

Annex A – Issues and determinations of fact in respect of lead claimants’ work

Bakery Job Description – List of Issues (December 2020)

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts Determined by the Tribunal
1. Use of Deck Ovens	3.3.3	[Delete highlighted text]	At the end of the oven programme a buzzer goes off to indicate that it is finished. Sometimes the Baker may ask the JH to take rolls out of the deck oven. The JH opens the door to the oven and uses oven gauntlets and a metal pole to help her remove the hot trays. She places each tray onto a rack, taking care not to mix hot and cold trays in one rack. When the rack is full she pushes it to the back of the production area ready for wrapping.	At the end of the oven programme a buzzer goes off to indicate that it is finished. Sometimes the Baker may ask the JH to take rolls out of the deck oven. The JH opens the door to the oven and uses oven gauntlets and a metal pole to help her remove the hot trays. She places each tray onto a rack, taking care not to mix hot and cold trays in one rack. When the rack is full she pushes it to the back of the production area ready for wrapping.
	4.2.2 (g)	[Delete highlighted text]	In relation to the equipment used for Bakery tasks, the JH knows how to: g) remove products from the deck oven	In relation to the equipment used for Bakery tasks, the JH knows how to: h) remove products from the deck oven
	4.3.5	[Delete highlighted text]	The JH knows the appropriate Personal Protection Equipment (PPE) to wear and when to wear it to	The JH knows the appropriate Personal Protection Equipment (PPE) to wear and when to wear it to protect against exposure

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			protect against exposure to risks and hazards. For example, the JH knows that cold working wear must be worn in the freezers and that she needs to wear oven gauntlets when handling hot trays.	to risks and hazards. For example, the JH knows that cold working wear must be worn in the freezers and that she needs to wear oven gauntlets when handling hot trays.
	4.3.7	[Delete highlighted text]	The JH knows how to removes trays from the deck oven safely by using oven gauntlets and a metal pole. The JH knows that racks of hot trays must be kept separate in order to reduce the risk of injury. When hot trays are taken out of the oven they are placed onto a rack and moved onto the back wall next to the L-sealers.	The JH knows how to removes trays from the deck oven safely by using oven gauntlets and a metal pole. The JH knows that racks of hot trays must be kept separate in order to reduce the risk of injury. When hot trays are taken out of the oven they are placed onto a rack and moved onto the back wall next to the L-sealers.
	8.3.2	[Delete highlighted text]	The JH takes care when unloading items from the deck oven as the doors and the trays get very hot. The JH uses oven gauntlets and removes the trays carefully.	The JH takes care when unloading items from the deck oven as the doors and the trays get very hot. The JH uses oven gauntlets and removes the trays carefully.
	17.5.1	[Delete highlighted text]	The JH is responsible for operating and working in close proximity to equipment that gets very hot (for example, the ovens and the L-Sealer wire which can reach temperatures of 240 degrees celsius). This exposes her to the risk of being burnt and the JH has suffered minor burns on a number of occasions. The JH is vigilant and takes care when removing hot trays from the deck oven.	The JH is responsible for operating and working in close proximity to equipment that gets very hot (for example, the ovens and the L-Sealer wire which can reach temperatures of 240 degrees celsius). This exposes her to the risk of being burnt and the JH has suffered minor burns on a number of occasions. The JH is vigilant and takes care when removing hot trays from the deck oven.

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4. Product Knowledge	4.13.1	<p>The JH is expected to and does acquire knowledge of the type of products in her department by paying attention as she replenishes and dealing with customers, or from her own personal knowledge. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents and includes the different types of bread and how it is best stored (see Appendix XX). The training documents refer to types of products. However, the JH is not expected to acquire particular knowledge of all products with which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.</p>	<p>The JH is expected to and does acquire knowledge of the type of products in her department and uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents and includes the different types of bread and how it is best stored (see Appendix XX). The training documents refer to types of products, but the JH is not expected to acquire particular knowledge of all products with which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.</p>	<p>The JH is expected to and does acquire knowledge of the type of products in her department by paying attention as she replenishes, deals with customers and otherwise carries out her work, or from her own personal knowledge, and from specific training on which her knowledge is tested. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents and includes the different types of bread and how it is best stored (see Appendix XX). The training documents refer to types of products. However, the JH is not expected to acquire particular knowledge of all products with which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.</p>
	14.1.2(e)	<p>The JH follows Asda's guidelines in relation to customer service which require her to be approachable, friendly and show</p>	<p>The JH follows Asda's guidelines in relation to customer service which require her to be approachable, friendly and show the Asda</p>	<p>The JH follows Asda's guidelines in relation to customer service which require her to be approachable, friendly and show the Asda personality of "Always Happy to Help". This</p>

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		<p>the Asda personality of “Always Happy to Help”. This includes:</p> <p>e) using her knowledge of the type of products (by reference to the PIG Guides if necessary) sold in her department, the store layout, opening times, special features, offers etc improves customer perception</p>	<p>personality of “Always Happy to Help”. This includes:</p> <p>e) good colleague knowledge of products (by reference to the PIG Guides if necessary) sold in her department, the store layout, opening times, special features, offers etc improves customer perception</p>	<p>includes:</p> <p>good colleague knowledge of products (by reference to the PIG Guides if necessary) sold in her department, the store layout, opening times, special features, offers etc improves customer perception.</p>
5. Performance Management	12.4	<p>The following are examples of when the JH has to achieve set outcomes. However, if the JH is unable to achieve them (which was rare) she would approach her Section Leader or Manager who could allocate additional resources if deemed necessary and if available (which is usually the case).</p>	<p>The following are examples of when the JH has to achieve set outcomes. However, if the JH is unable to complete the additional tasks she would (on rare occasions) approach her Section Leader or Manager who could allocate additional resources if any were available.</p>	[No facts determined as the claimants have agreed the respondent’s proposed wording.]
	12.5	<p>If the JH misses a deadline or fails to complete a task (which was rare), she informs her Section Leader or Manager. Provided the JH has been pulling her weight, there would be no consequences for her.</p>	<p>Where the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case. If the explanation is accepted, no further action is taken although the JH knows that the task will need to be completed by another colleague. If the Manager does not accept the JH’s explanation, or thinks that the JH is</p>	<p>Where the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager. She usually explains why this is the case, but is not required to provide an explanation. Provided the JH has been pulling her weight, there would be no consequences for her.</p> <p>Formal and informal performance management procedures were potentially</p>

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			not pulling her weight, or if the JH consistently misses a deadline or does not complete a task, she can be referred for further training or be subjected to performance management.	available to a manager who considered that a colleague was consistently failing to perform a task, or not pulling her weight. It did not attach to any type of task or measure of performance. The procedure was rarely if ever exercised.
7. Timings for Wrapping of Baked Products	15.9	Although all baked goods have a cooling time specified in the PIGs, the time that they are take our of the oven is not recorded and the JH uses her sensory skills to decide whether freshly baked items are at the right temperature to wrap. She does this by gently touching one of the items in order to decide whether it has adequately cooled. Crusty loaves and rolls are taken to the packing area once they have been removed from the oven and can be wrapped after 10 minutes (as perforated wrap is used). The JH handles the loaves and rolls quickly but with care in order to avoid any damage. As the rolls may still be warm, the JH ensures that she puts a single layer on each wire and does not stack them on top of each other. This is to prevent the labels on the bottom layer turning black.	Although all baked goods have a cooling time specified in the PIGs, the time that they are take our of the oven is not recorded and the JH uses her sensory skills to decide whether freshly baked items are at the right temperature to wrap. She does this by gently touching one of the items in order to decide whether it has adequately cooled. Crusty loaves and rolls are taken to the packing area once they have been removed from the oven and can be wrapped before they have fully cooled (as perforated wrap is used). The JH uses oven gloves to take the tray off the rack and place it next to the L-sealer. She then removes the oven gloves and handles the loaves and rolls quickly but with care in order to avoid any damage. As the rolls may still be hot the JH ensures that she puts a single layer on each wire and does not stack them on top of each other. This is to prevent the labels on the bottom	Although all baked goods have a cooling time specified in the PIGs, the time that they are take our of the oven is not recorded and the JH uses her sensory skills to decide whether freshly baked items are at the right temperature to wrap. She does this by gently touching one of the items in order to decide whether it has adequately cooled. Crusty loaves and rolls are taken to the packing area once they have been removed from the oven and can be wrapped before they have fully cooled (as perforated wrap is used). The JH uses oven gloves to take the tray off the rack and place it next to the L-sealer. She then removes the oven gloves and handles the loaves and rolls quickly but with care in order to avoid any damage. As the rolls may still be hot the JH ensures that she puts a single layer on each wire and does not stack them on top of each other. This is to prevent the labels on the bottom layer turning black.

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			layer turning black.	
8. Injuries	16.7.3	[Delete highlighted text]	When wrapping products on the L-sealer the JH is required to reach across and take a hold of the handle before pulling it down and holding it in place in order to seal the pack. Once it has sealed the JH lifts the handle and returns it to an upright position. On those shifts when the JH is packing freshly baked items she does this over 100 times. This puts strain on her arms due to the repetitive movement of reaching up and pulling the bar down. The JH has tennis elbow due to this and similar requirements of the job.	[No facts determined as the facts have been agreed.]

George Job Description – List of Issues (December 2020)

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts Determined by the Tribunal
9. Staffing Levels during the Relevant Period	1.3.5	[Delete highlighted text]	During the relevant period Asda ceased to replace staff that left. The reduction in numbers of shop floor staff in the George department made it more difficult to complete daily tasks and monitor customer behaviour in order to prevent theft	During the relevant period, the number of colleagues in George decreased. Asda ceased to replace staff who had left. The reduction in staff numbers was accompanied by changes which improved efficiency. These included the introduction of self-scan checkouts, changes in how markdowns were done, and a new online ordering

				system for customers. The job holder in practice did complete her tasks for the day, but, despite the efficiency changes, felt under more pressure to complete her tasks because of the reduced staff numbers. She found it more difficult to monitor customer behaviour to prevent theft. Although prevention of theft was the primary responsibility of Security, the job holder in fact tried to maintain the level of vigilance she had done when staff numbers were higher.
3. Colleague Voice (Attribute)	14.6.6	Attribute: The JH attended the monthly meetings known as 'Colleague Voice'. She spoke at the meetings (primarily on Health and Safety matters) and provided feedback to colleagues in her department so that they were kept apprised of the matters discussed.	[Delete highlighted text]	Attribute: The JH attended the monthly meetings known as 'Colleague Voice'. She spoke at the meetings (primarily on Health and Safety matters) and provided feedback to colleagues in her department so that they were kept apprised of the matters discussed.
	14.7.4	Attribute: The JH will also interact with shop floor colleagues at the monthly Colleague Voice meetings. The JH will speak to colleagues about certain issues that can be brought up at the meeting.	[Delete highlighted text]	Attribute: The JH will also interact with shop floor colleagues at the monthly Colleague Voice meetings. The JH will speak to colleagues about certain issues that can be brought up at the meeting.
	3.34	[Wording agreed but	3.34 Colleague Voice	

		Respondent maintains that the highlighted text should be in the attributes section]	<p>3.34.1 The JH was responsible for fielding requests and concerns from colleagues and reporting any issues raised by them to senior management in formal monthly Colleague Voice meetings. This was a voluntary role.</p> <p>3.34.2 The JH attends a meeting known as 'Colleague Voice' once a month. The meeting normally lasts two to three hours.</p> <p>3.34.3 A variety of topics will be discussed at the meeting, for example, charity initiatives or health and safety concerns. The JH will relay all the information gathered from the meeting to the colleagues in her department.</p> <p>3.34.4 Prior to the monthly meeting with senior management, the JH canvassed her colleagues for their views and any issues of concern by:</p> <ul style="list-style-type: none">a) noting ad-hoc requests from colleagues who approached her at work; and	
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			<p>b) approaching colleagues herself to ask if they had any issues.</p> <p>3.34.5 The JH then attended a monthly meeting with senior management where she raised the issues reported to her by her colleagues. The JH was therefore an intermediary between the concerns of the colleagues and the senior management.</p> <p>3.34.6 Having attended the monthly meeting, the JH gave feedback to colleagues regarding information that had been imparted by senior management at the meeting, and any responses she had received to concerns that she had raised on behalf of colleagues.</p>	
<p>4. Product Knowledge and Product Specification</p>	<p>4.14.1</p>	<p>The JH is expected to and does acquire knowledge of the type of products sold in her department (such as different colours and styles) by paying attention as she replenishes, dealing with customers and by using her own personal knowledge. The JH</p>	<p>[Delete highlighted text]</p>	<p>The JH is expected to and does acquire knowledge of the type of products sold in her department (such as different sizes, colours, materials and styles) by paying attention as she replenishes, dresses mannequins, consults promotion pocket guides, deals with customers, and otherwise performs her work, and by using her own personal knowledge. The JH uses this knowledge to respond to customer queries and given them confidence in her knowledge. However, the JH does not receive any specific product knowledge training and is not expected to have particular knowledge about all products she deals with day to day.</p>

		<p>uses this knowledge to respond to customer queries and give them confidence in her knowledge. However, the JH does not receive any specific product knowledge training and is not expected to have particular knowledge about all products she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers and in order to provide good customer service. The JH knows that items in her department include, but are not limited to:</p>		<p>She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers and in order to provide good customer service. The JH knows that items in her department include, but are not limited to:</p>
	4.14.2	<p>When responding to queries about products the JH takes the customer to the product and engages them in conversation</p>	[Delete highlighted text]	<p>When responding to queries about products the JH takes the customer to the product and engages them in conversation about products. She makes suggestions about accessories or other products that may complement what the customer is buying, e.g., a top to match girls' leggings and 'link selling' e.g., a belt to match</p>

		<p>about products. She makes suggestions about accessories or other products that may complement what the customer is buying, e.g., a top to match girls' leggings and 'link selling' e.g., a belt to match girls dresses or other accessories. The JH is able to use her knowledge of the types of products in her section to provide customers with information on product ranges and availability. She also frequently provides advice on information or usage (for example she provides advice to customers regarding washing instructions or product material (which may involve checking the label). The JH deals with customer queries regarding product location and availability approximately two to</p>		<p>girls dresses or other accessories. The JH is able to use her knowledge of the types of products in her section to provide customers with information on product ranges and availability. She also frequently provides advice on information or usage (for example she provides advice to customers regarding washing instructions or product material (which may involve checking the label). The JH deals with customer queries regarding product location and availability approximately two to three times an hour. She deals with queries regarding product information two to three times a shift.</p>
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		three times an hour. She deals with queries regarding product information two to three times a shift.		
	4.14.12	[Delete highlighted text]	If the product that a customer is looking for is not available the JH is able to inform the customer of alternative products by reference to the product labels, looking at nearby products or using her own personal experience and knowledge. When making product suggestions the JH needs up to date knowledge of the products and offers in her section.	“If the product that a customer is looking for is not available the JH is able to inform the customer of alternative products. If the JH is able to provide this information from her own knowledge, she does so, but this is not required. If she cannot answer from her own knowledge, she looks at product labels or nearby products or asks a colleague.”
6. Performance Management	6.3.3	A Section Leader or Manager works in the department and is available to assist with queries, provide feedback and/or allocate additional resources to tasks if any are available and if necessary.	If the JH thinks that she may not meet the deadline she will (on rare occasions) approach her Section Leader or Manager who can allocate additional resources if any are available.	A Section Leader or Manager works in the department and is available to assist with queries, provide feedback and/or allocate additional resources to tasks if any are available and if necessary, although this is rarely required.
	6.3.4	Each of the above tasks are set out in the Daily Planner and the JH is expected to complete her daily tasks in order to ensure these activities	Each of the above tasks are set out in the Daily Planner and the JH is expected to complete her daily tasks in order to ensure these activities are completed on time. If the JH thinks that she may not meet the deadline she	Each of the above tasks are set out in the Daily Planner and the JH is expected to complete her daily tasks in order to ensure these activities are completed on time. If the JH thinks that she may not complete these tasks (which was rare) she approaches her Section Leader / Manager who can allocate additional resources if any are available or decides if it can be completed by the JH or

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Case number 2406372/2008 and others

		<p>are completed on time. If the JH thinks that she may not complete these tasks (which was rare) she approaches her Section Leader / Manager who can allocate additional resources if any are available or decides if it can be completed by the JH or another colleague on another shift depending on urgency. Provided the JH has been pulling her weight, there would be no consequences for her. The departmental targets are usually met.</p>	<p>(which was rare) approaches her Section Leader / Manager who can allocate additional resources if any are available or decides if it can be completed by the JH or another colleague on another shift depending on urgency. Where the JH misses a deadline or fails to complete a task, she informs her Section Leader / Manager and explains why this is the case. If the explanation is accepted, no further action is taken, although the JH knows that the task will need to be completed by another colleague. If the Section Leader / Manager does not accept the JH's explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or fails to complete a task, she can be referred for further training or subjected to performance management. The departmental targets are usually met.</p>	<p>another colleague on another shift depending on urgency. Provided the JH has been pulling her weight, there would be no consequences for her. The departmental targets are usually met.</p>
12.1.18		<p>The following are examples of the requirement for the JH to meet deadlines. If the JH is unable to meet the deadlines, the JH will discuss her</p>	<p>The following are examples of the requirement for the JH to meet deadlines. If the JH is unable to meet the deadlines, the JH will discuss her capacity with the Section Leader or Manager who could allocate more resources if</p>	<p>The following are examples of the requirement for the JH to meet deadlines. If the JH is unable to meet the deadlines, the JH will discuss her capacity with the Section Leader or Manager who could allocate more resources if necessary and if any are available. Provided the JH had been pulling her weight, there would be no</p>

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		<p>capacity with the Section Leader or Manager who could allocate more resources if necessary and if any are available. If the JH misses a deadline or fails to complete a task (which was rare), she informs her Section Leader or Manager. Provided the JH has been pulling her weight, there would be no consequences for her.</p>	<p>necessary and if any are available. Where the JH misses a deadline or fails to complete a task, she informs the Section Leader/ Manager and explains why this is the case. If the explanation is accepted, no further action will be taken, although the JH knows that the task will need to be completed by another colleague or completed by her the following day if time allowed. If the Section Leader / Manager does not accept the JH's explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or fails to complete a task she can be referred for further training or be subjected to performance management.</p>	<p>consequences for her.</p> <p>Formal and informal performance management procedures were potentially available to a manager who considered that a colleague was consistently failing to perform a task, or not pulling her weight. It did not attach to any type of task or measure of performance. The procedure was very rarely if ever exercised in George at Aintree.</p>
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Process Job Description – List of Issues (December 2020)

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts Determined by the Tribunal
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Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts Determined by the Tribunal
7. Negative on hands	3.6.2	All BAM exceptions (except negative on hands) need to be worked in the morning as PI must be updated in time to inform stock availability and ordering.	[Delete highlighted text]	All BAM exceptions, <u>and some Negative on Hands (see below)</u> , need to be worked in the morning as PI must be updated in time to inform stock availability and ordering.
	3.6.8.3	Negative on hands corrections were typically worked between 5pm and 7pm (when the JH was not on shift). However, the JH or another process colleague may have a couple to deal with in the morning that had arisen overnight.	The JH deals with negative on hands corrections on a daily basis.	
	6.3.1 (e)	[Delete highlighted text]	Negative on Hands BAM exceptions should be cleared by the end of her shift; and	
8. Ordering of Consumables	3.25.1	During the Relevant Period the JH would let her Manager know if she notices that consumables relevant to her role (primarily labels) were running low and needed to be ordered. The Manager would then let the Admin team know as they were responsible for ordering consumables.	During the Relevant Period the JH ordered consumables for store colleagues. This was done once a week on a Tuesday. Colleagues would bring printed lists identifying what consumables they required (for example, pizza bases, carrier bags, sticky tape) and in what quantity. The JH would then enter the information on to the SMART computer.	Resolved by agreement
	14.7.4	[Delete highlighted text]	During the Relevant Period the JH ordered consumables for store colleagues. This was done once a	

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			week on a Tuesday. Colleagues would bring printed lists identifying what consumables they required (for example, pizza bases, carrier bags, sticky tape) and in what quantity. The JH would liaise with them, double check quantities and then enter the information on to the SMART computer.	
9. Product Knowledge	3.26.4	The JH is expected to acquire knowledge about the type of products in her department and to pay attention to the promotions which she encounters in the course of her work.	[Delete highlighted text]	The JH is expected to acquire knowledge about the products in her department and to pay attention to the promotions which she encounters in the course of her work.
	4.11.1	The JH is expected to and does acquire knowledge of the type of products in her department by paying attention as she replenished and dealing with customers, or from her own personal knowledge. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. However, the JH does not receive any specific product knowledge training and is not expected to acquire particular knowledge of all products which she deals with day to day. She is expected and	The JH is expected to and does acquire knowledge of the type of products in her department. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The JH is not expected to acquire particular knowledge of all products with which she deals day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.	The JH is expected to and does acquire knowledge of the products in her department by paying attention as she performs her work, including promotions, BAM exceptions, and dealing with customers, or from her own personal knowledge. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The JH does not receive any specific product knowledge training and is not expected to acquire particular knowledge of

