each other, I am satisfied that each of the claimants do not perform 'like work' with each of the comparators in terms of Section 3 of the Act.

MR. THEWLIS (Claimant) vs **MS. MURPHY** (Comparator)

5.14 Section 3(a) of the Act states that two persons shall be regarded as employed on "like work" where:

"both perform the same work under the same or similar conditions, or where each is in every respect interchangeable with the other in relation to the work".

The claimant is employed as an analyst/programmer in the

I.T. Services Department in the organisation. His responsibilities include, inter alia, monitoring the various office and communications systems, undertaking the migration of files from one system to another and monitoring queues. The named comparator is employed as a Commercial Systems Support Executive. Prior to her appointment to this position the named comparator worked in the advertising area and is very familiar with the procedures. This knowledge has proved essential in enabling her perform her work as a Commercial Systems Support Executive. The named comparator is responsible for providing computer support and maintenance to the advertising area which comprises seven distinct areas within the Company. She is responsible for monitoring the inputting of advertisements into the system and ensuring that they are all published in the daily newspaper. It is her responsibility to train staff charged with inputting advertising details into the system. As both the Union and the Company submitted the same job description for the named comparators I have accepted it as an agreed job description. Following my examination of the work of the claimant (job description set out in Appendix F) and that of the named comparator (Appendix D refers) I find that the claimant is not interchangeable with the named comparator in relation to the work and I am, therefore, satisfied that they do not perform "like work" in terms of Section 3(a) of the Act.

5.15 Section 3(c) of the Act states that two persons shall be regarded as being employed on like work:

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

In examining the claim under Section 3(c) of the Act, I have taken account of every aspect of the work performed by the claimant and the named comparator in relation to skill, physical and mental effort, responsibility and working conditions.

5.16 Skill:

While the claimant and the named comparator work on different computer technologies (i.e. hardware and software platforms) I am satisfied that they both require similar type skills to perform their tasks. The claimant however has acquired the additional skills needed to undertake the migration of files from one system to another i.e. from the VAX to the Atex system. The process involved in accepting, inputting, validating, publishing and charging for advertisements in the newspaper is complex and requires a lot of interaction by the named comparator throughout the various stages. I consider that the named comparator needs to have a very good understanding of the entire process to ensure that advertisements are published, customers are satisfied and a correct billing system is invoked. She is also required to give formal training courses to groups of staff members.

I find that the demands made on the named comparator, in relation to skill, are greater than those made on the claimant.

5.17 Physical Effort:

Both the claimant and the named comparator may need to go from one area to another when there are computer problems which they have to resolve. Furthermore in solving problems they may need to move Personal

Computers in order to access the cables connected to the back of them. The named comparator needs to go from her office to the Caseroom on a daily basis to check the advertisements as they are published.

I consider that the demands made on the claimant, in terms of physical effort, are equal to those made on the named comparator.

5.18 Mental Effort:

Both the claimant and the named comparator must trace computer problems when they occur. The claimant, because he is working at night, has no colleagues to consult in the event of problems. This results in him being under greater pressure should problems occur. The named comparator must concentrate her efforts to ensure that all advertisement requests are accepted and printed. Furthermore she is constantly working to time pressures inasmuch as various tasks must be completed by certain times during the day. Should this not happen it results in a delay in the printing of the newspaper.

Having balanced the level of mental effort required of the claimant against that required of the named comparator I am satisfied that the demands made on her (named comparator), in relation to mental effort, are higher than those made on him (claimant).

5.19 Responsibility:

Both the claimant and the named comparator are responsible for the provision of support on computer systems. They are also responsible for maintaining these systems and ensuring that they are functioning properly. The claimant is also responsible for the

successful migration of files from one system to another. The named comparator is responsible for ensuring that advertisements are published when required and that these advertisements are then charged to the customer. Should an advertisement be cancelled the named comparator must ensure that Accounts are notified so that customers are not charged in error.

I find that the demands made on the named comparator, in terms of responsibility, are higher than those made on the claimant.