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		encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.		all products which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.
	4.11.2	The JH is able to inform the customer of alternative products if something is unavailable by reference to the product labels, looking at nearby products or using her own personal experience and knowledge	The JH has knowledge of the different items sold in her department and is able to inform the customer of what is available for sale and suggest options or alternative products if something is unavailable. The JH does this using her knowledge of the product that is unavailable and using her personal knowledge and experience of the products that are available in the store.	The JH is able to inform the customer whether or not a product is available for sale and, if it is unavailable, is able to suggest options of alternative products. If the JH is able to provide this information from her own knowledge, she does so, but this is not required. If she cannot answer from her own knowledge, she looks at product labels or nearby products or asks a colleague.
10. Performance Management	6.1.1	[Delete highlighted text]	The JH works independently for the majority of her shift. The JH must complete her process tasks applying the priorities set out paragraph 1.2.6. Once she has completed those tasks, the JH can decide the order in which she completes reports such as Under	The JH works independently for the majority of her shift. The JH must complete her process tasks applying the priorities set out paragraph 1.2.6. Once she has completed those tasks, the JH can decide the order in which she completes reports such as Under

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			<p>Spaced/Day Fill Lines report, Deleted Lines report (see 3.4.2 (e) above) and which ones to leave over until the following shift or day, unless her Manager gives her specific instructions. The time needed for each report and list investigation task varies day by day, and the JH aims to complete BAM exceptions and OSCA alerts by 12 noon if possible. Where the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case. If the explanation is accepted, no further action is taken although the JH knows that the task will need to be completed by another colleague. If the Manager does not accept the JH's explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or fails to complete a task, she can be referred for further training or be subjected to performance management.</p>	<p>Spaced/Day Fill Lines report, Deleted Lines report (see 3.4.2 (e) above) and which ones to leave over until the following shift or day, unless her Manager gives her specific instructions. The time needed for each report and list investigation task varies day by day, and the JH aims to complete BAM exceptions and OSCA alerts by 12 noon if possible. Where the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case</p>
	12.2.7	<p>If the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case. Provided the JH is pulling her</p>	<p>If the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case. If the explanation is accepted, no further</p>	<p>If the job holder failed to complete a task, she would inform her section leader or manager and explain why this was the case. This was to help</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts Determined by the Tribunal
		weight, there would be no consequences for her.	action is taken although the JH knows that the task will need to be completed by another colleague. If the Manager does not accept the JH's explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or does not complete a task, she can be referred for further training or be subjected to performance management.	<p>ensure that the task was completed. It was not because the job holder was thinking of the personal consequences for her if the explanation was not accepted.</p> <p>Formal and informal performance management procedures were potentially available to a manager who considered that a colleague was consistently failing to perform a task, or not pulling her weight. It did not attach to any type of task or measure of performance. The procedure was rarely if ever exercised in respect of Process colleagues.</p>
9. Mystery Shopper (Duplication)	12.2.8.	Independent mystery shoppers are in store on a monthly basis and are used to assess colleagues' customer service skills. The JH must meet the mystery shopper criteria. If she does not she is retrained. The JH has never received feedback in relation to mystery shoppers. A scoreboard which contains monthly reports for the store's score is displayed in the colleague area.	Independent mystery shoppers are in store on a monthly basis and are used to assess colleagues' customer service skills. The JH must meet the mystery shopper criteria. The JH has never received feedback in relation to mystery shoppers. A scoreboard which contains monthly reports for the store's score is displayed in the colleague area. Store colleagues must be retrained if 100% is not achieved.	Issue resolved by agreement

Produce Job Description – List of Issues (December 2020)

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts determined by the Tribunal
1. Product Knowledge	4.13.1	<p>The JH is expected to and does acquire knowledge of the type of products in her department by paying attention as she replenished, dealing with customers or using her own personal knowledge. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents, such as the types of fruit and how they should be stored (see Appendix XX). The training documents refer to types of products. However, the JH is not expected to acquire particular knowledge of all products which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her</p>	<p>The JH is expected to and does acquire knowledge of the type of products in her department and uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents, such as the types of fruit and how they should be stored (see Appendix XX). The training documents refer to types of products, but the JH is not expected to acquire particular knowledge of all products with which she deals with day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.</p>	<p>The JH is expected to and does acquire knowledge of the type of products in her department from training, by paying attention as she replenishes and performs her other work, dealing with customers or using her own personal knowledge. The JH uses this knowledge to respond to customer queries and give them confidence in her knowledge. The type of product knowledge that the JH was trained to have is reflected in the product knowledge training documents, such as the types of fruit and how they should be stored (see Appendix XX). The training documents refer to types of products. However, the JH is not expected to acquire particular knowledge of all products which she deals with</p>

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts determined by the Tribunal
		interactions with customers.		day to day. She is expected and encouraged to use the knowledge which she has acquired in the course of her work, or her own personal knowledge, in her interactions with customers.
	4.13.4	If the product that a customer is looking for is not available the JH is able to inform the customer of alternative products by reference to the product labels, looking at nearby products or using her own personal experience and knowledge.	The JH has knowledge of the types of products sold in her department and is able to inform the customer of what is available for sale and suggest options or alternative products if something is unavailable. The JH does this using her knowledge of the product that is unavailable (for example, how it is typically used), product labels and her personal knowledge and experience of the products that are available in the store.	The JH is able to inform the customer whether or not a product is available for sale and, if it is unavailable, is able to suggest options of alternative products. If the JH is able to provide this information from her own knowledge, she does so, but this is not required. If she cannot answer from her own knowledge, she looks at product labels or nearby products or asks a colleague.
3. Staffing Levels during the Relevant Period	12.2.9	[Delete highlighted text]	during the Relevant Period produce colleagues who left Asda have not always been replaced which has resulted in a reduction in the number of colleagues on each shift. The JH continued to ensure that all the relevant tasks were completed by taking on work that would have previously been performed by her	As a result of staffing changes for a period of around 7 months in 2009-2010, there was a reduction of one member of staff working on the JH's Friday twilight shift. This resulted in the Job Holder having an increased workload, but it was

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts determined by the Tribunal
			colleagues	rare for her to be unable to complete her tasks.
4. Performance Management	12.3.3	<p>If the Job Holder requires assistance to meet the above (which was rare) she will approach her Manager who could allocate additional resources if deemed necessary and if available (which is usually the case). If no additional resources were available or the Manager did not consider it necessary to allocated more resources and, as a result, the JH did not complete the tasks within the stipulated timings there would be no consequences for her. However, if the JH had not been properly pulling her weight, her Manager might have a word with her. The JH was never spoke to about not pulling her weight.</p>	<p>If the Job Holder requires assistance to meet the above she will (on rare occasions) approach her Manager who could allocate additional resources if any were available. Where the JH did not complete the tasks within the stipulated timings she would inform her Manager and explain why this was the case. If the explanation was accepted, no further action would be taken although the JH would know that the task would need to be completed by another colleague. If the Manager did accept the JH's explanation, or thought that the JH was not pulling her weight, or if the JH consistently did not complete the tasks, she could be referred for further training or be subjected to performance management.</p>	<p>If the Job Holder requires assistance to meet the above, she will either ask her colleagues directly for help or approach her Manager who could allocate additional resources if any were available. If no additional resources were available or the Manager did not consider it necessary to allocate more resources and, as a result, the JH did not complete the tasks within the stipulated timings, there would be no consequences for her. However, if the JH had not been properly pulling her weight, her Manager might have a word with her. The JH was never spoken to about not pulling her weight and this was typical as it was rare for Produce colleagues to be spoken to.</p> <p>Formal and informal performance management procedures were potentially available to a manager who considered that a colleague was</p>

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts determined by the Tribunal
				consistently failing to perform a task, or not pulling her weight. It did not attach to any type of task or measure of performance. The procedure was rarely if ever exercised and there is no evidence of any Produce colleague being performance managed at the Kingswood store during the Relevant Period.
5. Use of Dolly for Replenishment	15.13	Good visual coordination and balance is required when moving full trays of stock along an aisle during replenishment. The JH uses a dolly to push stacked trays of produce up and down the aisles. Sometimes she may not be able to get her dolly to the area that she needs to replenish due to the presence of customers (or pallets before 9am). Instead, she either waits for the customer to move (or, if it is a pallet, moves the pallet) or goes down the adjacent aisle to access the location she needs from the other end of the aisle.	Good visual coordination and balance is required when moving full trays of stock along an aisle during replenishment. The JH typically uses a dolly to push stacked trays of produce up and down the aisles. Sometimes she may not be able to get her dolly to the area that she needs to replenish due to the presence of customers (or pallets before 9am). Instead, she carries a full tray of stock (which typically measures around 54cm by 36cm and weighs up to 17kg) along the aisle.	Sometimes she may not be able to get her dolly to the area that she needs to replenish due to the presence of customers (or pallets before 9am). If so, she usually waits for the pallet to be moved, or for the customers to move, or politely asks customers to move, or goes down the adjacent aisle to access the location she needs from the other end of the aisle. On particularly busy shifts, about once a week, the aisle is so busy that it is difficult to ask customers to move, the job holder carries a tray along the aisle in order to replenish. The tray measures around 54cm by 36cm. The JH carries a tray approximately 3 or 4 times on

Issue	Relevant JD Paragraph(s)	Text Proposed by Respondent	Text Proposed by Job Holder	Facts determined by the Tribunal
				<p>such a shift. It is only occasionally that she carries all the trays from one dolly along the aisle. The JH will only carry trays of produce that she can safely carry, for example, lettuces, cauliflowers and cabbages. She will not carry heavier trays, such as potatoes and carrots.</p> <p>Occasionally, the JH also carries a single tray of produce from the back-up, when it is unavailable on the shop floor and has been requested by a customer.</p>

Warehouse Job Description – List of Issues (December 2020)

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
10. Staffing Levels	1.3.2.1	[Delete highlighted text]	Staffing – At the start of the Relevant Period there were four Warehouse workers on the JH’s shift (including her). Over the Relevant Period, staff numbers were gradually reduced and from circa 2010 there were typically two warehouse workers per shift (including her). The other person was either another warehouse colleague or the Warehouse	During the relevant period, there was a change in the number of staff working in the Warehouse on the Job Holder’s shift. Until about 2010, she worked alongside two or three Warehouse colleagues, as well as the Warehouse Manager, making a total headcount of 4 or 5. From about 2010, the Job Holder would typically

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			Manager.	have only one other Warehouse colleague on shift together with the Warehouse Manager, making a total of three. Towards the end of the relevant period, at times when her colleague was away from the Warehouse, the Job Holder would be working alongside only the Warehouse Manager. This added to some extent to the need for the Job Holder to work productively. It did not involve the Warehouse team having to replace anything like the work of an entire colleague. This was because the reduction in staffing levels was compensated for to a significant extent by a downturn in volume of goods passing through the warehouse, and efficiency changes such as top-stocking.
	3.2.5	The JH works as part of a team with the other warehouse colleagues on the morning shift although the nature of her tasks are such that she works independently and on her own 80% of the time. This was typically a team of two (including her), plus the Warehouse Manager if they happened to be on shift as well.	The JH works as part of a team with the other warehouse colleagues on the morning shift although the nature of her tasks are such that she works independently and on her own 80% of the time. From 2008 – 2010, this was typically a team of four (including her) however from around 2010 onwards it was typically a team of two (including her).	From 2008-2010, this was typically a team of three or four (including her). From around 2010 onwards, it was typically a team of two (including her), plus the Warehouse Manager if they happened to be on shift as well.

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
	6.1.1	During the Relevant Period, the JH worked with one other warehouse colleague on the same shift, plus the Warehouse Manager if they happened to be on shift as well.	During the Relevant Period, the JH worked with 3 other warehouse colleagues on the same shift and one Section Leader and one Manager. Staff numbers were gradually reduced and from circa 2010 there were typically two warehouse workers per shift (including her). The other person was either another warehouse colleague or the Warehouse Manager.	During the Relevant Period, the JH generally worked with one other Warehouse colleague on the same shift, plus the Warehouse Manager if they happened to be on shift as well. There were more colleagues at the start of the Relevant Period. Sometimes there were parts of a shift when the JH would have been the only colleague alongside the Manager towards the end of the Relevant Period. These changes had some impact on the demands of the JH's work, but nothing like the need to do the additional work of the missing colleague.
	12.2.2	[Delete highlighted text]	Dealing with a significant reduction in staffing (from 4 warehouse colleagues on a shift to two colleagues). The JH continued to ensure that all the relevant tasks were completed without the benefit of being able to seek additional resource or assistance from other colleagues;	This paragraph should be deleted.
	14.8.1	The JH worked with one other colleague on the same shift, plus the Warehouse Manager if they happened to be on shift as well. They discussed between themselves the division of tasks and communicated	The JH initially worked with 3 other warehouse colleagues on the same shift. They discussed between themselves the division of tasks and communicated regularly throughout the shift as to practical matters or allocation of tasks as	The JH generally worked with one other colleague on the same shift, plus the Warehouse Manager if they happened to be on shift as well. They discussed between themselves the division of tasks and

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
		regularly throughout the shift as to practical matters or allocation of tasks as the work progressed. Such conversations occurred multiple times in the course of a shift.	the work progressed. Such conversations occurred multiple times in the course of a shift. From circa 2010 staffing levels fell to typically two warehouse workers per shift (including the JH). The other person was either another warehouse colleague or the Warehouse Manager.	communicated regularly throughout the shift as to practical matters or allocation of tasks as the work progressed. Such conversations occurred multiple times in the course of a shift.
11. Assisting Drivers and Entering Driveway Area	3.13.3	The delivery vehicles take turns to enter the receipting area to unload and depart. Frequently, the JH assists delivery drivers from inside the warehouse by standing at a safe distance away from the vehicle and waving her hand to indicate how far they should reverse in and when to stop.	The delivery vehicles take turns to enter the receipting area to unload and depart. Frequently, the JH assists delivery drivers from inside the warehouse by guiding them as they reverse in.	The delivery vehicles take turns to enter the receipting area to unload and depart. Frequently, the JH assisted delivery drivers from inside the Warehouse, standing at a safe distance away from the vehicle. She would use simple hand signals and spoken instructions to indicate to the driver how far to reverse and when to stop. Occasionally, if the driver tried to enter the Warehouse at the wrong angle, she would ask the driver to drive forward out of the warehouse and attempt the manoeuvre again. At all times, it was the driver, and not the job-holder, who had ultimate responsibility for the safe driving of the vehicle.
	11.10	Assisting Drivers If necessary, the JH will assist drivers as they arrive by standing inside the	Guiding Drivers The JH will assist drivers as they arrive by guiding delivery vehicles into the	Assisting Drivers Frequently, the JH assisted delivery drivers from inside the Warehouse,

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
		warehouse at a safe distance away from the vehicle and waving her hand to indicate how far they should reverse in and when to stop.	receipting yard as they reverse in if necessary. The JH must concentrate on the vehicle and her surroundings when this is happening in order to avoid accidents.	standing at a safe distance away from the vehicle. She would use simple hand signals and spoken instructions to indicate to the driver how far to reverse and when to stop. Occasionally, if the driver tried to enter the Warehouse at the wrong angle, she would ask the driver to drive forward out of the warehouse and attempt the manoeuvre again. At all times, it was the driver, and not the job-holder, who had ultimate responsibility for the safe driving of the vehicle.
	17.6.2	If necessary, the JH will assist drivers as they arrive by standing inside the warehouse at a safe distance away from the vehicle and waving her hand to indicate how far they should reverse and when to stop. The JH is exposed to vehicle fumes and there is a potential risk of a collision.	The JH assists drivers as they arrive by guiding the delivery vehicles into the receipting yard as they reverse in. The JH is exposed to vehicle fumes and there is a potential risk of a collision.	Frequently, the JH assisted delivery drivers from inside the Warehouse, standing at a safe distance away from the vehicle. She would use simple hand signals and spoken instructions to indicate to the driver how far to reverse and when to stop. Occasionally, if the driver tried to enter the Warehouse at the wrong angle, she would ask the driver to drive forward out of the warehouse and attempt the manoeuvre again. At all times, it was the driver, and not the job-holder, who had ultimate responsibility for the safe driving of the vehicle.

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
	17.7.5	<p>If necessary, the JH also assists delivery vehicle drivers with reversing into the receipting area by standing inside the warehouse at a safe distance away from the vehicle and waving her hand to indicate how far they should reverse into the receipting yard and when to stop. She keeps this area obstruction free to minimise risk of accidents. When assisting drivers, the JH is also exposed to the risk of being reversed into if she is not aware of her surroundings or if she does not keep a safe distance whilst the vehicle is reversing. Such collisions could pose a risk of serious injury to the JH as well as to other colleagues.</p>	[Delete highlighted text]	<p>Frequently, the JH assisted delivery drivers from inside the Warehouse, standing at a safe distance away from the vehicle. She would use simple hand signals and spoken instructions to indicate to the driver how far to reverse and when to stop. Occasionally, if the driver tried to enter the Warehouse at the wrong angle, she would ask the driver to drive forward out of the warehouse and attempt the manoeuvre again. At all times, it was the driver, and not the job-holder, who had ultimate responsibility for the safe driving of the vehicle. She keeps this area obstruction free to minimise risk of accidents. When assisting drivers, the JH is also exposed to the risk of being reversed into if she is not aware of her surroundings or if she does not keep a safe distance whilst the vehicle is reversing. Such collisions could pose a risk of serious injury to the JH as well as to other colleagues.</p>
12. Seal numbers not matching numbers on manifest or	3.15.1.1	[Delete highlighted text]	<p>the seal numbers on the trailer door match the seal numbers on the manifest. This could occur for example due to delivery vehicles being loaded and sealed</p>	<p>the seal numbers on the trailer door match the seal numbers on the manifest. Sometimes the seal numbers did not match. This occurred between</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
delivery note			<p>at the depot and an item subsequently being added on due to an oversight, or an item being removed if the weight on of the vehicle was too heavy. The warehouse operative at the depot would unlock the vehicle to correct the issue and reseal the vehicle, but the seal number might not then match the manifest when it arrived at the store. Instances of seal numbers not matching the manifest occurred occasionally (around once every couple of months). If seal numbers did not match, the JH would inform her Manager, who would contact Customer Services at the depot immediately, or if the Manager not available the JH would contact Customer Services at the depot herself;</p>	<p>two and six times per year, when a split load was delivered out of sequence. In extremely rare instances it might also occur because a vehicle had been opened and re-sealed at the depot to correct an error such as an item being left off or the weight being too heavy, coupled with a failure to re-issue the manifest with the new seal in accordance with the proper procedure. If the seal numbers did not match, the JH would inform her Manager, who would contact Customer Services at the depot immediately, or if the Manager was not available, the JH would contact Customer Services at the depot herself;</p>
8. Tills	3.42	[Delete highlighted text]	<p>Queue busting</p> <p>The JH is trained to work on the checkouts and has assisted on the checkouts throughout the Relevant Period. The JH undertook Queue Busting occasionally (around once a month although this could be more frequent during bank holidays, seasonable periods of if there were staff shortages on checkouts).</p> <p>3.42.2 Queue Busting is a process where checkout trained colleagues from</p>	<p>Attribute [?] Queue busting</p> <p>The JH is trained to work on the checkouts and has assisted on the checkouts throughout the Relevant Period. The JH undertook Queue Busting occasionally (around once a month although this could be more frequent during bank holidays, seasonable periods of if there were staff shortages on checkouts).</p> <p>3.42.2 Queue Busting is a process where checkout trained colleagues from</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>other departments within the store can be called to temporarily assist on a checkout lane. This is done in times of high demand in order to assist the regular checkout operators when they are not able to deal with customers quickly enough to prevent unacceptably long queues forming.</p> <p>3.42.3 During busy periods in store (for example seasonal events, promotions, bank holidays and peak weekend periods), the JH may be asked to help on checkouts as a Queue Buster. During these times, the JH's section leader would ask her to man a checkout lane for as long as necessary or until customer queues are manageable. When Queue Busting, the JH will conduct the tasks of a checkout operator.</p> <p>Checkout Operation</p> <p>3.42.4 The JH enters product details into the till quickly and efficiently by either using the hand scanner to scan a product's barcode or keying in the barcode number if it is poorly printed or damaged.</p> <p>3.42.5 If the JH scans an item in error or enters a product code incorrectly and the</p>	<p>other departments within the store can be called to temporarily assist on a checkout lane. This is done in times of high demand in order to assist the regular checkout operators when they are not able to deal with customers quickly enough to prevent unacceptably long queues forming.</p> <p>3.42.3 During busy periods in store (for example seasonal events, promotions, bank holidays and peak weekend periods), the JH may be asked to help on checkouts as a Queue Buster. During these times, the JH's section leader would ask her to man a checkout lane for as long as necessary or until customer queues are manageable. When Queue Busting, the JH will conduct the tasks of a checkout operator.</p> <p>Checkout Operation</p> <p>3.42.4 The JH enters product details into the till quickly and efficiently by either using the hand scanner to scan a product's barcode or keying in the barcode number if it is poorly printed or damaged.</p> <p>3.42.5 If the JH scans an item in error</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>value is over £3 she calls a Service Host or Section Leader to authorise a price override.</p> <p>Cash & non-cash transactions</p> <p>3.42.6 The JH processes cash and non-cash (i.e. coupons, vouchers and card) transactions. When dealing with cash transactions the JH ensures that the correct amount is tendered and that the correct change is given. Bank notes received from customers should be placed on top of the cash drawer whilst change is counted, then inserted into the correct cash drawer location, with change then being counted to the customer.</p> <p>3.42.7 If the customer wants to pay by gift card, the JH swipes the card through the slot on the till. If the customer presents a paper gift voucher the JH hand keys in the voucher number (which calculates and displays the amount of change due if applicable) and ensures that the correct change is given. Once the transaction has been processed the JH invalidates the voucher by scoring two diagonal lines across it.</p> <p>3.42.8 If the JH redeems a Smiley</p>	<p>or enters a product code incorrectly and the value is over £3 she calls a Service Host or Section Leader to authorise a price override.</p> <p>Cash & non-cash transactions</p> <p>3.42.6 The JH processes cash and non-cash (i.e. coupons, vouchers and card) transactions. When dealing with cash transactions the JH ensures that the correct amount is tendered and that the correct change is given. Bank notes received from customers should be placed on top of the cash drawer whilst change is counted, then inserted into the correct cash drawer location, with change then being counted to the customer.</p> <p>3.42.7 If the customer wants to pay by gift card, the JH swipes the card through the slot on the till. If the customer presents a paper gift voucher the JH hand keys in the voucher number (which calculates and displays the amount of change due if applicable) and ensures that the correct change is given. Once the transaction has been processed the JH invalidates the voucher by scoring two diagonal lines across it.</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>Voucher (vouchers with a fixed value of 25p that colleagues can issue to customers acting on behalf of Asda) she scans the barcode and treats it as a coupon, placing it in the cash drawer at the end of the transaction.</p> <p>3.42.9 The JH is vigilant against counterfeit currency and checks suspicious looking bank notes. If the JH is unsure as to the validity of a bank note she will speak to a Service Host or Manager.</p> <p>3.42.10 The JH also adheres to Asda's policies in relation to Challenge 25 and proxy sales, which dictate that she has to request acceptable proof of age identification when a customer purchases an age restricted products and does not look the requisite age. She also refuses sales to customers where it is clear that a product is being purchased on behalf of someone who is underage.</p> <p>Card Transactions</p> <p>3.42.11 When dealing with card transactions the JH asks the customer to insert their card into the chip and pin reader and enter their pin when the machine prompts them.</p>	<p>3.42.8 If the JH redeems a Smiley Voucher (vouchers with a fixed value of 25p that colleagues can issue to customers acting on behalf of Asda) she scans the barcode and treats it as a coupon, placing it in the cash drawer at the end of the transaction.</p> <p>3.42.9 The JH is vigilant against counterfeit currency and checks suspicious looking bank notes. If the JH is unsure as to the validity of a bank note she will speak to a Service Host or Manager.</p> <p>3.42.10 The JH also adheres to Asda's policies in relation to Challenge 25 and proxy sales, which dictate that she has to request acceptable proof of age identification when a customer purchases an age restricted products and does not look the requisite age. She also refuses sales to customers where it is clear that a product is being purchased on behalf of someone who is underage.</p> <p>Card Transactions</p> <p>3.42.11 When dealing with card transactions the JH asks the customer to insert their card into the chip and pin</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>3.42.12 If the customer's card does not have a chip the JH swipes the card's magnetic strip through the swipe slot on the till, asks the customer to sign a till slip, checks the customer's signature against the card and retains the till slip in the till.</p> <p>3.42.13 If a customer's card is damaged or does not work the JH politely asks them if they have another method of payment and if not refuses the sale and refers them to their card issuer.</p> <p>3.42.14 If the customer is paying with card, the JH provides cash back if requested up to the value of £50. The till prompts the JH to ensure that any requested sums are included as part of the sale transaction.</p>	<p>reader and enter their pin when the machine prompts them.</p> <p>3.42.12 If the customer's card does not have a chip the JH swipes the card's magnetic strip through the swipe slot on the till, asks the customer to sign a till slip, checks the customer's signature against the card and retains the till slip in the till.</p> <p>3.42.13 If a customer's card is damaged or does not work the JH politely asks them if they have another method of payment and if not refuses the sale and refers them to their card issuer.</p> <p>3.42.14 If the customer is paying with card, the JH provides cash back if requested up to the value of £50. The till prompts the JH to ensure that any requested sums are included as part of the sale transaction.</p>
	4.7.5	[Delete highlighted text]	The JH is conversant with the Challenge 25 policy, which she is trained on and knows which products carry age restrictions and what forms of identification are acceptable as proof of age. She is not required to memorise product types as the till will prompt her when they are scanned, however the JH knows that she must refuse a sale if she	The JH is conversant with the Challenge 25 policy, which she is trained on and knows which products carry age restrictions and what forms of identification are acceptable as proof of age. She is not required to memorise product types as the till will prompt her when they are scanned, however the JH knows that she must refuse a sale if she

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			is not satisfied that the customer is the required age and they are unable to provide acceptable proof of age	is not satisfied that the customer is the required age and they are unable to provide acceptable proof of age
	4.26	[Delete highlighted text]	<p>Checkout Knowledge</p> <p>4.26.1 The JH knows how to recognise fraudulent bank notes and coins. This involves being aware of the weight, feel and appearance of notes and coins. The JH knows that if she is unsure as to the validity of a bank note she should speak to a Manager.</p> <p>4.26.2 The JH is conversant with the Challenge 25 policy. The till will prompt the JH when age restricted items are scanned, and the JH must know which forms of identification are acceptable as proof of age. The JH knows to refuse potential Proxy Sales and what may constitute a Proxy Sale. If the JH sells an age restricted product to an underage customer or allows a Proxy Sale she can be personally prosecuted and/or fined.</p>	<p>Checkout Knowledge</p> <p>4.26.1 The JH knows how to recognise fraudulent bank notes and coins. This involves being aware of the weight, feel and appearance of notes and coins. The JH knows that if she is unsure as to the validity of a bank note she should speak to a Manager.</p> <p>4.26.2 The JH is conversant with the Challenge 25 policy. The till will prompt the JH when age restricted items are scanned, and the JH must know which forms of identification are acceptable as proof of age. The JH knows to refuse potential Proxy Sales and what may constitute a Proxy Sale. If the JH sells an age restricted product to an underage customer or allows a Proxy Sale she can be personally prosecuted and/or fined.</p>
	7.11	[Delete highlighted text]	<p>Checkout – Preventing Fraud</p> <p>7.11.1 When the JH undertakes checkout tasks, she is vigilant about the risk of theft or fraudulent activity. For example, the JH is alert when serving customers as items could be hidden in</p>	<p>Attribute [?] Checkout – Preventing Fraud</p> <p>7.11.1 When the JH undertakes checkout tasks, she is vigilant about the risk of theft or fraudulent activity. For example, the JH is alert when serving</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>the trolley, underneath prams or encased within other items.</p> <p>7.11.2 The JH follows the 'Bob' and 'Lisa' principles, which refer to looking in the 'Bottom of Basket' to ensure that everything has been placed on the conveyor belt and 'Look In Side Always' of unsealed boxes ensure that no other products are hidden inside. If the JH notices an item that has been left inside a trolley or basket she will tactfully ask the customer if they have forgotten to put it on the conveyor belt. If the JH otherwise suspects that a customer is attempting to shoplift, she reports the suspicious behaviour to a Security Colleague, Section Leader or Manager.</p> <p>7.11.3 The JH is alert to customers switching markdown labels in order to fraudulently purchase items at a cheaper price. If the JH suspects that a markdown label had been incorrectly applied to a product she does do not have to honour the price and asks a Service Host to check the item price on the shop floor. Alternatively the JH asks a Section Leader or Manager to review the item and price.</p> <p>7.11.4 The JH is aware of customers abusing the staff discount card system by</p>	<p>customers as items could be hidden in the trolley, underneath prams or encased within other items.</p> <p>7.11.2 The JH follows the 'Bob' and 'Lisa' principles, which refer to looking in the 'Bottom of Basket' to ensure that everything has been placed on the conveyor belt and 'Look In Side Always' of unsealed boxes ensure that no other products are hidden inside. If the JH notices an item that has been left inside a trolley or basket she will tactfully ask the customer if they have forgotten to put it on the conveyor belt. If the JH otherwise suspects that a customer is attempting to shoplift, she reports the suspicious behaviour to a Security Colleague, Section Leader or Manager.</p> <p>7.11.3 The JH is alert to customers switching markdown labels in order to fraudulently purchase items at a cheaper price. If the JH suspects that a markdown label had been incorrectly applied to a product she does do not have to honour the price and asks a Service Host to check the item price on the shop floor. Alternatively the JH asks a Section Leader or Manager to review the item and price.</p>

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			<p>using a relative's card. In such cases, the JH asks for ID to compare to the signature on the back of the discount card or refers the customer to the Customer Services Desk for further checks.</p> <p>7.12 Checkout – Payment and Transactions</p> <p>7.12.1 When assisting on checkouts, the JH takes payment for goods at the end of every transaction. Taking payment takes on average less than a minute per transaction.</p> <p>7.12.2 The JH was trained that no more than £600 worth of notes should be kept in the till at any one time. In practice there is no limit on how much money may be kept in the till if it all fits appropriately, but “cash lifts” (where excess cash is removed from the till and inserted into the Air Tube Conveyor System by a Service Host or Section Leader) are done at two fixed times during the day and the job holder is instructed to call for an ad hoc cash lift at any time if needed to ensure the security of the till. If the JH calls for an ad hoc cash lift it may not take place immediately and sometimes not before</p>	<p>7.11.4 The JH is aware of customers abusing the staff discount card system by using a relative's card. In such cases, the JH asks for ID to compare to the signature on the back of the discount card or refers the customer to the Customer Services Desk for further checks.</p> <p>7.12 Checkout – Payment and Transactions</p> <p>7.12.1 When assisting on checkouts, the JH takes payment for goods at the end of every transaction. Taking payment takes on average less than a minute per transaction.</p> <p>7.12.2 The JH was trained that no more than £600 worth of notes should be kept in the till at any one time. In practice there is no limit on how much money may be kept in the till if it all fits appropriately, but “cash lifts” (where excess cash is removed from the till and inserted into the Air Tube Conveyor System by a Service Host or Section Leader) are done at two fixed times during the day and the job holder is instructed to call for an ad hoc cash lift at any time if needed to ensure the security of the till. If the JH calls for an</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>the end of her shift.</p> <p>7.12.3 In the early part of the Relevant Period the JH was expected to post any excess cash from her till through a slot into the floor safe every hour.</p> <p>7.12.4 At the end of each working day the cash in the till is balanced against the transactions made by the cash office. If there are frequent discrepancies, or the value of one particular discrepancy is high, any checkout operators who have used the till are interviewed by management. These interviews may take place on the colleague's next shift or weeks after the event which can make it difficult for the JH to remember the transactions completed on the day in question.</p> <p>7.12.5 Asda offers a range of Financial Services products to their customers which are communicated to them through in-store leaflets at the checkouts. These products are regulated by the Financial Conduct Authority (FCA) and only qualified Financial Advisors can provide advice about these products. If a customer enquires about an Asda Money product, the JH cannot give personal advice about its suitability and is</p>	<p>ad hoc cash lift it may not take place immediately and sometimes not before the end of her shift.</p> <p>7.12.3 In the early part of the Relevant Period the JH was expected to post any excess cash from her till through a slot into the floor safe every hour.</p> <p>7.12.4 At the end of each working day the cash in the till is balanced against the transactions made by the cash office. If there are frequent discrepancies, or the value of one particular discrepancy is high, any checkout operators who have used the till are interviewed by management. These interviews may take place on the colleague's next shift or weeks after the event which can make it difficult for the JH to remember the transactions completed on the day in question.</p> <p>7.12.5 Asda offers a range of Financial Services products to their customers which are communicated to them through in-store leaflets at the checkouts. These products are regulated by the Financial Conduct Authority (FCA) and only qualified Financial Advisors can provide advice about these products. If a customer enquires about an Asda</p>

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			<p>instructed to only direct the customer to call the number on the leaflet. If the customer does not wish to speak to the supplier or has already done so and was unable to resolve the issue the JH will call for a Service Host to take the customer to the Customer Service Desk.</p>	<p>Money product, the JH cannot give personal advice about its suitability and is instructed to only direct the customer to call the number on the leaflet. If the customer does not wish to speak to the supplier or has already done so and was unable to resolve the issue the JH will call for a Service Host to take the customer to the Customer Service Desk.</p>
	11.21	[Delete highlighted text]	<p>(Queue Buster) - Challenge 25 and Proxy Sales</p> <p>11.21.1 If the JH is processing a transaction which involves an age restricted product, as prompted by the till, she has to carefully check the photo ID in order to ensure that it is an accepted form of ID and satisfy herself that it belongs to the person making the purchase. Guidance on acceptable IDs for Challenge 25 (with pictures) was kept in the Front End Guide to Service, a copy of which is kept at every checkout. This requires concentration and accuracy. The JH asks to see ID around four to five times a week. The JH did not refer to the Front End Guide to Service during the Relevant Period.</p> <p>11.22.2 In order to identify a potential proxy sale the JH may be required to use</p>	<p>Attribute [?] (Queue Buster) - Challenge 25 and Proxy Sales</p> <p>11.21.1 If the JH is processing a transaction which involves an age restricted product, as prompted by the till, she has to carefully check the photo ID in order to ensure that it is an accepted form of ID and satisfy herself that it belongs to the person making the purchase. Guidance on acceptable IDs for Challenge 25 (with pictures) was kept in the Front End Guide to Service, a copy of which is kept at every checkout. This requires concentration and accuracy. The JH asks to see ID occasionally when she is performing Queue Busting duties. The JH did not refer to the Front End Guide to Service during the Relevant Period.</p> <p>11.22.2 In order to identify a potential</p>

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			<p>her memory in order establish whether the person with a customer has already tried to make a purchase themselves. Most cases proxy sales occur when there are two people together who are purchasing alcohol one of which is underage.</p>	<p>proxy sale the JH may be required to use her memory in order establish whether the person with a customer has already tried to make a purchase themselves. Most cases proxy sales occur when there are two people together who are purchasing alcohol one of which is underage.</p>
	12.1.2	[Delete highlighted text]	<p>When the JH assisted on checkouts, she came across resistance, negative or unpleasant interactions from customers once every few months when having to refuse proxy sales, when asking to see ID for age-restricted products and when dealing with intoxicated customers;</p>	<p>On the occasional (or, later in the Relevant Period, rare) times when the JH assisted on checkouts, she sometimes (rarely) came across resistance, negative or unpleasant interactions from customers when having to refuse proxy sales, when asking to see ID for age-restricted products and when dealing with intoxicated customers.</p>
9. Product Knowledge	4.20.3	<p>The JH only spends 10% of her shift twice a week on the shop floor. The JH is expected to and does acquire knowledge of the type of products she replenishes by paying attention as she replenishes on the shop floor, her interactions with customers or using her own personal knowledge. She uses this knowledge to respond to customer queries and give them confidence in her knowledge. The JH does receive any specific product knowledge training and is not</p>	<p>The JH is expected to and does acquire knowledge of the type of products she replenishes on the shop floor. She uses this knowledge to respond to customer queries and give them confidence in her knowledge. The JH is not expected to have particular knowledge about all the products she deals with day to day, however she is expected and encouraged to use the knowledge which she acquires in the course of her work, or her own personal knowledge, in her interactions with customers.</p>	<p>The JH spends only a small proportion of her time on the shop floor. The JH is expected to and does acquire knowledge of the type of products she encounters by paying attention as she replenishes on the shop floor or performs her other work, her interactions with customers or using her own personal knowledge. She uses this knowledge to respond to customer queries and give them confidence in her knowledge. The JH does not receive any specific product knowledge training and</p>

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		<p>expected to have particular knowledge about all the products she deals with day to day. However she is expected and encouraged to use the knowledge which she acquires in the course of her work, or her own personal knowledge, in her interactions with customers.</p>		<p>is not expected to have particular knowledge about all the products she deals with day to day. However she is expected and encouraged to use the knowledge which she acquires in the course of her work, or her own personal knowledge, in her interactions with customers.</p>
10. Training of Other Colleagues	5.6	[Delete highlighted text]	<p>Training buddy (pre-2008)</p> <p>Prior to the Relevant Period, the JH was trained as a formal training buddy and completed modules on “what to train and what to record”, “how to train” and “product knowledge”. The JH continued to use the knowledge acquired as part of that training (for example mentoring and supervising new starters in task allocation and operation of machinery and undertaking pre-operational checks) in her informal training role as part of her day to day tasks in the Relevant Period.</p>	This paragraph should be deleted.
	6.7.1	<p>The JH has been asked to provide informal job shadowing once or twice a year during the Relevant Period. This includes demonstrating the correct methods to perform tasks and answering questions about how to do certain tasks as a result of her experience in the role. Typically,</p>	<p>Prior to the Relevant Period, the JH was trained as a formal training buddy and continued to use the knowledge acquired as part of that training in her informal training role as part of her day to day tasks in the Relevant Period. As such, the JH has been asked to provide informal job shadowing to around 10 –</p>	<p>The JH provided informal training to new Warehouse colleagues at most around once or twice a year during the Relevant Period. This includes demonstrating the correct methods to perform tasks and answering questions about how to do certain tasks as a result of her experience in the role. Typically,</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
		the JH will give a Manager or section Leader brief feedback in relation to the new starter's performance.	15 new starters every year during the Relevant Period. This includes demonstrating the correct methods to perform tasks and the operation of some machinery and answering questions about how to do certain tasks as a result of her experience in the role. The JH monitors the quality and standard of tasks undertaken by new starters and provides feedback or corrects their work, as part of the training process.	the JH will give a Manager or section Leader brief feedback in relation to the new starter's performance.
	6.7.2	Hamilton is a 'Store of Learning' which means that there are often Trainee Managers and Section Leaders from other stores being trained across the various departments. The JH has been shadowed by trainees in order for them to learn about the Warehouse.	[Delete Highlighted Text]	Separately, Hamilton is a 'Store of Learning' which means that there are often Trainee Managers and Section Leaders from other stores being trained across the various departments. The JH has been shadowed by trainees in order for them to get an overview of the Warehouse. Trainees could be present in the Warehouse up to 10-15 times a year, for a day or two at a time. When she is shadowed, the JH demonstrates the tasks that she performs, where possible gives the trainees an opportunity to try the tasks themselves, and may provide some brief correction or feedback.
	10.1	The JH has been asked to provide informal job shadowing once or twice a year during the Relevant Period. She offers support and fields questions from less experienced	Prior to the Relevant Period, the JH was trained as a formal training buddy and continued to use the knowledge acquired as part of that training in her informal training role as part of her day	The JH provided informal job shadowing to new starters or trainee managers and section leaders throughout at most around once or twice a year during the Relevant Period. The JH provided

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
		<p>members of the team. This includes demonstrating the correct methods to perform tasks and answering questions about how to do certain tasks as a result of her experience in the role. The JH provides feedback or corrects their work, as part of the training process.</p>	<p>to day tasks in the Relevant Period. As such, the JH has been asked to provide informal job shadowing to around 10 – 15 new starters every year during the Relevant Period. She offers support and fields questions from less experienced members of the team. This includes demonstrating the correct methods to perform tasks and the operation of some machinery answering questions about how to do certain tasks as a result of her experience in the role. The JH monitors the quality and standard of tasks undertaken by new starters and provides feedback or corrects their work, as part of the training process.</p>	<p>instructions, demonstrated and observed and provided guidance and feedback in relation to the performance of tasks. She also provides informal shadowing to trainee Managers and Section Leaders on the ‘Store of Learning’ programme to help them get an overview of the Warehouse. Trainees could be present in the Warehouse up to 10-15 times a year, for a day or two at a time. When she is shadowed, the JH demonstrates the tasks that she performs, where possible gives the trainees an opportunity to try the tasks themselves, and may provide some brief correction or feedback. To that extent it is a kind of informal training.</p>
	12.2.6	<p>The JH job shadows warehouse colleague new starters once or twice per year during the Relevant Period.</p>	<p>The JH informally trains around 10 to 15 warehouse colleague new starters per year.</p>	<p>The JH informally trains warehouse colleague new starters at most around once or twice per year during the Relevant Period. She also provides informal shadowing to trainee Managers and Section Leaders on the ‘Store of Learning’ programme to help them get an overview of the Warehouse. Trainees could be present in the Warehouse up to 10-15 times a year, for a day or two at a time. When she is shadowed, the JH demonstrates the tasks that she performs, where</p>