5.20 Working Conditions:

Both the claimant and the named comparator work in an office environment. The claimant works three nights a week from 5.50p.m. until 5.00a.m. I note that the claimant is compensated for the unsocial hours he works. The named comparator works day time. However, she is required to remain in the office until such time as the advertisements are printed so that she can check that all the advertisements are correct before numerous copies of the paper are printed. This could be anywhere from 6.30p.m. to mid-night. The named comparator is scheduled to work the later shift every second week and, where necessary, she has to cover for annual leave and sick leave. Furthermore, she must work every second Saturday and every second Bank Holiday.

I consider that the demands made on the named comparator, in terms of working conditions, are greater than those made on the claimant.

5.21 In summary, based on the foregoing I find that the demands made on the claimant, in terms of physical effort, are equal to those made on the named comparator.

However, I consider that the demands made on the named comparator, in relation to skill, mental effort, responsibility and working conditions, are greater than those made on the claimant.

- 5.22** Section 3(b) of the Act states that two persons shall be regarded as employed on "like work" 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 work as a whole".

I have already stated that I consider the work undertaken by the comparator to be more demanding than that undertaken by the claimant. I am satisfied that the on-going differences already outlined between the work performed by the claimant and that performed by the named female comparator and also the greater demands placed on her by her work constitute valid reasons for a difference in remuneration in terms of Section 3(b) of the Act.

- 5.23** Based on the foregoing I find that the claimant does not perform 'like work' with the named comparator within the meaning of Section 3(a), 3(b) and 3(c) of the Anti-Discrimination (Pay) Act, 1974. As I have already found that the named female comparators (Ms. Murphy and Ms. Sheridan) are doing 'like work' with each other, I am satisfied that the claimant does not perform 'like work' with either of the named comparators in terms of Section 3 of the Act.

- 5.24** Notwithstanding this finding I consider that there are grounds other than sex in terms of Section 2(3) of the Act for the difference in remuneration between the

claimant and the named comparators. I note from my findings in Recommendation No. EP 05/1997 that the claimants are working in the I.T. Services Department with a female colleague (Ms. Andrews). While the claimants are on a higher annual salary than Ms. Andrews the reason is because the claimants are members of a different Union to Ms. Andrews. The claimants' Union (IPU) have accepted a 3% increase as a result of a local bargaining agreement which has not been accepted by Ms. Andrew's Union (SIPTU). In effect Ms. Andrews is earning the same annual rate of pay as the claimants, excluding the allowance paid to Mr. Thewlis for working the night shift. Therefore if I had found that the claimants were doing 'like work' with the named comparators in terms of Section 3 of the Act then Ms. Andrews would also be doing 'like work' with the named female comparators. In such a situation the difference in remuneration could not have been attributable to sex. A similar scenario arose in the case of the Steel Company of Ireland and Ms. Denise Wilton (DEP971) and the Labour Court agreed with the Equality Officer's findings that there were grounds other than sex for the payment of the different rates of remuneration. I also note the Company's argument that the pay rates for staff in the I.T. Services Department and the Commercial Systems team were agreed upon prior to recruitment to the areas. Hence these rates applied whether male or female staff were recruited.

6. RECOMMENDATION

- 6.1** In view of my conclusions above that Mr. Conor Horgan, Mr. Paul Niall and Mr. John Thewlis do not perform "like work" with that performed by either of the two named female comparators in terms of Section 3(a), Section 3(b) and Section 3(c) of the Anti-Discrimination (Pay) Act, 1974, I find that they do not have any entitlement to the same rate of remuneration as that paid by the Irish Times Limited to the two named comparators.

Gerardine Coyle
Equality Officer

30th June, 1997

APPENDIX A

Details of the
Claimants
and the
Comparators

CLAIMANT:

Mr. Conor Horgan	-	Salary	£26,699
Mr. Paul Niall	-	Salary	£26,699
Mr. John Thewlis	-	Salary	£29,400

COMPARATORS:

Ms. Ann Marie Murphy	-	Salary	£21,828	Plus Bonus
£8,500				
Ms. Mary Sheridan	-	Salary	£21,828	Plus Bonus
£8,500				

APPENDIX B

Extract from the
Company's submission
on the issue of
Grounds other than Sex

GROUND'S OTHER THAN SEX

Background:

- 1973 - The Irish Times purchased its first computer system (an IBM System Three) for accounts purpose exclusively. The computer was staff by clerical union (then ITGWU) personnel.
- 1974 - A Computer Department was set up to centralise computer services including production and commercial computer systems. The new department required a staff of 4 programmer/analysts. At the outset a mix of skills and experience was necessary. Composition skills were essential for the running of the then production systems and commercial experience was necessary for the new accounts systems.