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	14.11.1	The JH has been asked to provide informal job shadowing to new starters once or twice a year during the Relevant Period.	The JH has been asked to provide informal job shadowing to new starters or trainee managers and section leaders throughout the Relevant Period.	possible gives the trainees an opportunity to try the tasks themselves, and may provide some brief correction or feedback. The JH has been asked to provided informal job shadowing to new starters at most around once or twice a year during the Relevant Period. The JH provided instructions, demonstrated and observed and provided guidance and feedback in relation to the performance of tasks. She also provides informal shadowing to trainee Managers and Section Leaders on the 'Store of Learning' programme to help them get an overview of the Warehouse. Trainees could be present in the Warehouse up to 10-15 times a year, for aday or two at a time. When she is shadowed, the JH demonstrates the tasks that she performs, where possible gives the trainees an opportunity to try the tasks themselves, and may provide some brief correction or feedback.
11. Performance Management	6.2.3	For example, she gauges how to work most efficiently and what to prioritise depending on factors such time pressure (e.g. if a fresh delivery has to be booked in by 9am). If the JH thinks that she may not complete	For example, she gauges how to work most efficiently and what to prioritise depending on factors such time pressure (e.g. if a fresh delivery has to be booked in by 9am). If the JH thinks that she may not meet the relevant deadlines or	For example, she gauges how to work most efficiently and what to prioritise depending on factors such time pressure (e.g. if a fresh delivery has to be booked in by 9am). If the JH thinks that she may not meet the relevant deadlines (which

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		<p>the tasks on time (which is rare), she will approach her Manager who can allocate additional resources if any are available and if deemed necessary.</p>	<p>targets, she will (on rare occasions) approach her Manager who can allocate additional resources if any are available.</p>	<p>is rare), she will approach her Manager who can allocate additional resources if any are available and if deemed necessary. There are no known occasions of Managers refusing additional resources in practice on the ground that they were unnecessary.</p>
	6.4.1	<p>Some (but not all) of the JH’s tasks must be completed as soon as possible or within specific windows in order to contribute to the smooth running of the department. If the JH fails to complete a task (which was rare), she informs her Section Leader or Manager. Provided the JH has been pulling her weight, there would be no consequences for her. However, if the JH had not been pulling her weight her Manager might have a word with her. The JH was never spoken to about not pulling her weight.</p>	<p>Some (but not all) of the JH’s tasks must be completed as soon as possible or within specific windows in order to contribute to the smooth running of the department. the JH misses a deadline or fails to complete a task, she informs her Section Leader or Manager and explains why this is the case. If the explanation is accepted, no further action is taken although the JH knows that the task will need to be completed by another colleague. If the Manager does not accept the JH’s explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or fails to complete a task, she can be referred for further training or be subjected to performance management.</p>	<p>Some (but not all) of the JH’s tasks must be completed as soon as possible or within specific windows in order to contribute to the smooth running of the department. In the rare event that the JH fails to complete a task or misses a deadline, she informs her Section Leader or Manager. She explains why the task has not been completed on time, although she is not required to given an explanation and her explanation is not routinely checked. Provided the JH has been pulling her weight, there would be no consequences for her. However, if the JH had not been pulling her weight her Manager might have a word with her. The Warehouse Manager had an informal conversation with a colleague of the JH about failing to complete a task on time with no justifiable reason. The JH was never spoken to about not pulling her weight.</p> <p>Formal and informal performance management procedures were</p>

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				potentially available to a manager who considered that a colleague was consistently failing to perform a task, or not pulling her weight. Those procedures did not attach to any type of task or measure of performance. The procedure was rarely if ever exercised and there is no evidence of any Warehouse colleague being performance managed at the Hamilton store during the Relevant Period.
	6.4.2	[Delete highlighted text]	The JH must complete the booking in of certain deliveries within stipulated time frames as it has an impact on the stock count for the store. When the JH commences work at 7am or 8am, she plans her work to ensure that all stock has been checked, organised and booked in within the specified deadlines as follows	The JH must complete the booking in of certain deliveries within stipulated time frames as it has an impact on the stock count for the store. When the JH commences work at 7am or 8am, she plans her work to ensure that all stock has been checked, and booked in within the specified deadlines as follows
	12.2.4	If a delayed delivery interrupts the JH while she is performing a time sensitive task such as booking in fresh deliveries, which needs to be completed before 9am, and she thinks she may not complete the task on time (which was rare), then she would notify her Manager who would reallocate resources if any were available and it was deemed necessary.	If a delayed delivery interrupts the JH while she is performing a time sensitive task such as booking in fresh deliveries, which needs to be completed before 9am, and she thinks she may not meet the deadline, then she would notify her Manager who would reallocate resources if any were available (although this was rare);	If a delayed delivery interrupts the JH while she is performing a time sensitive task such as booking in fresh deliveries, which needs to be completed before 9am, and she thinks she may not meet the deadline (which was rare), then she would notify her Manager who would reallocate resources if any were available and it was deemed necessary. There are no known occasions of Managers refusing additional resources in practice on the ground that they were

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				unnecessary.
	12.3	If the JH thinks that she may be unable to achieve any of the set outcomes (which is rare), the JH will discuss her capacity with the Manager who could allocate more resources if any were available and it was deemed necessary:	If the JH thinks that she may be unable to achieve any of the set outcomes, the JH will discuss her capacity with the Manager who could allocate more resources if any were available (although this was rare):	If the JH thinks that she may be unable to achieve any of the set outcomes (which is rare), the JH will discuss her capacity with the Manager who could allocate more resources if any were available and it was deemed necessary (There are no known occasions of Managers refusing additional resources in practice on the ground that they were unnecessary):
	12.3.1.2	The JH must ensure any fresh deliveries are finalised by 9am. If the JH fails to finalise a delivery by 9am (which was rare), she informs her Section Leader or Manager. Provided the JH has been pulling her weight, there would be no consequences for her.	The JH must ensure any fresh deliveries are finalised by 9am. If the JH fails to finalise a delivery by 9am, she informs her Section Leader or Manager and explains why this is the case. If the explanation is accepted, no further action is taken although the JH knows that the task will need to be completed by another colleague. If the Manager does not accept the JH's explanation, or thinks that the JH is not pulling her weight, or if the JH consistently misses a deadline or fails to complete a task, she can be referred for further training or be subjected to performance management;	The JH must ensure any fresh deliveries are finalised by 9am. If the JH fails to finalise a delivery by 9am (which was rare), she informs her Section Leader or Manager. She explains why the task has not been completed on time, although she is not required to give an explanation and her explanation is not routinely checked. Provided the JH has been pulling her weight, there would be no consequences for her. However, if the JH had not been pulling her weight her Manager might have a word with her. The Warehouse Manager had an informal conversation with a colleague of the JH about failing to complete a task on time with no justifiable reason. The JH was never spoken to about not pulling her weight.
	13.1	She may have some reference to a	She may have some reference to a	She may have some reference to a

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		<p>Section Leader or Manager in specific instances (for example where escalating a report of damaged goods) but she made daily decisions in relation to the performance of her main daily tasks. The consequences of each decision are further explained below.</p>	<p>Section Leader or Manager in specific instances (for example where escalating a report of damaged goods) but she made daily decisions in relation to the performance of her main daily tasks. Many of those decisions had important implications for the efficient running of the warehouse as well as for her own health and safety and that of others.</p>	<p>Section Leader or Manager in specific instances (for example where escalating a report of damaged goods) but she made daily decisions in relation to the performance of her main daily tasks. Some of these decisions had implications for the efficient running of the warehouse as well as for health and safety, as explained in paragraphs 13.3 to 13.12 below.</p>
13. Tipping Target	6.3	<p>The JH is expected to unload a single deck trailer within 1 hour. This is considered sufficient time to unload a trailer and to support the depot function so that trailers can return to the depots in a timely manner. The depot keeps track of the average weekly turnaround time of all deliveries made to the stores that it delivers to and would inform stores if they were consistently not meeting the tipping timeframe. In such cases, the Warehouse Manager would inform all Warehouse Colleagues of the issue. However, the store generally met the average turnaround time without difficulty.</p>	<p>The JH is expected to meet the target turnaround time for tipping a single delivery vehicle trailer (1 hour). The store is scored on these turnaround times and the manager prepares a weekly printout and informs the team if the turnaround target is not met.</p>	<p>The JH is expected to help the Warehouse to meet the target turnaround time for tipping a single delivery vehicle trailer (1 hour). The store is scored on these turnaround times and the manager prepares a weekly printout and informs the team if the turnaround target is not met. However, she is told that this is an average target for the store and understands that some trailers may take longer and some less time, and that the store will only be picked up by the depot if its overall average falls below an hour. The depot keeps track of the average weekly turnaround time of all deliveries made to the stores that it delivers to and would inform stores if they were consistently not meeting the tipping timeframe. The Warehouse Manager prepared a weekly printout of the store's average tipping time and</p>

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				<p>informs the team if the average turnaround target is not met. Throughout the relevant period the store generally met the average turnaround time without difficulty.</p> <p>At the JH's appraisals, the Warehouse Manager discusses the JH's individual contribution to the team's average tipping target. This is considered an aspect of the job-holder's personal performance. If the JH consistently took longer than an hour to tip single-deck delivery vehicles, the Warehouse Manager would have an informal conversation with her. This happened rarely in the case of the JH's colleagues and did not happen to the JH herself.</p>
	12.3.1.1	<p>The JH is expected to unload a single delivery trailer within 1 hour and in this way contributes to the store's average tipping performance. This is considered sufficient time to unload a trailer and to support the depot function so that trailers can return to the depots in a timely manner. The depot keeps track of the average weekly turnaround time of all deliveries made to the stores that it delivers to and would inform stores if they were consistently not meeting</p>	<p>Goods In Tipping performance targets - The JH is expected to meet the target turnaround time for tipping a single delivery vehicle trailer (1 hour). The store is scored on these turnaround times and the Manager prepares a weekly printout and informs the team if the turnaround target is not met;</p>	<p>The JH is expected to help the Warehouse to meet the target turnaround time for tipping a single delivery vehicle trailer (1 hour). The store is scored on these turnaround times and the manager prepares a weekly printout and informs the team if the turnaround target is not met. However, she is told that this is an average target for the store and understands that some trailers may take longer and some less time, and that the store will only be picked up by</p>

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		<p>the tipping timeframe. In such cases, the Warehouse Manager would inform all Warehouse Colleagues of the issue. The store met this average turnaround time without difficulty, and no other action was taken to provide feedback or coaching in respect of this, either individually or collectively;</p>		<p>the depot if its overall average falls below an hour. The depot keeps track of the average weekly turnaround time of all deliveries made to the stores that it delivers to and would inform stores if they were consistently not meeting the tipping timeframe. The Warehouse Manager prepared a weekly printout of the store's average tipping time and informs the team if the average turnaround target is not met. Throughout the relevant period the store generally met the average turnaround time without difficulty.</p> <p>At the JH's appraisals, the Warehouse Manager discusses the JH's individual contribution to the team's average tipping target. This is considered an aspect of the job-holder's personal performance. If the JH consistently took longer than an hour to tip single-deck delivery vehicles, the Warehouse Manager would have an informal conversation with her. This happened rarely in the case of the JH's colleagues and did not happen to the JH herself.</p>
14. Out of Sequence Deliveries	13.6	[Delete highlighted text]	<p>13.6 Dealing with Out of Sequence Deliveries</p> <p>13.6.1 When dealing with an out of</p>	<p>13.6 Dealing with Out of Sequence Deliveries. The job-holder has no authority to refuse to accept an out-of-sequence delivery, but decides how it</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>sequence delivery, the JH assesses the available time to deal with the now incorrectly sequenced delivery. For example, the JH considers the impact on the other scheduled deliveries due to the additional turnaround time for potentially having to unload goods meant for another stores, as these would typically be in front of the goods meant for the JH's store. For example, there may be 15 pallets of stock for another store in front of the JH's delivery and this would have to be offloaded first.</p> <p>13.6.2 The JH decides on the best course of action by assessing the volume of stock involved and considering how long it would take to offload the items for the other store first. This is because it must be done in the usual way with either a scissor lift or FLT, and the JH must therefore consider whether there would be adequate time to do so, before she can access and unload the relevant delivery for her own store. The JH is trusted to weigh up the situation and independently decide whether it would be appropriate to deal with an out of sequence delivery.</p> <p>13.6.3 The JH dealt with out of sequence deliveries every month and the</p>	<p>should be dealt with:</p> <p>13.6.1 When dealing with an out of sequence delivery, the JH assesses the available time to deal with the now incorrectly sequenced delivery. For example, the JH considers the impact on the other scheduled deliveries due to the additional turnaround time for potentially having to unload goods meant for another stores, as these would typically be in front of the goods meant for the JH's store. For example, there may be 15 pallets of stock for another store in front of the JH's delivery and this would have to be offloaded first.</p> <p>13.6.2 The JH decides on the best course of action by assessing the volume of stock involved and considering how long it would take to offload the items for the other store first. This is because it must be done in the usual way with either a scissor lift or FLT, and the JH must therefore consider whether there would be adequate time to do so, before she can access and unload the relevant delivery for her own store. The JH is trusted to weigh up the situation and independently decide how to deal with an out of sequence delivery.</p>

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			offloading of out of sequence goods several times a year.	13.6.3 The JH dealt with out of sequence deliveries every month and the offloading of out of sequence goods several times a year.
15. Conflicting Priorities	13.10.2	Chilled Asda depot deliveries which had been unloaded overnight needed to be booked in by 9am so that the store would have accurate PI for that day's trading and replenishment. When starting her shift, the JH has to check the deliveries that have not yet been booked in as it is a time sensitive task. However there are also daily milk and bread deliveries scheduled to arrive between 7-8am. The JH assesses the timeframes within which she can complete her tasks and which to prioritise.	Chilled Asda depot deliveries which had been unloaded overnight needed to be booked in by 9am so that the store would have accurate PI for that day's trading and replenishment. When starting her shift, the JH has to check the deliveries that have not yet been booked in as it is a time sensitive task. However there are also daily milk and bread deliveries scheduled to arrive between 7-8am. There have been regular occasions when the warehouse team have been under resourced, or where a delivery vehicle was already waiting to be allowed access into the receipting yard. The JH has had to decide the timeframes within which she can complete her tasks and which to prioritise.	Chilled Asda depot deliveries which had been unloaded overnight needed to be booked in by 9am so that the store would have accurate PI for that day's trading and replenishment. When starting her shift, the JH has to check the deliveries that have not yet been booked in as it is a time sensitive task. However there are also daily milk and bread deliveries scheduled to arrive between 7-8am. Since 2010 the warehouse was operating with reduced resources which has had some impact on the time available for the job-holder to carry out her work (see paragraph 1.3.2.1). At particularly busy times, for example, in the run-up to Christmas, a delivery vehicle has been waiting to be allowed access into the receipting yard at the same time as the job-holder has booking-in activities to complete. The JH assesses the timeframes within which she can complete her tasks and which to prioritise.
16. Duplication of 3.22-3.23	3.11.5 (Deleted 1.8.1-1.8.4)	[Delete highlighted text]	1.8.1. Once the JH has confirmed that the delivery is for her store, she:	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>1.8.2. ensures that depot deliveries are booked into Asda's SMART system to the correct time scales.</p> <p>1.8.3. finalises the delivery on SMART in accordance with the correct schedule by using a Telxon gun or a computer keyboard to input the data of that delivery; and</p> <p>1.8.4. writes a large "F" in a circle on the manifest to indicate that the process is finalised.</p>	
17. Duplication of 3.14.3	3.11.5 (Deleted 1.8.4)	[Delete highlighted text]	The JH gives depot delivery vehicles priority over other deliveries in accordance with internal guidelines.	
18. Duplication of 'Assisting with a Delivery' at 3.12 onwards and 'Receiving Process' at 3.21 onwards	3.11.5 (Deleted 1.8.5)	[Delete highlighted text]	<p>1.8.5. Once the JH has confirmed that the delivery is for her store, she:</p> <p>a) ensures that that deliveries are receipted onto Asda's SMART system with the correct delivery note number;</p> <p>b) books in the deliveries in a timely manner using the delivery tote number;</p> <p>c) checks the deliveries either by box or line by line;</p> <p>d) ensures that all deliveries are entered onto the Freight Receipt Sheet (FRS);</p> <p>e) checks the number of boxes received against the quantity quoted on the carrier's notes or supplier's delivery</p>	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>note to ensure the delivery is not short;</p> <p>f) ensures that any shortages are recorded on the supplier's notes and on the Freight Receipt Sheet; and</p> <p>g) stamps the delivery note with the Proof of Delivery (POD) stamp, ensuring it is completed with all the required details (for example FRS reference number, signature of Asda colleague and driver, date of quantity received and date).</p>	
19. Duplication of 3.22	3.21.7-3.21.9	<p>The JH completes the correct levels of checks and records any shorts onto the delivery note whilst the driver is still present.</p> <p>[Delete highlighted text]</p>	<p>The JH completes the correct levels of checks and records any shorts onto the manifest whilst the driver is still present. If shorts are identified and not resolved on a depot delivery (for example where the JH checks and confirms that there is a pallet, roll cage or tray of stock missing), the JH updates this on the WIRE to ensure that the store stock inventory remains accurate.</p> <p>3.21.8 Depot deliveries arrive with labels which the JH removes from each container of stock as she checks them. These are tear away labels which the JH then sticks onto a separate sheet which is attached to the manifest.</p> <p>3.21.9 The JH checks the store number when she takes the labels off the goods. Once the JH has removed and</p>	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			transferred all the labels to the manifest, she checks to see if there are labels missing. The JH will investigate the discrepancy by first checking if the correct number of pallets has been received. If there is a discrepancy, the JH tries to identify the pallet to see if it has been overlooked or if it has not been delivered.	
20. Duplication of 9.3.1 to 9.3.2	9.6.1	[Delete highlighted text]	The JH has to be computer literate in order to undertake tasks such as booking in deliveries. This is done on a computer or Telxon where the JH inputs the relevant information onto the SMART computer system with a keyboard. The JH has to input the correct delivery details (including the delivery number, division number and line detail for Checking ASN deliveries) and interact with a computerised programme.	
21. Duplication of 11.2	11.1.	[Delete highlighted text]	<p data-bbox="1037 981 1536 1013">11.1 Checking Goods In</p> <p data-bbox="1037 1085 1536 1292">11.1.1 When undertaking the checking of goods in (daily), the JH remains alert and requires concentration throughout when cross checking delivery manifests and delivery notes against stock labels and seal numbers when deliveries arrive.</p> <p data-bbox="1037 1340 1536 1396">11.1.2 The JH has to accurately check that the relevant details match and that</p>	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>the correct stock amounts have been noted to ensure all the expected stock has arrived and that the receipted stock is correct. For example, in relation to one ASN supplier the JH checks deliveries either by pallet or by roll cage box or line by line; or she checks the supplier's quantity in relation to each delivery note number and records the quantity in.</p> <p>11.1.3 When unloading Asda depot deliveries , the JH removes the labels from each container of stock as she checks them and accurately places the labels in the right sections to corresponding with the individual line details on the manifest sheet. A failure to check goods accurately could lead to delays to the store due to the receipt of wrong goods, lost productivity in having to deal with the incorrectly receipted goods and potentially lost sales to the store due to the impact on product availability</p>	
22. Duplication of 11.2, 11.3 and 11.4	11.5.	[Delete highlighted text]	<p>11.5 Noting Delivery Shortages</p> <p>11.5.1 The JH checks for delivery shortages in every delivery received (undertaking this task multiple times in every shift). This entails checking the quantity quoted on the carrier's notes or supplier's delivery note and counting the</p>	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
			<p>containers of stock received in.</p> <p>11.5.2 The JH applies concentration and accuracy when dealing with shortages, in particular when:</p> <ul style="list-style-type: none"> a) checking for discrepancies; and b) investigating any discrepancies identified (for example by doing a recount). <p>11.5.3 If shortages are identified and are not resolved on a depot delivery (for example where stock is missing from the delivery), the JH makes a note of any discrepancies in the comments box on the relevant form(s). During the Relevant Period, the JH usually reported damage to a Manager who then undertook a claim on behalf of the store. This occurred on average once a month.</p> <p>11.5.4 A failure to accurately note delivery shortages will result in the stock inventory for the store being inaccurate. It would also affect the relevant departments in store as they would not be aware of the shortage to be able to plan ahead. It could also lead to loss of profit for Asda as the store would not be able to claim for the shortages if these are not noted.</p>	

Issue	Relevant JD Paragraphs	Text proposed by Respondent	Text proposed by Job Holder	Facts determined by the Tribunal
23. Duplication of 11.13.1	11.13.3	[Delete highlighted text]	The JH also has to concentrate when operating machinery. For example, when moving stock into or out of racking with a FLT daily, she always has to be aware of her surroundings and to check if there are pedestrians in the area, as she has to remain observant of the two bay rule at all times. The JH also has to concentrate when operating or unjamming the compactor as it is considered to be high risk equipment.	

Annex B – Issues and determinations of fact in respect of comparators’ work

1. This schedule retains the original ‘issue’ numbers used in earlier versions exchanged between the parties. All issues now agreed between the parties have been removed. The issue numbers in this schedule do not therefore run consecutively.
2. The parties’ competing positions in relation to the job description text are recorded in the column entitled ‘Parties Respective Proposals re Job Description Text (December 2020)’. So that the Tribunal has the relevant context, the full paragraph/s in which the disputed text appears are reproduced in this schedule even though aspects of those paragraphs are agreed. For the avoidance of doubt, the parties are not seeking a determination by the Tribunal in relation to the agreed text which has been reproduced in this schedule for context. Further, any agreed text has been reproduced in this schedule without the emboldening used throughout the job descriptions for emphasis, and such emboldening has not been the subject of any challenge by the Claimants.
3. The job description text that is in dispute between the parties is indicated with the use of highlighting:
 - a. those portions of text that the Claimants are seeking be deleted from the job description are ~~highlighted and struck through~~; and
 - b. any additional text that the Claimants are proposing be inserted into job description is highlighted

Issue 41: Measurement of Efficiency on Goods In		
JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1 Background Document, para 2.14	<p>What Colleagues were told about Productivity Targets</p> <p>[...]</p> <p>2.14 There was no specific Target on Goods In (Tipping or Checking) because this Activity was dependent on volumes of stock expected during a shift and the times that supplier drivers arrived. However, Colleagues working on Goods In had to work as efficiently as possible. They had to keep up with supplier drivers arriving at the Depot. They also had to supply work for their Colleagues. They were the first link in the operational chain: the Pallets they unloaded and checked were passed along the chain and either put away into storage (slower-moving stock) or immediately assembled to meet store orders (faster-moving stock). Their Colleagues later down the line had Targets to meet and the Goods In Colleagues had to keep the operation moving. As there was no Target on Goods In (Tipping or Checking), the frequency with which Colleagues “kept up” with supplier drivers and their performance on this Activity was not measured by reference to the PI system and was not recorded.</p>	<p>What Colleagues were told about Productivity Targets</p> <p>[...]</p> <p>2.14 There was no specific Target on Goods In (Tipping or Checking) because this Activity was dependent on volumes of stock expected during a shift and the times that supplier drivers arrived. However, Colleagues working on Goods In had to work as efficiently as possible. They had to keep up with supplier drivers arriving at the Depot. They also had to supply work for their Colleagues. They were the first link in the operational chain: the Pallets they unloaded and checked were passed along the chain and either put away into storage (slower-moving stock) or immediately assembled to meet store orders (faster-moving stock). Their Colleagues later down the line had Targets to meet and the Goods In Colleagues had to keep the operation moving. As there was no Target on Goods In (Tipping or Checking), the frequency with which Colleagues “kept up” with supplier drivers and their performance on this Activity was not measured by reference to the PI system and was not recorded. There was a supervisor specifically allocated to monitor the efficiency of the Goods In operation on every shift, which they did by sight and would intervene and speak to Colleagues if they were falling behind.</p>

Issue 108: Use of the Camera on Flow-Racking Replenishment		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1 Beaumont, paras 29.20, 29.25	<p>Factor Thirteen – Physical Effort</p> <p>Flow-Racking Replenishment</p> <p>29.20 When removing Pallets of stock from the Racking Shelving using an HRT, the Job Holder craned his neck to have a clear view of high Racking Shelves up to 11.5 metres directly above him (although he could use the camera to count the slots of the Racking Shelves as he was raising the Pallet so that he did not have to crane his neck for the entirety of the manoeuvre). The Job Holder tipped his head back extending his neck as far as possible to visually assess the Racking Shelves while guiding Pallets into or out of the Slot using HRT controls. The Job Holder maintained that craned position for up to 30 seconds when operating the HRT controls and repeated that motion up to 66 times per shift.</p> <p>Putaways and Letdowns</p> <p>29.25 The Job Holder had to maintain an awkward driving position when operating an HRT. The Job Holder had a camera fitted to the forks of the HRT to assist him in seeing the higher racking slots. If he chose not to use the camera, He had to crane his neck to have a clear view of high Racking Slots which were up to 11.5 metres directly above him. The Job Holder tipped his head back extending his neck as far as possible to visually assess the Racking Slot while guiding Pallets into or out of the Slot using HRT controls.</p>	<p>Factor Thirteen – Physical Effort</p> <p>Flow-Racking Replenishment</p> <p>29.20 When removing Pallets of stock from the Racking Shelving using an HRT, the Job Holder craned his neck to have a clear view of high Racking Shelves up to 11.5 metres directly above him. The Job Holder tipped his head back extending his neck as far as possible to visually assess the Racking Shelves while guiding Pallets into or out of the Slot using HRT controls. The Job Holder maintained that craned position for up to 30 seconds when operating the HRT controls and repeated that motion up to 66 times per shift. Although it was physically possible for him to avoid this neck movement for some of the manoeuvre by using the camera, he was trained not to use the camera for this purpose and did not do so.</p> <p>Putaways and Letdowns</p> <p>29.25 The Job Holder had to maintain an awkward driving position when operating an HRT. He had to crane his neck to have a clear view of high Racking Slots which were up to 11.5 metres directly above him. The Job Holder tipped his head back extending his neck as far as possible to visually assess the Racking Slot while guiding Pallets into or out of the Slot using HRT controls.</p>

Issue 131 and 133: Enforcement of Productivity Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1	<p>Background Document, paras 2.9, 21.11, 2.12, 2.18, 2.19, 2.23, 2.24, 2.25, 2.26</p> <p>Pay for Performance</p> <p>[...]</p> <p>2.9 During the Relevant Period, approximately 50 percent of Colleagues were consistently on the E1 pay grade. The remainder frequently moved between the E2 and E3 pay grades, with many changing from one review to the next. As regards the individual Job Holders:</p> <p>2.9.1 Mr Devenney and Mr Dolan held the E1 pay grade for the duration of the Relevant Period;</p> <p>2.9.2 Mr Ballard held the E3 pay grade for the duration of the Relevant Period, even though there were a number of occasions that he did not meet the higher performance expectations;</p> <p>2.9.3 Mr Dennis held the E1 pay grade at the beginning of the Relevant Period, but moved up to the E2 pay grade in January 2014;</p> <p>2.9.4 Mr Beaumont moved between the E1 and E2 pay grades throughout the Relevant Period. He held the E2 pay grade initially, and was moved down to E1 in April 2009. His pay review at the time recorded that he had not met the requirements of the E2 pay grade in relation to his personal performance, absence, and skill level, although he did meet the requirements in relation to work performance and his manager noted that he had "good goods out performance" and that his "pick rate [had] improved slightly". He then held the E1 pay grade until October 2012, at which time he moved up again to the E2 pay grade.</p> <p>[...]</p> <p>What Colleagues were told about Productivity Targets</p> <p>2.11 Colleagues who wanted to work in the Depot were told at the outset that meeting Targets was a requirement of the job. When they first joined they were trained on Stock Pick and did only that for their 12 week probation period. A Colleague's productivity was closely regularly monitored during that time. If during their probationary period it was considered that a Colleague was unlikely to achieve the Targets, they failed their probation and were not offered a job. During the Relevant Period approximately one in every three Colleagues who started at the Depot either failed their probation and were not offered a job, or chose to leave Asda. 151 Colleagues started at the Depot, of which 4 left within 12 weeks, 7 left within 18 weeks, and 12 left within the first year.</p> <p>2.12 Colleagues were also told by management of the individual Targets for Stock Pick, Flow Pick, Cage Pick, Trunk Pick, PBYL, Putaways, Letdowns, Flow-Racking Replenishment, and Goods Out (see the individual Job Descriptions for the actual Targets). They were also regularly informed of the Targets and how they were performing against them in their PFP reviews. Colleagues were therefore acutely aware of the Targets they needed to meet and that the pace of their work was closely regularly monitored.</p> <p>[...]</p> <p>How Targets were monitored</p> <p><i>By Supervisors and Managers</i></p> <p>[...]</p> <p>2.18 Supervisors relied on the PI System to help monitor the flow of goods and to see whether Colleagues were being productive. The Depot had a centralised tracker sheet that monitored this. [Exhibit A] At the end of each shift, Supervisors used the data from the PI System to input the actual</p>	<p>Pay for Performance</p> <p>[...]</p> <p>2.9 During the Relevant Period, approximately 50 percent of Colleagues were consistently on the E1 pay grade. The remainder frequently moved between the E2 and E3 pay grades, with many changing from one review to the next. As regards the individual Job Holders:</p> <p>2.9.1 Mr Devenney and Mr Dolan held the E1 pay grade for the duration of the Relevant Period;</p> <p>2.9.2 Mr Ballard held the E3 pay grade for the duration of the Relevant Period, even though there were a number of occasions that he did not meet the higher performance expectations;</p> <p>2.9.3 Mr Dennis held the E1 pay grade at the beginning of the Relevant Period, but moved up to the E2 pay grade in January 2014;</p> <p>2.9.4 Mr Beaumont moved between the E1 and E2 pay grades throughout the Relevant Period. He held the E2 pay grade initially, and was moved down to E1 in April 2009. His pay review at the time recorded that he had not met the requirements of the E2 pay grade in relation to his personal performance, absence, and skill level, although he did meet the requirements in relation to work performance and his manager noted that he had "good goods out performance" and that his "pick rate [had] improved slightly". He then held the E1 pay grade until October 2012, at which time he moved up again to the E2 pay grade.</p> <p>[...]</p> <p>What Colleagues were told about Productivity Targets</p> <p>2.11 Colleagues who wanted to work in the Depot were told at the outset that meeting Targets was a requirement of the job. When they first joined they were trained on Stock Pick and did only that for their 12 week probation period. A Colleague's productivity was monitored during that time as set out elsewhere in this job description, and was specifically reviewed at scheduled meetings, typically at the third, seventh and eleventh week of their probation. If during their probationary period it was considered that a Colleague was unlikely to achieve the Targets, they failed their probation and were not offered a job. Comprehensive data of the numbers who did not complete their probation during the Relevant Period are not available: on a small sample of 28 new-starters during the last 7 months of the Relevant Period (1 December 2013 to 30 June 2014), 4 Colleagues left within either their primary (12-week) or extended (18-week) probation, at least 2 of whom failed due to poor performance. Others will have left during the first week of their probation before their details were entered onto the Depot's HR database, although the numbers and reasons cannot be ascertained.</p> <p>2.12 Colleagues were also told by management of the individual Targets for Stock Pick, Flow Pick, Cage Pick, Trunk Pick, PBYL, Putaways, Letdowns, Flow-Racking Replenishment, and Goods Out (see the individual Job Descriptions for the actual Targets). They were also regularly informed of the Targets and how they were performing against them in their PFP reviews. Colleagues were therefore acutely aware of the Targets they needed to meet and that the pace of their work was monitored.</p> <p>[...]</p> <p>How Targets were monitored</p> <p><i>By Supervisors and Managers</i></p> <p>[...]</p>

Issue 131 and 133: Enforcement of Productivity Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>productivity of the Warehouse Colleagues in their department. For example, the Supervisor for Stock Pick populated columns on the spreadsheet with information such as the number of cases Picked by each Warehouse Colleague in that team and the number of hours worked, in order to calculate each Colleagues' actual hourly Pick rate. Similarly, the Supervisor overseeing Putaways or Letdowns noted the total number of Putaways or Letdowns respectively, and the hours worked. The same information was recorded for Flow Pick, Cage Pick, Trunk Pick, Flow-Racking Replenishment, Goods Out and PBYL. The Job Holders were not required to access, and were not familiar with, the tracker sheets.</p> <p>2.19 Supervisors also monitored the pace of work by watching Colleagues while they were on the Depot floor. Many accessed the PI System throughout the shift in 'real-time' using computer terminals. At the New Site, there were three computer terminals in the main section of the Warehouse; five in the Goods Out Area; one in the Goods In Area; and another in the Goods In office. One Supervisor worked full time and checked the hourly Pick rate of the Depot. If he or she noticed that a Colleague was behind the Target they spoke to a Colleague there and then in order to understand the issue. None of the Job Holders were put into performance management once their probationary period had been completed.</p> <p>[...]</p> <p>How Targets were enforced</p> <p>2.23 Targets had to be enforced in real-time to ensure that goods reached the stores on time. If Supervisors noticed Colleagues were not performing efficiently, they were spoken to on the Depot floor. This was a daily occurrence for Supervisors. Some colleagues were spoken to on a daily basis; the frequency with which the individual Job Holders were spoken to about their performance is set out in their individual Job Descriptions.</p> <p>2.24 The reason that Supervisors spoke with Colleagues in real-time about their performance was to try and understand the reason for any instances of underperformance, and whether this was down to a lack of effort by the Colleague, or for some reason beyond the Colleague's control. Often there were good reasons why someone was not performing in line with their Target. For example, someone may have been suffering from a bad back, or could have had a run of "Small Picks" i.e., the stores had requested small volumes of a number of different types of products. These Picks took longer, and therefore made it more difficult for Colleagues to hit their Targets. On Stock Pick Colleagues may have had to drive their LLOP to ten different Pick Slots to collect fifty cases (Small Pick) compared to collecting fifty cases from one Pick Slot (Big Pick). Supervisors were usually able to verify the Job Holder's account because of their real-time monitoring but, if not, they typically checked to see whether what the Colleagues were saying was true; they did this because they had to account for the Colleagues' underperformance to the Shift Manager, and they to the Operations Manager. For example, Supervisors were able to check whether a Colleague on Stock Pick had in fact received a number of "Small Picks" by looking at the details of the Pick that the system had assigned to a particular Colleague. If after having checked the Colleague's account, the Supervisor agreed that the reason for the underperformance was sound, then no further action was taken in relation to that Colleague. Typically, the Colleague's account was accepted.</p> <p>2.25 For the vast majority of Colleagues, it was not necessary for the Supervisors to take any further action (beyond a conversation) to manage their performance. However, if someone consistently performed below Target (as measured as an average over the week), they could be put on performance management and Colleagues knew, and were reminded, that this was could be a real and probable consequence of a failure by them to perform as expected. As both performance rate</p>	<p>2.18 Supervisors relied on the PI System to help monitor the flow of goods and to see whether Colleagues were being productive. The Depot had a centralised tracker sheet that monitored this. [Exhibit A] At the end of each shift, Supervisors used the data from the PI System to input the actual productivity of the Warehouse Colleagues in their department. For example, the Supervisor for Stock Pick populated columns on the spreadsheet with information such as the number of cases Picked by each Warehouse Colleague in that team and the number of hours worked, in order to calculate each Colleagues' actual hourly Pick rate. Similarly, the Supervisor overseeing Putaways or Letdowns noted the total number of Putaways or Letdowns respectively, and the hours worked. The same information was recorded for Flow Pick, Cage Pick, Trunk Pick, Flow-Racking Replenishment, Goods Out and PBYL. Job Holders were aware that their Supervisors used and analysed data to monitor their performance. They could access the centralised tracker sheet kept by their supervisor and, during pay and performance reviews, the 'traffic light' system used on the tracker sheets was sometimes highlighted to Colleagues. However, most Colleagues did not access the tracker sheets and were unfamiliar with their format.</p> <p>2.19 Supervisors also monitored the pace of work by watching Colleagues while they were on the Depot floor. Many accessed the PI System throughout the shift in 'real-time' using computer terminals. At the New Site, there were three computer terminals in the main section of the Warehouse; five in the Goods Out Area; one in the Goods In Area; and another in the Goods In office. One Supervisor worked full time and checked the hourly Pick rate of the Depot. If he or she noticed that a Colleague was behind the Target they spoke to a Colleague there and then in order to understand the issue.</p> <p>[...]</p> <p>How Targets were enforced</p> <p>2.23 Targets had to be enforced in real-time to ensure that goods reached the stores on time. If Supervisors noticed Colleagues were not performing efficiently, they were spoken to on the Depot floor. On most days each Supervisor would act in that way. Some colleagues were spoken to on a daily basis; the frequency with which the individual Job Holders were spoken to about their performance is set out in their individual Job Descriptions.</p> <p>2.24 The reason that Supervisors spoke with Colleagues in real time about their performance was to try and understand the reason for any instances of underperformance, and whether this was down to a lack of effort by the Colleague, or for some reason beyond the Colleague's control. Often there were good reasons why someone was not performing in line with their Target. For example, someone may have been suffering from a bad back, or could have had a run of "Small Picks" i.e., the stores had requested small volumes of a number of different types of products. These Picks took longer, and therefore made it more difficult for Colleagues to hit their Targets. On Stock Pick Colleagues may have had to drive their LLOP to ten different Pick Slots to collect fifty cases (Small Pick) compared to collecting fifty cases from one Pick Slot (Big Pick). Supervisors were usually able to verify the Job Holder's account because of their real time monitoring but, if not, they typically checked to see whether what the Colleagues were saying was true; they did this because they had to account for the Colleagues' underperformance to the Shift Manager, and they to the Operations Manager. For example, Supervisors were able to check whether a Colleague on Stock Pick had in fact received a number of "Small Picks" by looking at the details of the Pick that the system had assigned to a particular Colleague. If after having checked the Colleague's account, the Supervisor agreed that the reason for the underperformance was sound, then no further action was taken in relation to that Colleague. Where a Supervisor knew and trusted a Colleague well, they would often take their explanation at face value. Colleagues knew that their explanation could be checked and it was rare</p>

Issue 131 and 133: Enforcement of Productivity Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>and downtime were looked at, a Colleague was not necessarily spoken to if there was only an issue with performance rate and not downtime. The steps were as follows:</p> <p>2.25.1 at the end of each week, Supervisors reviewed aggregated data showing the overall performance rate of Colleagues on every Activity they had performed that had a measured Target rate: for example, if a Colleague worked 24 hours on Stock Pick that week, the total number of cases they had Picked in that time was divided by the number of hours they had worked (24 hours) to arrive at their average hourly performance rate that week. If the Colleague's average performance rate was below 100 percent of their Target for that same Activity, the Colleague's Supervisor asked either a Colleague Circle Representative or GMB steward to speak with the Colleague in order to understand the issue. The Supervisor also retrieved data from the PI System to review the Colleague's recorded downtime on the Activity on which they had underperformed in order to understand whether excessive downtime was the reason they had failed to achieve their Target. The assessment of the Colleague's performance took into account all relevant factors, e.g. whether the Colleague had good reasons for the persistent underperformance, illness, recent bereavement, level of experience, and so on. Depending on the results of these enquiries, the Supervisor may have considered that the circumstances warranted no further action be taken;</p> <p>2.25.2 if the same Colleague continued to miss their Target on the same Activity for a second week and the Colleague did not have a good reason for the persistent underperformance (see 2.25.1 above), they were asked to attend a counselling meeting. More often than not, counselling was enough to send a message to Colleagues and their performance usually improved;</p> <p>2.25.3 if the Colleague did not improve in the third consecutive week, again without good reason (see 2.25.1 above):</p> <p>(a) he or she was put through a capability process if a Supervisor could see that the Colleague was trying, but continuing to miss their Target. This involved a series of meetings of escalating seriousness which were attended by the Colleague's Supervisor, as well as members from the HR Department. A plan was drawn up to provide the Colleague with support in order to resolve their underperformance. If after the required period of time the Colleague still did not meet their Targets, they were ultimately dismissed on capability grounds. Available statistics for 2015 to 2018 indicate that 17 Colleagues were exited from the business during that period due to capability issues: the figures were similar during the Relevant Period;</p> <p>(b) they were put into a disciplinary process if they were simply not trying to meet their Target and/or were breaching company policy (for example if the Colleague continued to have excessive downtime).</p> <p>2.26 The Downtime Trackers (explained at paragraph 2.21 above) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as 182 x 250 x 2/5 - approximately six months (or 182 days), for 250 colleagues, and assuming those colleagues did at least 2 shifts a week of either Stock Pick or PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was potentially higher, as not all Supervisors may have noted all conversation</p>	<p>for an explanation to be disbelieved or found to be false.</p> <p>2.25 For the vast majority of Colleagues, it was not necessary for the Supervisors to take any further action (beyond a conversation) to manage their performance. However, if someone consistently performed below Target, without satisfactory explanation, they could be put on performance management and Colleagues knew, and were reminded, that this could be a real consequence of a failure by them to perform as expected. The steps were as follows:</p> <p>2.25.1 at the end of each week, Supervisors reviewed aggregated data showing the overall performance rate of Colleagues on every Activity they had performed that had a measured Target rate: for example, if a Colleague worked 24 hours on Stock Pick that week, the total number of cases they had Picked in that time was divided by the number of hours they had worked (24 hours) to arrive at their average hourly performance rate that week. If the Colleague's average performance rate was below 100 percent of their Target for that same Activity, the Colleague's Supervisor asked either a Colleague Circle Representative or GMB steward to speak with the Colleague in order to understand the issue. The Supervisor also retrieved data from the PI System to review the Colleague's recorded downtime on the Activity on which they had underperformed in order to understand whether excessive downtime was the reason they had failed to achieve their Target. The assessment of the Colleague's performance took into account all relevant factors, e.g. whether the Colleague had good reasons for the persistent underperformance, illness, recent bereavement, level of experience, and so on. Depending on the results of these enquiries, the Supervisor may have considered that the circumstances warranted no further action be taken;</p> <p>2.25.2 if the same Colleague continued to miss their Target on the same Activity for a second week and the Colleague did not have a good reason for the persistent underperformance (see 2.25.1 above), they were asked to attend a counselling meeting. More often than not, counselling was enough to send a message to Colleagues and their performance usually improved;</p> <p>2.25.3 if the Colleague did not improve in the third consecutive week, again without good reason (see 2.25.1 above):</p> <p>(a) he or she was put through a capability process if a Supervisor could see that the Colleague was trying, but continuing to miss their Target. This involved a series of meetings of escalating seriousness which were attended by the Colleague's Supervisor, as well as members from the HR Department. A plan was drawn up to provide the Colleague with support in order to resolve their underperformance. If after the required period of time the Colleague still did not meet their Targets, they were ultimately dismissed on capability grounds. Available statistics for 2015 to 2018 indicate that 17 Colleagues were exited from the business during that period due to capability issues: the figures were similar during the Relevant Period;</p> <p>(b) they were put into a disciplinary process if they were simply not trying to meet their Target and/or were breaching company policy (for example if the Colleague continued to have excessive downtime).</p> <p>24. 2.26 The Downtime Trackers (explained at paragraph 2.21 above) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having</p>