Recruitment was by way of open competition which included computer aptitude testing. 2 men and 2 women were successful in their applications.

Both ITGWU and IPU claimed the new post of programmer/analyst should be represented by their respective unions. It was decided that each union would represent half the programmers. It was further agreed that there would be a single rate for the job. This rate was linked to the Caseroom rate at the time and was considerably higher than the then clerical rates. This link still remains today.

Caseroom employees were exclusively male at the time when the ordinal rate was struck for the analyst/programmer job. Males and females were employed from the start in that job. Therefore the rate of pay for that job is a unisex one. The rate of pay for the software development co-ordinator job is linked to that of analyst/programmer. As the analyst/programmer pay rate is a unisex one and the software development co-ordinator rate is linked to that, then by implication, the software co-ordinator rate must also be a unisex rate.

- 1991 - An editorial systems team was set up to facilitate, maintain and develop an ATEX editorial system. This team is an integral part of the editorial production process. Recruitment to the team was by way of open competition which included aptitude tests. Selection was based on aptitude, skills and experience and four staff were selected.

Prior to the recruitment of the team a rate for team

members was agreed. The rate (C2) was set in context of NUJ rate as the work was almost exclusively concerned with editorial production. There has been a unisex rate for journalist since at least the mid 60's.

- 1995** - In March 1995 the Union (by letter) sought to have analyst/programmer rates brought up to editorial systems rates. The Company replied (by letter) in April, 1995 agreeing to meet the Union on the matter. In the letter the Company set out the basis on which the advertising systems team rates were agreed and the reasons why it could not concede the Union claim.

At a meeting on 29th November, 1995 the Union claimed that the difference in pay rates was due to the fact that the systems teams were "on call". This idea was rejected by the Company as being erroneous in fact and then explained the differences between the jobs and the history of how rates were arrived at. The Union also claimed that programmers were precluded from applying for the systems team positions. The Company rejected this. At this meeting the Company said that there may be scope for amending rates should the Computer Department be re-organised. This did not happen.

- 1996** - In May, 1996 the matter was referred by the Union to the L.R.C. under the Anti-Discrimination (Pay) Act, 1974. At no time prior to the referral did the Union mention that their members were being discriminated against on grounds of sex.

This supports the Company's argument that having failed to get an increase in pay under normal industrial relations channels, S.I.P.T.U. is now using Equal Pay Legislation in an effort to achieve the same end. If the issue was one of discrimination as alleged then surely the Union representing the claimant would have seen this from the start. The fact that it did not, suggest that even S.I.P.T.U. itself believe that the claim has no substance.

Furthermore the I.P.U. which represents half of the analyst/programmers staff has not made any claim, which again supports the Company's argument that this case has no merit.

APPENDIX C

Job Descriptions
submitted by
the Union and the Company

JOB DESCRIPTION
FOR THE POST OF
ANALYST/PROGRAMMER
SUBMITTED BY THE
UNION

JOB DESCRIPTION
FOR THE POST OF
ANALYST/PROGRAMMER
SUBMITTED BY THE
COMPANY

APPENDIX D

Equality Officer's
Job Description
for
Mr. Horgan and Mr. Niall

Name: Mr. Conor Horgan

Title: Analyst/Programmer

Organisation: Irish Times Limited

Salary: £26,699 per annum

Hours of Work: 10.20a.m. - 6.10p.m. daily (32 hour week)

Duties:

ANALYSIS

The claimant undertakes an analysis on foot of a request for a new system or extensive changes to an existing system. The stages to an analysis include the following:

- Establishing User Requirements:

This encompasses a familiarisation exercise on the work of the area and an examination of the business practices in the area to determine if work procedures could be improved upon before computerising the area. Where a computer system is currently functioning in the area it is necessary to examine it in order to determine what features must be transferred from it to a new computer system.

- Design of a New System:

This encompasses an examination of software packages to establish which one best suits the development of the proposed system. The appropriate hardware platform is selected. The database is designed i.e. how the information is going to be stored. Input screens are designed, reports are set up and backup cycles determined.

- User Testing:

This encompasses the testing of the prototype screens and reports (developed by the claimant) by the users of the proposed system. Having examined the prototypes the users advise the claimant of any amendments or additions required and these are encompassed into the designs.

- Implementation:

This encompasses the setting up of the hardware infrastructure, installing all the necessary software, setting up levels of access/user profiles for each user of the proposed system, notifying operations staff to include the proposed system in the nightly backup cycle and, where necessary, writing the programs to enable existing data to be imported into the proposed system.

- Training:

This encompasses hands-on training on a one-to-one basis in the user department.

- Maintenance:

This encompasses changes/enhancements of certain features of the system as identified by the user.

LIAISON WITH SUPPLIERS

The claimant has contact with suppliers in relation to a number of the systems in the organisation for example in relation to Graphical User Interfaces (GUIs) on Personal Computers (PCs), Networking PCs, etc. Ad hoc committees are set up for large projects. These committees are representative of the relevant Departments, a regular user of the system and a representative of the I.T. Department. The claimant has represented the I.T. Department on some of these committees and would liaise with the supplier to ensure that the users would receive all the training. Where a system has been 'bought-in' three or four persons (including a member of the I.T. Department and at times this person has been the claimant) have received in-house and/or external training in the system/package so that they can act as Power Users/Administrators.

PROGRAMMING

The claimant writes programs as and when required. These programs/routines are required as interfaces between the Digital Alpha and the comms system and they are generally

written in the 'DEC BASIC' Programming Language. The claimant maintains most of the legacy systems. He undertakes software maintenance as systems evolve. As regards hardware up-grades the claimant re-allocates disk space in order to utilise the disk space to best advantage.

COMMUNICATIONS

The claimant sets up both PCs and servers on the network and provides PC support when necessary. He has also set up PC system for Circulation Representatives around the country including communications back to the Head Office in Dublin. The claimant has set up and monitors data transfers between the Digital systems and the PC network.

TRAINING

As regards any system that the claimant either has been or is involved he writes up a user manual on the system and he trains the users on how to use the system. This training is generally informal on a one-to-one basis for a period of 1 to 2 hours. Sometimes the claimant trains two persons at one time.

SUPPORT

The claimant supports chiefly the following systems:

- Ledger Advertising System
- Casual Advertising System
- Payroll System
- Purchases System (Bought in)
- Document Imaging System
- Racing Services (Depends on demand, up and down)
- Library System

The payroll system was bought in but the claimant provides first line support for it. He is not, however, the first point of contact for the main frame word processing.

The claimant is familiar with and can provide support on the following operating systems:

- DOS
- Microsoft Windows 3.11
- Microsoft Windows 95
- Unix
- VMS
- Novell Netware 4.1
- Novell Lite
- Novell Personal
- Atex
- Digital Pathworks

The claimant carries out database administration on the following databases:

- Advertising Database
- Contributors Database - Involved with 2 tables on this database and all the staff in the I.T. Department are familiar with them.

Name: Mr. Paul Niall
Title: Analyst/Programmer
Organisation: Irish Times Limited
Salary: £26,699 per annum
Hours of Work: 8.45a.m. - 4.30p.m. daily

Duties:

The claimant is responsible for supporting the following systems:

- Electronic Picture Desks System
- Networking
- Electronic Mail
- Ferag System

Electronic Picture Desk System

The Electronic Picture Desk System is set up on the Apple Macintosh computers with 6 users stations. The claimant is very familiar with this hardware, the operating system (System 7) and 90% of his time would be devoted to this system. He provides support for the users of the system. The claimant gives training both to users and to other I.T. staff should they need to get involved in the system. He also undertakes software up-grades as and when required.