Issue 131 and 133: Enforcement of Productivity Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. No colleagues were dismissed.</p>	<p>spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. These conversations included conversations asking why a target had not been met or asking about periods of downtime in excess of about 8 minutes, most of which elicited a sound explanation so that no further action was taken. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was potentially higher, as not all Supervisors may have noted all conversation they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal.</p>

Issue 138: Reporting of Productivity Targets (Hourly vs Per Shift/Week Basis)		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
2 Dennis, para 6.4 (sample text) Beaumont, para 6.4	Letdowns 6.4 The Job Holder [had a] productivity target to remove from storage a minimum of 13.5 Pallets per hour (101 Pallets per shift). [...] The Job Holder was not himself aware of time required to remove each Pallet, and only worked to the overall target for the shift.	Letdowns 6.4 The Job Holder [had a] productivity target to remove from storage a minimum of 13.5 Pallets per hour (101 Pallets per shift). [...] Performance against the hourly target was not enforced, provided that the Shift target was met, but the job holder was aware of the need to work efficiently throughout the shift because the pallets he was removing from storage were being used to replenish the stock that colleagues were collecting on Picking.
3 Dennis, para 7.5 (sample text) Dolan, para 6.5 Beaumont, para 7.5	Flow-Racking Replenishment 7.5 The Job Holder was also expected to work efficiently in accordance with measured productivity targets and complete 9 replenishment assignments per hour (67 replenishment assignments per shift): each one required him to remove a Pallet from storage, break it apart, and physically lift cases off the Pallet and into the Flow Pick Slots to completely fill those slots. [...] He only If the Job Holder was working at the pace required to meet 67 assignments a shift, he had approximately 6.5 minutes for each replenishment assignment and he was therefore balancing the need for safety and speed in his job. The Job Holder did not know how long each assignment should take as he only knew how many assignments he was meant to complete in a shift. [...]	Flow-Racking Replenishment 7.5 The Job Holder was also expected to work efficiently in accordance with measured productivity targets and complete 9 replenishment assignments per hour (67 replenishment assignments per shift): each one required him to remove a Pallet from storage, break it apart, and physically lift cases off the Pallet and into the Flow Pick Slots to completely fill those slots. [...] Working at the pace required to meet 67 assignments a shift, he had approximately 6.5 minutes for each replenishment assignment and he was therefore balancing the need for safety and speed in his job. [...] Factor Three – Organisation of Work <i>Putaways</i> 19.10 The Job Holder was required to put away 20.5 Pallets per hour (154 Pallets per shift), allowing him approximately 3 minutes for each assignment on average. [...]
5 Dennis, paras 19.10 (sample text) Beaumont, para 19.11	Factor Three – Organisation of Work <i>Putaways</i> 19.10 The Job Holder was required to put away 20.5 Pallets per hour (154 Pallets per shift), allowing him which would mean approximately 3 minutes for each assignment if he was working to the 100% pace. [...]	Stock Pick 8.4 The Job Holder ... had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1650 cases per shift). He was held accountable to that Target as explained elsewhere in this document. [...]
7 Dennis, para 8.4 (sample text) Dolan, para 7.4 Ballard, paras 6.4 Beaumont, para 8.4 Devenney, para 5.4	Stock Pick 8.4 The Job Holder ... had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1650 cases per shift). He was held accountable to that Target. The JH worked to the overall target for the week. [...]	

Note: Certain portions of the paragraphs extracted above are also in dispute for different productivity-related reasons. Only those portions of the paragraph which relate to issue no 138 are included in the schedule above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

Issue 140: Enforcement of Productivity Targets when using HRTs		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1	<p>Background Document, paras 2.3 – 2.8</p> <p>Pay for Performance</p> <p>2.3 The Depot operated a scheme called “Pay For Performance” (“PFP”) which enabled Colleagues to earn an enhanced rate of pay for good performance. The three rates of pay, and the requirements in order to secure those rates of pay were as follows:</p> <p>2.3.1 E1 – the warehouse base rate of pay.</p> <p>Colleagues had to pick for at least 16 hours a week and meet the Productivity Target for every Activity they performed. The Colleague had to have no disciplinary citations, a maximum of two recorded counselling meetings, an absence “index” of less than 8 (calculated by multiplying the number of consecutive days of absence by the number of separate occurrences), and a maximum of 3 occasions when they were late to work.</p> <p>2.3.2 E2 – the warehouse base rate of pay plus 5 percent.</p> <p>Colleagues had to pick for at least 16 hours a week. A Colleague needed to receive an overall “work performance” grade of at least 2 (although there was some manager discretion). On each of their Activities, a grade 2 could be awarded if they had to worked at an average rate that was (i) 5 percent above the then average work-rate of Colleagues doing the same Activity at the Depot (prior to April 2012) or (ii) 5 percent above the Productivity Target (after April 2012) although a grade 2 could be achieved without reaching these targets at the manager’s discretion. These targets only applied for Activities not involving the HRT. The Colleague had to have no disciplinary citations, a maximum of one recorded counselling meeting, an absence index less than 5 (see above), and a maximum of 2 occasions when they were late to work. In addition to Picking, Colleagues also had to be trained in at least two of the four Depot “skill areas”: Goods Out, Battery Bay, any one of Tipping, Checking or Yard, or any one of the Activities requiring use of an HRT (Putaways, Letdowns, or Flow-Racking Replenishment).</p> <p>2.3.3 E3 – the warehouse base rate of pay plus 10 percent.</p> <p>Colleagues had to pick for at least 16 hours a week. A Colleague needed to receive an overall “work performance” grade of at least 1 (although there was some manager discretion). On each of their Activities, a grade 1 could be awarded if the Colleague had to worked at an average rate that was (i) 10 percent above the then average work-rate of Colleagues doing the same Activity at the Depot (prior to April 2012); or (ii) 10 percent above the Productivity Target (after April 2012) although a grade 1 could be achieved without reaching these targets at the manager’s discretion. These targets only applied for Activities not involving the HRT. The Colleague had to have no recorded disciplinary citations or counselling meetings, an absence index of less than 3, and a maximum of one occasion when they were late to work. In addition to Picking, Colleagues also had to be trained in at least two “skill areas” (explained above) and have a “Champion role”, such as for example a First Aid Representative, a Fire Warden, an MHE Instructor etc.</p> <p>2.4 As part of the PFP scheme Colleagues were reviewed every 13 weeks and were assessed on their performance against the various competency areas described above. The purpose of the review was to assess whether they should remain on their current pay scale or go</p>	<p>Pay for Performance</p> <p>2.3 The Depot operated a scheme called “Pay For Performance” (“PFP”) which enabled Colleagues to earn an enhanced rate of pay for good performance. The three rates of pay, and the requirements in order to secure those rates of pay were as follows:</p> <p>2.3.1 E1 – the warehouse base rate of pay.</p> <p>Colleagues had to pick for at least 16 hours a week and meet the Productivity Target for every Activity they performed. The Colleague had to have no disciplinary citations, a maximum of two recorded counselling meetings, an absence “index” of less than 8 (calculated by multiplying the number of consecutive days of absence by the number of separate occurrences), and a maximum of 3 occasions when they were late to work.</p> <p>2.3.2 E2 – the warehouse base rate of pay plus 5 percent.</p> <p>Colleagues had to pick for at least 16 hours a week. A Colleague needed to receive an overall “work performance” grade of at least 2, although there was some manager discretion as to what grade to award based on a holistic review of overall performance as set out in sub-paragraph 2.5 below. Subject to that discretion, the targets to receive grade 2 were an average rate on each of their Activities that was (i) 5 percent above the then average work-rate of Colleagues doing the same Activity at the Depot (prior to April 2012) or (ii) 5 percent above the Productivity Target (after April 2012). The Colleague had to have no disciplinary citations, a maximum of one recorded counselling meeting, an absence index less than 5 (see above), and a maximum of 2 occasions when they were late to work. In addition to Picking, Colleagues also had to be trained in at least two of the four Depot “skill areas”: Goods Out, Battery Bay, any one of Tipping, Checking or Yard, or any one of the Activities requiring use of an HRT (Putaways, Letdowns, or Flow-Racking Replenishment).</p> <p>2.3.3 E3 – the warehouse base rate of pay plus 10 percent.</p> <p>Colleagues had to pick for at least 16 hours a week. A Colleague needed to receive an overall “work performance” grade of at least 1, although there was some manager discretion as to what grade to award based on a holistic review of overall performance as set out in sub-paragraph 2.5 below. Subject to that discretion, the targets to receive grade 1 were an average rate on each of their Activities that was (i) 10 percent above the then average work-rate of Colleagues doing the same Activity at the Depot (prior to April 2012); or (ii) 10 percent above the Productivity Target (after April 2012). The Colleague had to have no recorded disciplinary citations or counselling meetings, an absence index of less than 3, and a maximum of one occasion when they were late to work. In addition to Picking, Colleagues also had to be trained in at least two “skill areas” (explained above) and have a “Champion role”, such as for example a First Aid Representative, a Fire Warden, an MHE Instructor etc.</p> <p>2.4 As part of the PFP scheme Colleagues were reviewed every 13 weeks and were assessed on their performance against the various competency areas described above. The purpose of the review was to assess whether they should remain on their current pay scale or go up and down.</p> <p>2.5 During the pay reviews, the performance of a particular Colleague was assessed holistically, against all of the relevant performance criteria. Supervisors also took into account other relevant circumstances. Factors such as ill-health, recent bereavement, or the fact that a Colleague had only recently been trained on a particular Activity could all be relevant to the assessment. Supervisors therefore had an element of discretion based on their holistic assessment of the Colleague’s performance, though the applicable targets for each grade were always key factors and were the starting point for that assessment.</p>

Issue 140: Enforcement of Productivity Targets when using HRTs		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>up and down. Supervisors had an element of discretion, and a reduction in pay was not an automatic consequence of failing to meet one or more of the criteria.</p> <p>2.5 During the pay reviews, the performance of a particular Colleague was assessed holistically, against all of the relevant performance criteria. Productivity Targets were only one aspect of a Colleague's performance meaning that a failure to meet those targets could be offset against other Supervisors also took into account other relevant circumstances. These included and factors such as ill-health, recent bereavement, or the fact that a Colleague had only recently been trained on a particular Activity could all be relevant to the assessment.</p> <p>2.6 If a Colleague was on a higher pay grade (E2 or E3) and had, during the previous 13 week period, failed to meet the requirements of that pay grade they could be, but were not always, moved down the pay scale. In relation to a sample pool of 422 Colleagues employed at the Depot on or after 1 January 2014, 61 of those Colleagues (14%) had moved down a pay grade and 137 of those Colleagues (33%) had been moved up a pay grade at least once in the period since they started work at the Depot and the date of the analysis (March 2017).</p> <p>2.7 Typically, Colleagues were given a further 13 week period to improve their performance following the period in which they had underperformed before they moved their Supervisor decided whether to move their pay grades. An element of discretion was particularly important when Supervisors were assessing Colleague performance on Activities requiring the use of the HRT. Supervisors were mindful of the fact that, when working at the pace required of them, Colleagues had only a few minutes to collect a Pallet, drive their HRT to the relevant location, and insert or remove the Pallets into or from storage locations that may have been up to 11.5 metres above the air. The E2 and E3 pay grades required that they do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore managed Colleague performance did not therefore enforce the E2 and E3 targets on these Activities with an understanding that because safety was paramount and had to take precedence over performance.</p> <p>2.8 Similarly, if a Colleague was on the E1 pay grade and failed to meet the basic requirements for that pay grade, they could be, but were not always, put into performance management (as explained further in paragraphs 2.23 – 2.26 below).</p>	<p>2.6 If a Colleague was on a higher pay grade (E2 or E3) and had, during the previous 13 week period, failed to meet the requirements of that pay grade they could be, but were not always, moved down the pay scale. In relation to a sample pool of 422 Colleagues employed at the Depot on or after 1 January 2014, 61 of those Colleagues (14%) had moved down a pay grade and 137 of those Colleagues (33%) had been moved up a pay grade at least once in the period since they started work at the Depot and the date of the analysis (March 2017).</p> <p>2.7 Typically, Colleagues were given a further 13 week period to improve their performance following the period in which they had underperformed before their Supervisor decided to move their pay grades. An element of discretion was particularly important when Supervisors were assessing Colleague performance on Activities requiring the use of the HRT. Supervisors were mindful of the fact that, when working at the pace required of them, Colleagues had only a few minutes to collect a Pallet, drive their HRT to the relevant location, and insert or remove the Pallets into or from storage locations that may have been up to 11.5 metres above the air. The E2 and E3 pay grades required that they do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore managed Colleague performance on these Activities with an understanding that safety was paramount and had to take precedence over performance. Colleagues would never be moved down a grade for narrowly failing to meet the 105% or 110% target for HRT activities.</p> <p>2.8 Similarly, if a Colleague was on the E1 pay grade and failed to meet the basic requirements for that pay grade, they could be, but were not always, put into performance management (as explained further in paragraphs 2.23 – 2.26 below).</p>
2	<p>Dennis, para 5.5 (sample text) Beaumont, para 5.5</p> <p>Putaways</p> <p>5.5 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required meant to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional</p>	<p>Putaways</p> <p>5.5 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion which was more often exercised when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities. In practice, Colleagues would never be moved down a</p>

Issue 140: Enforcement of Productivity Targets when using HRTs		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	instances of underperformance more often than on other Activities. The E2 targets were not enforced on this Activity because it required the use of the HRT, and as safety was paramount, had to take precedence over performance.	grade for narrowly failing to meet the 105% or 110% target for HRT activities.
3	<p>Letdowns</p> <p>6.5 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was in fact required to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities. The E2 targets were not enforced on this Activity because it required the use of the HRT, and as safety was paramount, had to take precedence over performance.</p>	<p>Letdowns</p> <p>6.5 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion which was more often exercised when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities.</p>
4	<p>Flow-Racking Replenishment</p> <p>7.6 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required meant to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities. The E2 targets were not enforced on this Activity because it required use of the HRT, and as safety was paramount, had to take precedence over performance.</p>	<p>Flow Racking Replenishment</p> <p>7.6 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required to work at a rate of 5% above the Productivity Target. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion which was more often exercised when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities.</p>
5	<p>Factor Nine – Emotional Demands</p> <p>25.4 From January 2014 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was generally expected to be working at a rate of 5% above the Productivity Target although the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay, and the Job Holder retained the pay grade despite not always meeting the higher targets (see further paragraphs 25.18 to 25.19 below).</p>	<p>25.4 [No facts determined under Issue 140]</p>

Issue 141: Monitoring pace of work against Targets was not a “stipulation” of the Job Holders’ work			
JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal	
1	Background Document, paras 2.22.1, 2.22.3	<p>The importance of working efficiently – Productivity Targets</p> <p>How Targets were monitored</p> <p>By Warehouse Colleagues</p> <p>2.22 Warehouse Colleagues themselves were also able to monitor how they were performing against their Target:</p> <p>2.22.1 Colleagues doing Picking could check how many cases they had Picked using their Talkman. Many of them also kept a note of their progress and Pick assignments (see the individual Job Descriptions for Mr Beaumont, Mr Dennis, Mr Ballard, and Mr Devenney). This was not a stipulation of their work, and Colleagues were not spoken to or disciplined if they did not use their Talkman or keep a note in this way;</p> <p>[...]</p> <p>2.22.3 Colleagues working on Putaways and Letdowns could check the data terminal on their High Reach Truck to see how many Putaways and Letdowns they had done. This was not a stipulation of their work, and Colleagues were not spoken to or disciplined if they did not use their data terminal in this way; [...]</p>	<p>The importance of working efficiently – Productivity Targets</p> <p>How Targets were monitored</p> <p>By Warehouse Colleagues</p> <p>2.22 Warehouse Colleagues themselves were also able to monitor how they were performing against their Target:</p> <p>2.22.1 Colleagues doing Picking could check how many cases they had Picked using their Talkman. Many of them also kept a note of their progress and Pick assignments (see the individual Job Descriptions for Mr Beaumont, Mr Dennis, Mr Ballard, and Mr Devenney). This was not a stipulation of their work, and Colleagues were not spoken to or disciplined if they did not use their Talkman or keep a note in this way;</p> <p>[...]</p> <p>2.22.3 Colleagues working on Putaways and Letdowns could check the data terminal on their High Reach Truck to see how many Putaways and Letdowns they had done. This was not a stipulation of their work, and Colleagues were not spoken to or disciplined if they did not use their data terminal in this way; [...]</p>
2	Dennis, para 5.29	<p>Putaways</p> <p>5.29 The Job Holder also kept track of the number of Pallets he had put away from the Sin Bin as these were not recorded by the Putaways system. Although there was no stipulation that the Job Holder keep a written record of their progress, The Job Holder would keep his Supervisor informed of this number during the course of the shift in case he was questioned on his targets for that shift. [...]</p>	<p>Putaways</p> <p>5.29 The Job Holder also kept track of the number of Pallets he had put away from the Sin Bin as these were not recorded by the Putaways system. Although there was no stipulation that the Job Holder keep a written record of their progress, The Job Holder would keep his Supervisor informed of this number during the course of the shift in case he was questioned on his targets for that shift. [...]</p>
3	Dolan, para 5.27	<p>Putaways</p> <p>5.27 Because the Job Holder was a GMB steward, he was not expected to meet his full Productivity Target due to the amount of interruptions he received. The Job Holder did not therefore have the same need to monitor his pace as other Colleagues. That said, the Job Holder still maintained a mental tally of how many Putaway assignments he had completed (by looking at the number of lines of Pallets he had cleared) up until the time of his first break, at which stage the Job</p>	<p>Putaways</p> <p>5.27 Because the Job Holder was a GMB steward, he was not expected to meet his full Productivity Target due to the amount of interruptions he received. The Job Holder did not therefore have the same need to monitor his pace as other Colleagues. That said, the Job Holder still maintained a mental tally of how many Putaway assignments he had completed (by looking at the number of lines of Pallets he had cleared) up until the time of his first break, at which stage the Job Holder knew whether or not he was working efficiently and to the best of his abilities. It was not a stipulation that the Job</p>

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	Holder knew whether or not he was working efficiently and to the best of his abilities. It was not a stipulation that the Job Holder kept this tally.	Holder kept this tally.	
4	Dennis, para 7.33 Flow-Racking Replenishment 7.33 The Job Holder checked his pace of work by keeping track of the numbers of Picker requests he had recorded on his Flow Letdowns Sheet. The Job Holder also kept track of the replenishment assignments he completed, by retrieving details from his HRT data terminal. There was no stipulation that the Job Holder kept a written record of his progress.	Flow-Racking Replenishment 7.33 The Job Holder checked his pace of work by keeping track of the numbers of Picker requests he had recorded on his Flow Letdowns Sheet. The Job Holder also kept track of the replenishment assignments he completed, by retrieving details from his HRT data terminal. There was no stipulation that the Job Holder kept a written record of his progress.	
5	Dolan, para 6.32 Flow-racking Replenishment 6.32 Because Job Holder was a GMB steward, he was not expected to meet his full Productivity Targets due to the amount of interruptions he received (see paragraph 5.27 above). The Job Holder did not therefore have the same need to monitor his pace as other Colleagues. That said, Although it was not a stipulation the Job Holder kept track how many replenishment assignments he had completed by checking his Flow Letdowns Sheet throughout his shift. He therefore knew whether or not he was working efficiently and to the best of his abilities.	Flow-racking Replenishment 6.32 Because Job Holder was a GMB steward, he was not expected to meet his full Productivity Targets due to the amount of interruptions he received (see paragraph 5.27 above). The Job Holder did not therefore have the same need to monitor his pace as other Colleagues. Although it was not a stipulation, the Job Holder kept track how many replenishment assignments he had completed by checking his Flow Letdowns Sheet throughout his shift. He therefore knew whether or not he was working efficiently and to the best of his abilities.	
6	Dennis, para 8.33 Stock Pick 8.33 The Job Holder also monitored by writing on a blank label how many Small Picks were assigned to him during his shift (although there was no stipulation that the Job Holder keep a written record of his progress) . If he received three Small Picks and if this meant that he was unlikely to meet his Target he spoke to his Supervisor about this issue [...]	Stock Pick 8.33 The Job Holder also monitored by writing on a blank label how many Small Picks were assigned to him during his shift (although there was no stipulation that the Job Holder keep a written record of his progress). If he received three Small Picks and if this meant that he was unlikely to meet his Target he spoke to his Supervisor about this issue [...]	
7	Dennis, para 8.32 (sample text) Devenney, para 5.27 Beaumont, para 8.33 Stock Pick 8.32 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). Because of this, the Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (although there was no stipulation that the Job Holder keep a written record of his progress) , and also through his Talkman headset by asking the Talkman to report details of his Pick rate using	Stock Pick 8.32 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). Because of this, the Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (although there was no stipulation that the Job Holder keep a written record of his progress), and also through his Talkman headset by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (after every Pick towards the end of his shift). The reason he kept a separate written record was because he was aware that the data collected through the Talkman did not update during the shift to record the cases he had sent to Chase Pick . Therefore, by keeping a	