Networking

The claimant was responsible for planning the implementation of the cabling in relation to the network including the changeover from thin ethernet to UTP connections. The Digital VAX and Alpha servers are connected to a thick ethernet cabling system. The claimant represents the I.T. Services Department on the Network Committee which is charged with strategy planning in relation to networking and internet access and monitoring developments on the network.

Electronic Mail

The claimant is the designated postmaster for the organisation. He monitors progress on the mail system to ensure that mail is being received and distributed around the organisation, handling stray mail in the process. The claimant sets up 95% to 99% of all users on the electronic mail system. There are three types of mail user as follows:

- Atex users - Fingerpost
- Novell users - Pegasus Mail
- Alpha users

The SUN system is used to route individual mail users so that they can cross different protocols.

Ferag System

The claimant is responsible for the ferag system which is set up on a standalone network. It performs calculations of newspaper projections taking account also of waste. It is also set up to produce a database for I.M.S. staff.

Training

The claimant gives instructions on using electronic mail (E-Mail) to all users no matter which E-Mail system they are set up on. In relation to the Electronic Picture Desk System the claimant gives instructions on its use to photographers, users and other journalists. Photographers would get 16 hours instruction on an individual basis on the system. The claimant would give each person a two hour course on an individual basis and would train four persons in any one day.

Support

The claimant provides support on an on-going basis on each of the four areas for which he has responsibility. The claimant is on-call every one in six weeks for which he gets financial

remuneration.

APPENDIX E

Agreed Job Description
for the comparators
submitted by
Union and the Company

APPENDIX F

Equality Officer's
Job Description
for
Mr. John Thewlis

Name: Mr. John Thewlis

Title: Analyst/Programmer

Organisation: Irish Times Limited

Salary: £29,400 per annum

Hours of Work: 17.50p.m. - 5.00a.m. 3 nights a week
(32 hour week)

Duties:

Because the claimant works at night he has defined duties to perform as follows:

- Checks with day staff if anything has caused problems during the day which must monitor overnight.
- Carries out the migration from the master and telephone file from the Digital VAX to the Atex system.
- Answers any queries from reporters who may be having difficulty in submitting stories over the communications link. This entails checking that all the communications lines are functioning and that none of the comms ports have come down.
- After 9.00p.m. checks if the person taking in advertisements for deaths is finished. Then checks the queues and brings any outstanding advertisements up-to-date e.g. booking them and putting them in the queue. Clears the queues and lets the caseroom know that it is OK to generate the output. Runs a list of what Births, Marriages and Deaths will appear in the newspaper the following morning. Then checks the caseroom

outputs with the lists in the computer room to make sure that they tally. Closes the Atex booking suite so that no more advertisements can be booked.

- At 10.30p.m. starts the billing process of all advertisements that have expired for that day and outputs general reports on those advertisements.
- Undertakes the migration of the general advertisements that have expired from the Atex system to the database on the Digital VAX system. Generates reports for various departments.
- Monitors the communications system to ensure that it is working and that all communications from around the world are being received.
- Checks with the Dispatch Department that the migration from the Digital VAX to the Ferag system is successfully completed. Runs off a new set of labels if there are any problems with the ones in Dispatch.

SUPPORT

The claimant provides support on the following systems as and when required:

Racing Services System
Electronic Billing System (Report Production)
Electronic Photo Desk System

He is familiar with Personal Computers (PCs), the basics in relation to the Apple Macintoshes and the Digital VAX and Alpha systems. The claimant provides support on the following operating systems:

DOS
Microsoft Windows 3.11

Microsoft Windows 95
VMS
Novell Netware 4.1
Novell Lite
Novell Personal
Atex

He can also provide support, as required, on the following applications:

Word Processing on the PCs
Spreadsheets
Windows and PC set-ups and configurations
Remote User Communications
PC Applications including Communications Software
Microsoft Office
WordPerfect
Forest and Trees
Maximiser
Netscape
Pegasus Mail
Quicklink