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	<p>the command “Shift Summary” (after every Pick towards the end of his shift). The reason he kept a separate written record was because he was aware that the data collected through the Talkman did not update during the shift to record the cases he had sent to Chase Pick. Therefore, by keeping a written note he kept a more accurate record of his pace of work.</p>	<p>written note he kept a more accurate record of his pace of work.</p>
8	<p>Ballard, paras 6.4, 6.33</p> <p>Stock Pick</p> <p>6.4 [...] He could monitor his progress against it by using his Talkman, and did so approximately 4 to 5 times per shift although this was not a stipulation of his work.</p> <p>[...]</p> <p>6.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). Because of this, the Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (and the number of slots he Picked from on each assignment), although this was not a stipulation of the Job Holder’s work, and also through his Talkman by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (approximately 4 to 5 times per shift). [...]</p>	<p>Stock Pick</p> <p>6.4 [...] He could monitor his progress against it by using his Talkman, and did so approximately 4 to 5 times per shift although this was not a stipulation of his work.</p> <p>[...]</p> <p>6.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). Because of this, the Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (and the number of slots he Picked from on each assignment), although this was not a stipulation of the Job Holder’s work, and also through his Talkman by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (approximately 4 to 5 times per shift). [...]</p>
9	<p>Dennis, para 12.31 (sample text)</p> <p>Devenney, para 9.29</p> <p>PBYL</p> <p>12.31 After he had Picked the required number of cases, the Job Holder confirmed to the Talkman using voice commands that he had done so. For example, if the Talkman had instructed him to pick five cases, the Job Holder said “Pick 5” to the Talkman. The Talkman stored this information, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently the Job Holder was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). Because of this, The Job Holder regularly monitored how fast he was working both visually and also through his Talkman headset by asking the Talkman to recall details of his Pick rate using the command “Shift Summary”</p>	<p>PBYL</p> <p>12.31 After he had Picked the required number of cases, the Job Holder confirmed to the Talkman using voice commands that he had done so. For example, if the Talkman had instructed him to pick five cases, the Job Holder said “Pick 5” to the Talkman. The Talkman stored this information, which was fed back into the PI System and enabled the Job Holder’s Supervisor to see how efficiently the Job Holder was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). The Job Holder frequently monitored how fast he was working both visually and also through his Talkman headset by asking the Talkman to recall details of his Pick rate using the command “Shift Summary” (approximately 3 to 4 times per shift). There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work .</p>

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	(approximately 3 to 4 times per shift). There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work .		
10	<p>Ballard, paras 11.4, 11.38</p> <p>PBYL</p> <p>11.4 [...] He could monitor his progress against it by using his Talkman although he preferred to ask a Supervisor about his progress approximately twice a shift, although there was no stipulation that he do so . [...]</p> <p>11.38 The Job Holder monitored how fast he was working by asking his Supervisor (twice a shift), although there was very little he could do if he was behind other than try to pick up the pace of his work. If he asked his Supervisor, his Supervisor showed him details of his performance rate on the computer terminals at the PBYL Supervisor’s desk [Photo 97]. This was not a stipulation of the Job Holder’s work.</p>	<p>PBYL</p> <p>11.4 [...] He could monitor his progress against it by using his Talkman although he preferred to ask a Supervisor about his progress approximately twice a shift, although there was no stipulation that he do so . [...]</p> <p>11.38 The Job Holder monitored how fast he was working by asking his Supervisor (twice a shift), although there was very little he could do if he was behind other than try to pick up the pace of his work. If he asked his Supervisor, his Supervisor showed him details of his performance rate on the computer terminals at the PBYL Supervisor’s desk [Photo 97]. This was not a stipulation of the Job Holder’s work.</p>	
11	<p>Dennis, paras 9.14 (sample text), 10.6</p> <p>Devenney, paras 6.13, 7.6</p> <p>Ballard, paras 7.14, 8.7, 9.6</p> <p>Beaumont, paras 9.15, 10.7</p> <p>Flow Pick</p> <p>9.14 The Job Holder checked his pace of work throughout his shift in the same way as he did for Stock Pick (see paragraphs 8.31-8.33 above). There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work .</p>	<p>Flow Pick</p> <p>9.14 The Job Holder checked his pace of work throughout his shift in the same way as he did for Stock Pick (see paragraphs 8.31-8.33 above). There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work .</p>	
12	<p>Beaumont, para 11.6 (sample text)</p> <p>Dolan, para 8.13</p> <p>Trunk Pick</p> <p>11.6 The Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (although this was not a stipulation), and also through his Talkman by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (roughly once per shift).</p>	<p>Trunk Pick</p> <p>11.6 The Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (although this was not a stipulation), and also through his Talkman by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (roughly once per shift).</p>	
13	<p>Dennis, para 19.2 (sample text)</p> <p>Ballard, para 19.2</p> <p>Beaumont, para 19.2</p> <p>Factor Three – Organisation of Work</p> <p><u>Performance Targets and Working Efficiently</u></p> <p>19.2 The Job Holder had individual responsibility for meeting Productivity Targets which required him to constantly monitor and be aware of his pace of work. Generally, The target for the shift, combined with the duration of that shift, meant that the Job Holder knew the pace at which he had to work for each of the Activities he performed in order to meet</p>	<p>Factor Three – Organisation of Work</p> <p><u>Performance Targets and Working Efficiently</u></p> <p>19.2 The Job Holder had individual responsibility for meeting Productivity Targets The target for the shift, combined with the duration of that shift, meant that the Job Holder knew the pace at which he had to work for each of the Activities he performed in order to meet his Target. The means of checking his pace of work for the different Activities are detailed below.</p>	

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	Devenney, para 15.2	his Target and had various means of checking his pace of work throughout the shift. For example, on Putaways he had approximately 3 minutes to complete a Putaway if he was to meet his Target of 20.5 Pallets per hour (153.8 Pallets per shift). The means of checking his pace of work for the different Activities are detailed below.
14	Dennis, para 19.6	<p>Factor Three – Organisation of Work</p> <p>19.6 About two or three hours into his shift, the Job Holder also checked how many cases he had Picked throughout the shift by using the “Shift Summary” command on his Talkman. The Job Holder also made a note on blank labels of how many cases he had Picked because he was aware that the data collected through the Talkman did not update during the shift to record the cases he had sent to Chase Pick. There was no stipulation that the Job Holder keep a written record of his progress and no manager ever requested to see this record. Therefore, by keeping a written note he kept a more accurate record of his pace of work in order to meet his Target. [...]</p>
15	Devenney, para 15.6 (sample text) Ballard, para 19.6	<p>Factor Three – Organisation of Work</p> <p><u>Performance Targets and Working Efficiently</u></p> <p>15.6 The Job Holder also checked how many cases he had Picked twice a shift by using the “Shift Summary” command on his Talkman [...] The Job Holder also made a note on blank labels of each Pick assignment he completed per shift and added up the total as he went. There was no stipulation that the Job Holder keep a note in this way.</p>
16	Beaumont, paras 19.7	<p>Factor Three – Organisation of Work</p> <p><u>Performance Targets and Working Efficiently</u></p> <p>19.7 The Job Holder also checked how many cases he had Picked once per shift using the “Shift Summary” command on his Talkman. He also made a note of how many cases he had Picked. There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work. If the Job Holder was behind his hourly Target he knew to Pick up his pace of work.</p>
17	Dennis, para 25.7	<p>Factor Nine – Emotional Demands</p> <p><i>How Targets were monitored by the Job Holder</i></p> <p>25.6 The Job Holder monitored how he was performing against his Target in the following ways:</p>

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	<p>25.6.1 In relation to Stock Pick, Flow Pick and Cage Pick, the Job Holder kept a note of every single pick, the number of cases in each pick assignment (i.e. whether it was a large or small pick), and the total number of cases he picked, less how many items he sent to Chase Pick (i.e., therefore not yet picked by him). This is because his Talkman did not record how many items were sent to Chase Pick. Therefore, by keeping a note he kept a more accurate record of his pace of work. He also checked his Talkman using the “Shift Summary” command, which he did after every Pick assignment towards the end of his shift;</p> <p>25.6.2 In relation to Putaways and Letdowns, the Job Holder could check his pace of work using the data terminals on his HRT (by inserting the commands F5 and F2). The Job Holder did not do this for the first hour or so of his shift, but after that he checked his pace after every few Pallets he had Putaway or Letdown. If the Job Holder was clearing non-scan items from the Sin Bin the Job Holder could not scan these again (see further paragraphs 5.27-5.29) and therefore he was not recording his work on the PI System. As such, the Job Holder usually kept track of how many non-scan Pallets he had put away and told his Supervisor throughout his shift so that he had a record of the progress of his work. If he had cleared a large number of non-scan Pallets he usually informed his Supervisor of this in advance so that his Supervisor was aware of why the PI System may think that the Job Holder had not met his Target. He also kept track of other interruptions in the same way (e.g. being asked by Colleagues to unstack double-stacked Pallets using his HRT).</p> <p>25.7 The Job Holder did this in order to monitor the pace of his work and ensure that he was either on track throughout his shift to meet his Target or could otherwise explain any instances of underperformance to his Supervisor if necessary (as described further below). Although the Job Holder was not instructed to use these particular methods for keeping track of his work, he was aware that his performance against his Target was monitored by his Supervisors and that he would need to hit his Target or be able to explain why he had not done so. he did this in order to monitor the pace of his work and ensure that he was either on track throughout his shift to meet his Target or could otherwise explain any instances of</p>	<p>25.6.1 In relation to Stock Pick, Flow Pick and Cage Pick, the Job Holder kept a note of every single pick, the number of cases in each pick assignment (i.e. whether it was a large or small pick), and the total number of cases he picked, less how many items he sent to Chase Pick (i.e., therefore not yet picked by him). This is because his Talkman did not record how many items were sent to Chase Pick. Therefore, by keeping a note he kept a more accurate record of his pace of work. He also checked his Talkman using the “Shift Summary” command, which he did after every Pick assignment towards the end of his shift;</p> <p>25.6.2 In relation to Putaways and Letdowns, the Job Holder could check his pace of work using the data terminals on his HRT (by inserting the commands F5 and F2). The Job Holder did not do this for the first hour or so of his shift, but after that he checked his pace after every few Pallets he had Putaway or Letdown. If the Job Holder was clearing non-scan items from the Sin Bin the Job Holder could not scan these again (see further paragraphs 5.27-5.29) and therefore he was not recording his work on the PI System. As such, the Job Holder usually kept track of how many non-scan Pallets he had put away and told his Supervisor throughout his shift so that he had a record of the progress of his work. If he had cleared a large number of non-scan Pallets he usually informed his Supervisor of this in advance so that his Supervisor was aware of why the PI System may think that the Job Holder had not met his Target. He also kept track of other interruptions in the same way (e.g. being asked by Colleagues to unstack double-stacked Pallets using his HRT).</p> <p>25.7 Although the Job Holder was not instructed to use these particular methods for keeping track of his work, he did this in order to monitor the pace of his work and ensure that he was either on track throughout his shift to meet his Target or could otherwise explain any instances of underperformance to his Supervisor if necessary (as described further below).</p>

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	underperformance to his Supervisor if necessary (as described further below).		
18	<p>Devenney, paras 21.5 (sample text)</p> <p>Ballard, para 25.6.1</p> <p>Factor Nine – Emotional Demands</p> <p><i>How Targets were monitored by the Job Holder</i></p> <p>21.5 The Job Holder regularly monitored how he was performing against his Target. For example, in relation to Stock Pick, Flow Pick and Cage Pick, the Job Holder kept a note of the total number of cases he Picked. There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work. He also checked his Talkman using the “Shift Summary” command, which he did approximately twice shift, although there was no stipulation that he do so.</p>	<p>Factor Nine – Emotional Demands</p> <p><i>How Targets were monitored by the Job Holder</i></p> <p>21.5 The Job Holder frequently monitored how he was performing against his Target. For example, in relation to Stock Pick, Flow Pick and Cage Pick, the Job Holder kept a note of the total number of cases he Picked. There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work. He also checked his Talkman using the “Shift Summary” command, which he did approximately twice shift, although there was no stipulation that he do so.</p>	
19	<p>Beaumont, paras 25.7, 25.7.1 – 25.7.2</p> <p>Factor Nine – Emotional Demands</p> <p><i>How Targets were monitored by the Job Holder</i></p> <p>25.7 The Job Holder regularly monitored how he was performing against his Target. For example:</p> <p>25.7.1 on Stock Pick, Flow Pick, Cage Pick and Trunk Pick, the Job Holder kept a note of the total number of cases he Picked. Once a shift, he also checked his pace of work using the “Shift Summary” command on the Talkman. There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work;</p> <p>25.7.2 on Putaways, the Job Holder could check his pace of work using the data terminal on his HRT (by inserting the commands F5 and F2). The Job Holder did not do this for the first hour or so of a shift, and after that would check it. He typically did this once or twice on every shift: after his break and towards the end of his shift. He also kept a note of any Pallets that he had put away but was not able to scan (and which therefore did not register on the system). If he had put away a lot of non-scan Pallets, he typically let his Supervisor know mid-shift, so that he had an explanation for why he was failing to log any data on the system (although there was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work); [...]</p>	<p>Factor Nine – Emotional Demands</p> <p><i>How Targets were monitored by the Job Holder</i></p> <p>25.7 The Job Holder frequently monitored how he was performing against his Target. For example:</p> <p>25.7.1 on Stock Pick, Flow Pick, Cage Pick and Trunk Pick, the Job Holder kept a note of the total number of cases he Picked. Once a shift, he also checked his pace of work using the “Shift Summary” command on the Talkman. There was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work;</p> <p>25.7.2 on Putaways, the Job Holder could check his pace of work using the data terminal on his HRT (by inserting the commands F5 and F2). The Job Holder did not do this for the first hour or so of a shift, and after that would check it once or twice on every shift: after his break and towards the end of his shift. He also kept a note of any Pallets that he had put away but was not able to scan (and which therefore did not register on the system). If he had put away a lot of non-scan Pallets, he typically let his Supervisor know mid-shift, so that he had an explanation for why he was failing to log any data on the system (although there was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work); [...]</p>	
20	<p>Dolan, paras 20.6, 20.6.3,</p> <p>Factor Nine – Emotional Demands</p>	<p>Factor Nine – Emotional Demands</p>	

Issue 141: Monitoring pace of work against Targets was not a “stipulation” of the Job Holders’ work		
JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
20.8, 20.10	<p><i>How Targets were monitored by the Job Holder</i></p> <p>20.6 Although he was granted allowances from meeting the full Target rate, the Job Holder knew the Target rates that were associated with his work. As such, he tried to work as efficiently as he could and move goods through the Depot as quickly as possible, while at the same time ensuring that he was had time to complete his union duties. Because of this, He regularly monitored his pace of work although there was no stipulation that he do so. For example: [...]</p> <p>20.6.3 in relation to Putaways, the Job Holder maintained a written tally of how many Putaways he had completed (although there was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work)</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>20.8 The Job Holder was also aware that his “downtime” was closely monitored: on Picking and Putaways, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a 4 minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over 4 minutes that was recorded on the PI System. Although it was not a stipulation, the Job Holder kept a note of any activities he was engaged in and/or delays he encountered which would contribute to his downtime. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained. Once he had become a Union Steward he no longer kept a record as his explanations for downtime were typically accepted by his supervisors.</p> <p><i>The Need to Account for Interruptions</i></p> <p>20.9 Factor Three – Organisation of Work explains how the Job Holder organised his work more generally. The Job Holder also had regular interruptions to his schedule. Examples include: [...]</p> <p>20.10 The interruptions described above could have impacted his ability to work efficiently. Although it was not a stipulation, When he first joined the Depot, the Job Holder kept a note of these interruptions and every minute of his downtime [...]</p>	<p><i>How Targets were monitored by the Job Holder</i></p> <p>20.6 Although he was granted allowances from meeting the full Target rate, the Job Holder knew the Target rates that were associated with his work. As such, he tried to work as efficiently as he could and move goods through the Depot as quickly as possible, while at the same time ensuring that he was had time to complete his union duties. He regularly monitored his pace of work although there was no stipulation that he do so. For example: [...]</p> <p>20.6.3 in relation to Putaways, the Job Holder maintained a written tally of how many Putaways he had completed (although there was no stipulation that the Job Holder keep a written record of his progress when checking the pace of his work)</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>20.8 The Job Holder was also aware that his “downtime” would be closely monitored on Picking and Putaways if he was not achieving his target, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a 4 minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over 4 minutes that was recorded on the PI System. Although it was not a stipulation, the Job Holder kept a note of any activities he was engaged in and/or delays he encountered which would contribute to his downtime. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><i>The Need to Account for Interruptions</i></p> <p>20.9 Factor Three – Organisation of Work explains how the Job Holder organised his work more generally. The Job Holder also had regular interruptions to his schedule. Examples include: [...]</p> <p>20.10 The interruptions described above could have impacted his ability to work efficiently. Although it was not a stipulation, When he first joined the Depot, the Job Holder kept a note of these interruptions and every minute of his downtime [...]</p>

Certain portions of the paragraphs extracted in the table above are also in dispute for different productivity-related reasons. Only those portions of the paragraphs which relate to issue numbers 139 and 142 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

JD Reference	Issues 139 and 142: Reporting of Mr Dennis' personal experiences of performance against the Targets	Facts Determined by the Tribunal
Parties' Respective Proposals re Job Description Text (December 2020)		
1	<p>Dennis, paras, 5.4, 5.29</p> <p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured productivity targets [...] If the Job Holder was working at 100% of target, this would mean this meant he had only 3 minutes to collect, move and put away each Pallet and had to balance the need for safety and speed in his job. – constantly balancing the need for safety and speed in his work. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the target on 30 of 53 shifts (approximately 57% of the time). His average performance against target was 99%. Sometimes, he was a little bit short by 5 or 6 moves. Generally, the reason he was short on the targets was if there was a queue in the Battery Bay and his HRT did not have enough battery for him to keep doing the work, he would have to wait in the queue until it was his turn to get the battery changed. He would also be delayed if the stock he was doing on Putaways was at one side of the warehouse and he had to travel to the other end of the warehouse or if other Pickers on LLOPs were in the way. These delays could be up to 10, 15 or 20 minutes, depending on the reason for the delay and how busy it was in the warehouse. The Job Holder was not disciplined or spoken to when he did not reach the 100% target, provided he gave an explanation that was either a circumstance beyond his control, or because it was not due to a lack of effort.</p> <p>[...]</p> <p><u>Checking His Pace of Work</u></p> <p>5.29 The Job Holder also kept track of the number of Pallets he had put away from the Sin Bin as these were not recorded by the Putaways system [...] The Job Holder would keep his Supervisor informed of this number during the course of the shift in case he was questioned on his targets for that shift. He would also speak to his Supervisor if he thought he would struggle to hit his target for a shift. When this happened, the Supervisor would ask why and the Job Holder would explain, for example, if he had been in the battery bay or travelling the length of the warehouse each time. The Supervisor would typically accept the reason given, either because it was a circumstances beyond his control or because it was not due to a lack of effort, and would sometimes help the Job Holder to reach the target, for example, by allowing him to go to a nearby trailer.</p>	<p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured productivity targets [...] This meant that he had only 3 minutes on average to collect, move and put away each Pallet constantly balancing the need for safety and speed in his work. When he was short on the targets, generally the reason was if there was a queue in the Battery Bay and his HRT did not have enough battery for him to keep doing the work, he would have to wait in the queue until it was his turn to get the battery changed. He would also be delayed if the stock he was doing on Putaways was at one side of the warehouse and he had to travel to the other end of the warehouse or if other Pickers on LLOPs were in the way. These delays could be up to 10, 15 or 20 minutes, depending on the reason for the delay and how busy it was in the warehouse.</p> <p>[...]</p> <p><u>Checking His Pace of Work</u></p> <p>5.29 The Job Holder also kept track of the number of Pallets he had put away from the Sin Bin as these were not recorded by the Putaways system [...] The Job Holder would keep his Supervisor informed of this number during the course of the shift in case he was questioned on his targets for that shift. He would also speak to his Supervisor if he thought he would struggle to hit his target for a shift. When this happened, the Supervisor would ask why and the Job Holder would give an explanation.</p>
2	<p>Dennis, paras 6.4, 6.37</p> <p>Letdowns</p> <p><u>Overview</u></p> <p>6.4 The Job Holder was expected to do his work efficiently in accordance with measured productivity targets and to remove from storage a minimum of 13.5 Pallets per hour (101 Pallets per shift) [...] In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 16 of 59 shifts (approximately 27% of the time) and his average performance against target was 90%, but there were no sanctions or other disciplinary measures even though he did not always meet his target. [...] If the Job Holder was working at the pace required by the productivity target, he had He had only 4.5 minutes to remove each Pallet from storage, and insert it into a Pick Slot</p>	<p>Letdowns</p> <p><u>Overview</u></p> <p>6.4 The Job Holder was expected to do his work efficiently in accordance with measured productivity targets and to remove from storage a minimum of 13.5 Pallets per hour (101 Pallets per shift) [...] He had only 4.5 minutes on average to remove each Pallet from storage, and insert it into a Pick Slot (consolidating it with any existing stock in that Slot as necessary) and he was therefore balancing the need for safety and speed in his job.</p> <p>[...]</p> <p><u>Checking His Pace of Work</u></p> <p>6.37 The Job Holder checked his pace of work on the Letdowns screen and did so after every few</p>

		<p>(consolidating it with any existing stock in that Slot as necessary) and he was therefore balancing the need for safety and speed in his job.</p> <p>[...]</p> <p><u>Checking His Pace of Work</u></p> <p>6.37 The Job Holder checked his pace of work the number of completed Letdowns on the Letdowns screen and did so after every few Pallets he let down. [...] When the Job Holder thought he was unlikely to make the target for the shift (around 5-10% of the time), he would inform his Supervisor in advance so that the reason for not making the target was known. There were no consequences for the Job Holder in these circumstances apart from being spoken to by his Supervisor.</p>	<p>Pallets he let down. [...] When the job holder thought he was unlikely to make the target for the shift, he would inform his supervisor in advance so that the reason for not making the target was known. If the explanation was acceptable no further action would be taken.</p>
3	Dennis, para 7.5	<p><u>Flow-Racking Replenishment</u></p> <p><u>Overview</u></p> <p>7.5 The Job Holder was also expected to work efficiently in accordance with measured productivity targets and complete 9 replenishment assignments per hour (67 replenishment assignments per shift): each one required him to remove a Pallet from storage, break it apart, and physically lift cases off the Pallet and into the Flow Pick Slots to completely fill those slots [...] In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 38 of 43 shifts (approximately 88% of the time) and his average performance against target was 118%. If he was delayed in his work, he potentially held up the work of the Pickers on Flow Pick, who were waiting on him to replenish the stock.</p>	<p><u>Flow-Racking Replenishment</u></p> <p><u>Overview</u></p> <p>7.5 The Job Holder was also expected to work efficiently in accordance with measured productivity targets and complete 9 replenishment assignments per hour (67 replenishment assignments per shift): each one required him to remove a Pallet from storage, break it apart, and physically lift cases off the Pallet and into the Flow Pick Slots to completely fill those slots [...] If he was delayed in his work, he potentially held up the work of the Pickers on Flow Pick, who were waiting on him to replenish the stock.</p>
4	Dennis, paras 8.4, 8.28, 8.33, 8.36	<p><u>Stock Pick</u></p> <p><u>Overview</u></p> <p>8.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift). He was held accountable to that Target [...] In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 6 of 11 shifts (approximately 55% of the time), but there were no sanctions or other disciplinary measures for him. His average performance against Target was 102%. He could monitor his progress against it by using his Talkman headset and did so after every Pick assignment as he approached the end of his shift.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>8.27 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet) then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>8.28 This process took 1 to 2 minutes if the HRT driver was in the same aisle or 5 to 6 minutes if he had to go and find an HRT driver. It detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was therefore important that</p>	<p><u>Stock Pick</u></p> <p><u>Overview</u></p> <p>8.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift). He was held accountable to that Target [...] He could monitor his progress against it by using his Talkman headset and did so after every Pick assignment as he approached the end of his shift.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>8.27 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet) then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>8.28 This process took 1 to 2 minutes if the HRT driver was in the same aisle or 5 to 6 minutes if he had to go and find an HRT driver. It detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was important that the Job Holder did it as efficiently as possible.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>8.33 The Job Holder also monitored how many Small Picks were assigned to him during his shift. If</p>

		<p>the Job Holder did it as efficiently as possible. However, if the Job Holder provided an explanation for why his target was not met that was a circumstance beyond his control, for example as a result of waiting for Colleagues, there was no sanction.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>8.33 The Job Holder also monitored how many Small Picks were assigned to him during his shift. If he received three Small Picks and if this meant that he was unlikely to meet his Target he spoke to his Supervisor about this issue. His Supervisor then checked the PI System to verify that the Job Holder had in fact received a series of Small Picks, and could have reassigned him a better Pick using the PI System, so that he got a fairer spread of the work. If it was not possible to assign better picks the Supervisor made a note of the issue as being a reason why the Job Holder did not meet his Target on that shift. The Job Holder recalls this happened approximately once a month.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>8.35 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>8.36 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10 minutes, but if any delays such as this impacted the Job Holder’s ability to meet his Target his explanation would be accepted by a supervisor, either because it was a circumstance beyond his control or because it was not due to a lack of effort. This was time-consuming and any delays such as this could have impacted the Job Holder’s ability to meet his Target.</p>	<p>he received three Small Picks and if this meant that he was unlikely to meet his Target he spoke to his Supervisor about this issue. His Supervisor then checked the PI System to verify that the Job Holder had in fact received a series of Small Picks, and usually (but not always) reassigned him a better Pick using the PI System, so that he got a fairer spread of the work. If it was not possible to assign better picks the Supervisor made a note of the issue as being a reason why the Job Holder did not meet his Target on that shift. The Job Holder recalls this happened approximately once a month.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>8.35 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>8.36 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10 minutes.</p>
5	Dennis, paras 9.2, 9.3	<p><u>Flow Pick</u></p> <p><u>Overview</u></p> <p>9.2 [...] The cases he lifted weighed on average 2.33 kilograms. If working at the required pace pace to pick 265 cases an hour, the Job Holder was therefore lifting and moving a cumulative average weight of 4,632 kilograms throughout his shift.</p> <p>9.3 The Job Holder had a higher Productivity Target when on Flow Pick compared to Stock Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him</p>	<p><u>Flow Pick</u></p> <p><u>Overview</u></p> <p>9.2 [...] The cases he lifted weighed on average 2.33 kilograms. If working at the required pace, the Job Holder was therefore lifting and moving a cumulative average weight of 4,632 kilograms throughout his shift.</p> <p>9.3 The Job Holder had a higher Productivity Target when on Flow Pick compared to Stock Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked</p>

		because he worked within four aisles of the Racking Shelving, rather than the whole warehouse and had less distance to travel when collecting cases of stock. The Job Holder did not always meet this target (he estimates it was 90% of the time), but there were no sanctions or other disciplinary measures.	within four aisles of the Racking Shelving, rather than the whole warehouse and had less distance to travel when collecting cases of stock.
6	Dennis, para 12.4	PBYL 12.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target. He could monitor his progress against it using his Talkman headset. The Job Holder did not always meet this target (he estimates it was 60 to 70% of the time), but there were no sanctions or other disciplinary measures.	PBYL 12.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target. He could monitor his progress against it using his Talkman headset.
7	Dennis, para 13.4	Goods Out <u>Overview</u> 13.4 The Job Holder was expected to balance the requirements for safety and precision in his work with the need to work efficiently. Each trailer had a particular “load-by deadline”, which was the time it needed to leave the Depot to arrive at store on time. The Job Holder also had to meet his had a Productivity Target, requiring him to load a minimum of 0.87 trailers per hour (6.53 trailers per shift). However, Colleagues were typically given 1 hour to load a Single Deck trailer and 1.5 hours to load a Double Deck trailer. The Job Holder tried to do 6 to 7 loads a shift. The Job Holder did not always meet this target (it was rare for him to reach the target on the early shift, but easier to meet the target on the late shift), but there were no sanctions or other disciplinary measures.	Goods Out <u>Overview</u> 13.4 The Job Holder was expected to balance the requirements for safety and precision in his work with the need to work efficiently. Each trailer had a particular “load-by deadline”, which was the time it needed to leave the Depot to arrive at store on time. The Job Holder had a Productivity Target, requiring him to load a minimum of 0.87 trailers per hour (6.53 trailers per shift). However, Colleagues were typically given 1 hour to load a Single Deck trailer and 1.5 hours to load a Double Deck trailer. The Job Holder tried to do 6 to 7 loads a shift.
8	Dennis, para 10.3	Cage Pick 10.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way. This Target was not always met (although the Job Holder estimates it was rare for it not to be met).	Cage Pick 10.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way.
9	Dennis, paras 19.6	Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u> <i>Stock Pick, Cage Pick, Flow Pick</i> 19.6 About two or three hours into his shift, the Job Holder also checked how many cases he had Picked throughout the shift by using the “Shift Summary” command on his Talkman. The Job Holder also made a note on blank labels of how many cases he had Picked because he was aware that the data collected through the Talkman did not update during the shift to record the cases he had sent to Chase Pick [...] If the Job Holder was behind his hourly Target he went to the Letdown desk to request a bigger pick knew to pick up his pace of work.	Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u> <i>Stock Pick, Cage Pick, Flow Pick</i> 19.6 About two or three hours into his shift, the Job Holder also checked how many cases he had Picked throughout the shift by using the “Shift Summary” command on his Talkman. The Job Holder also made a note on blank labels of how many cases he had Picked because he was aware that the data collected through the Talkman did not update during the shift to record the cases he had sent to Chase Pick [...] If the Job Holder was behind his hourly Target he knew to pick up his pace of work. One of the ways in which this could be achieved was to request a bigger pick from the Letdown desk.
10	Dennis, para 19.17	Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u>	Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u>

		<p><i>Goods Out</i></p> <p>19.17 The Job Holder organised and planned every trailer that he loaded (see further Section 14). For example, he started by checking that all of the containers had been Picked and were ready to be loaded. If they were not, the Job Holder checked what types of products he was expected to load (by referring to the details on his Load Card) and then decided whether or not to start loading based on what was ready, or wait until all products had been Picked. He asked his Supervisor what he should do, and his Supervisor would say whether to start on that trailer or not. Again, the more efficient he was in planning his load, the more likely he was to meet his Target if he was on the Late shift. On the Early shift it was very difficult to meet his target regardless of how he organised his work.</p>				<p><i>Goods Out</i></p> <p>19.17 The Job Holder organised and planned every trailer that he loaded (see further Section 14). For example, he started by checking that all of the containers had been Picked and were ready to be loaded. If they were not, the Job Holder checked what types of products he was expected to load (by referring to the details on his Load Card) and then decided whether or not to start loading based on what was ready, or wait until all products had been Picked. He asked his Supervisor what he should do, and his Supervisor would say whether to start on that trailer or not. Again, the more efficient he was in planning his load, the more likely he was to meet his Target. It was recognised by managers that this was more challenging on the early shift than on the late shift.</p>			
11	Dennis, Concentration Table (row 2 column 3); Accuracy Table (row 2 column 3)	<p>Factor Eight – Concentration, Accuracy, Memory</p> <p>Concentration Table row 2 column 3:</p>				<p>Factor Eight – Concentration, Accuracy, Memory</p> <p>Concentration Table row 2 column 3:</p>			
		<p>No</p>	<p>Demand</p>	<p>Duration and Frequency</p>		<p>Impact of Failure to Exercise</p>			
		<p>2.</p>	<p>When doing Stock, Flow, Cage, or Chase Pick or PBYL, the Job Holder was required to listen to aural commands issued by the Talkman, whilst continuing to listen for hazards and maintaining an awareness of his surroundings (including other Colleagues). In addition, for Chase Pick concentration was required as the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.</p>	<p>The Job Holder’s Talkman was on for 7.5 hours of his shift. A failure by the Job Holder to interact with his Talkman for greater than 4 minutes during that period was not permitted; this was recorded as “downtime” and could result in the Job Holder being spoken to by his Supervisor.</p>		<p>A failure by the Job Holder to concentrate on the commands issued by the Talkman may have resulted in the Job Holder undertaking tasks inaccurately, resulting in mistaken deliveries to stores and discrepancies in the stock levels recorded on the Depot’s PI System. A failure to listen for hazards might have caused injury to the Job Holder or damage to equipment and stock.</p>			

		<p>Accuracy Table row 2 column 3:</p> <table border="1"> <thead> <tr> <th>No</th> <th>Demand</th> <th>Duration and Frequency</th> <th>Impact of Failure to Exercise</th> </tr> </thead> <tbody> <tr> <td>2.</td> <td>When doing Stock, Flow, Cage, or Chase Pick or PBYL, the Job Holder needed to ensure he accurately Picked the correct product for the correct store and confirmed accurate figures into the Talkman. When doing Chase Pick, the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.</td> <td>Constant.</td> <td>A failure by the Job Holder to pick the correct number of cases had the potential to result in inaccurate deliveries to stores. It may have resulted in discrepancies in the stock levels recorded on the Depot's PI System. If the Job Holder does not meet his target, however, no sanctions or other disciplinary measures, provided he reports to his supervisor the reason for the downtime and his supervisor accepted that it was a failure beyond his control, or a lack of effort.</td> </tr> </tbody> </table>	No	Demand	Duration and Frequency	Impact of Failure to Exercise	2.	When doing Stock, Flow, Cage, or Chase Pick or PBYL , the Job Holder needed to ensure he accurately Picked the correct product for the correct store and confirmed accurate figures into the Talkman. When doing Chase Pick, the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.	Constant.	A failure by the Job Holder to pick the correct number of cases had the potential to result in inaccurate deliveries to stores. It may have resulted in discrepancies in the stock levels recorded on the Depot's PI System. If the Job Holder does not meet his target, however, no sanctions or other disciplinary measures, provided he reports to his supervisor the reason for the downtime and his supervisor accepted that it was a failure beyond his control, or a lack of effort.	<p>Accuracy Table row 2 column 3:</p> <table border="1"> <thead> <tr> <th>No</th> <th>Demand</th> <th>Duration and Frequency</th> <th>Impact of Failure to Exercise</th> </tr> </thead> <tbody> <tr> <td>2.</td> <td>When doing Stock, Flow, Cage, or Chase Pick or PBYL, the Job Holder needed to ensure he accurately Picked the correct product for the correct store and confirmed accurate figures into the Talkman. When doing Chase Pick, the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.</td> <td>Constant.</td> <td>A failure by the Job Holder to Pick the correct number of cases had the potential to result in inaccurate deliveries to stores. It may also have resulted in discrepancies in the stock levels recorded on the Depot's PI System.</td> </tr> </tbody> </table>	No	Demand	Duration and Frequency	Impact of Failure to Exercise	2.	When doing Stock, Flow, Cage, or Chase Pick or PBYL , the Job Holder needed to ensure he accurately Picked the correct product for the correct store and confirmed accurate figures into the Talkman. When doing Chase Pick, the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.	Constant.	A failure by the Job Holder to Pick the correct number of cases had the potential to result in inaccurate deliveries to stores. It may also have resulted in discrepancies in the stock levels recorded on the Depot's PI System.
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Despite the Job Holder consistently falling well below the targets for some activities (Letdowns and Cage Pick for example), no further action was taken against the Job Holder.</p> <p>25.3.3 the Job Holder knew his Target for Stock Pick, Flow Pick, Cage Pick, PBYL, Putaways, Letdowns, Flow-Racking Replenishment, and Goods Out (see paragraphs 5.4, 6.4, 7.5, 8.4, 9.3, 10.3, 12.4, 13.4 for the actual targets).</p> <p>[...]</p> <p>25.5 Further information about Productivity Targets, including how they were monitored and enforced and the consequences for the Job Holder on those occasions when he failed to meet them, is set out in the paragraphs which follow and in Section 2 of the Background Document.</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>25.8 The Job Holder was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, Talkman, and HRT data terminal. If the Job Holder had not met his Targets, the information in these reports could have been discussed with him. The Job Holder heard his Supervisor question other Warehouse Colleagues, on the Depot floor about their pace of work and the reasons why they were behind the Target. He was also questioned by his Supervisors and was able to satisfy them that there were good reasons for his targets not being met (see further paragraphs 25.13 – 25.19 below).</p> <p>25.9 The Job Holder was also aware that his “downtime” was closely monitored: on Picking, Putaways, Letdowns and Goods Out, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a four minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over four minutes that was recorded on the PI System. 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He does not recall having been shown copies of any reports.</p> <p><i>The Need to Account for Interruptions</i></p> <p>25.11 Factor Three – Organisation of Work explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>25.11.1 his MHE running out of battery mid-shift (1 or 2 times a week);</p> <p>25.11.2 problems with his Talkman – e.g. not responding or recognising a voice command, running out of battery or otherwise malfunctioning (once every other week);</p> <p>25.11.3 damaged Roll Cages – which had to be isolated or red-tagged before use (every shift);</p> <p>25.11.4 accidents, hazards or spillages which distracted him from his work and need to be reported;</p> <p>25.11.5 requests to move to work on another Activity, in order to respond to urgent capacity issues onsite (2 to 3 times a month);</p> <p>25.11.6 waiting for other Colleagues – on Stock Pick, or Cage Pick, the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be</p>
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On Putaways, Letdowns and Flow-Racking Replenishment the Job Holder had to follow the “Two Bay Rule” and wait for Colleagues to move away before he could start his manoeuvre. The Job Holder also had to wait for battery replacements for MHE, this could take up to 15-20 minutes;</p> <p>25.11.7 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes).</p> <p>25.12 The Job Holder kept a note of these interruptions in order to then explain to his Supervisor that he had a legitimate reason for missing his Target. Although he was not instructed to use this particular method of keeping track of his work and interruptions, he was aware that he was being constantly monitored and that he would have to explain why he had too much downtime, or did not meet his Target.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>25.13 The Job Holder generally met his Target consistently for most Activities. There were occasions when he did not do so, particularly on PBYL. The Job Holder met his Target as set out in paragraph 25.2 above and the following explanations are given for PBYL and when working on Goods Out during the Early Shift:</p> <p>25.13.1 on Goods Out on the Early Shift, there were many more interruptions and delays which could slow the Job Holder down. For example, deliveries were still arriving from suppliers and there could be delays in receiving cross-docked stock. Stock was still being picked and trammed down to the Loading Lanes, and the Job Holder also had to wait for that.</p>	<p>replenished before he could continue Picking (between one and six minutes approximately). On Putaways, Letdowns and Flow-Racking Replenishment the Job Holder had to follow the “Two Bay Rule” and wait for Colleagues to move away before he could start his manoeuvre. 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The following explanations are given for PBYL and when working on Goods Out during the Early Shift:</p> <p>25.13.1 on Goods Out on the Early Shift, there were many more interruptions and delays which could slow the Job Holder down. For example, deliveries were still arriving from suppliers and there could be delays in receiving cross-docked stock. Stock was still being picked and trammed down to the Loading Lanes, and the Job Holder also had to wait for that. The Job Holder kept his Supervisor informed of these delays during the shift and alerted him that he was unlikely to meet his Target as a result. The Supervisor was constantly monitoring the pace of work on the Goods Out department and could confirm the Job Holder’s account meaning no further action was taken;</p> <p>25.13.2 on PBYL, the Job Holder also had many interruptions to his work such as closing down Roll Cages, congestion on the Grids, receiving lots of Small Picks, and so on. Again, the Job Holder informed his Supervisor of this during the shift.</p> <p>As these were considered legitimate reasons for not meeting a Target the Job Holder was not disciplined on these occasions.</p> <p>25.14 As noted above, the Targets were monitored in real time, which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. This was so that the Supervisors could understand the reason for any instances of underperformance and whether this was due to a lack of effort or capability by the Colleague, or for some reason beyond the Colleague’s control (such as those described in paragraphs 25.13.1 – 25.13.2 above). The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. If he was feeling unwell, he generally let his Supervisor know that at the start of the shift, and told them that he might struggle to get his rates so that it did not come across as an excuse at the end of the shift.</p> <p>25.15 The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them accepted the Job Holder’s reason and did not take further action; others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>25.16 The Job Holder was aware that there was the potential for disciplinary consequences for him personally as a result of a persistent failure to meet his Targets without good reason. See further Section 2 of the Background Document).</p>
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Some of them accepted the Job Holder's reason and did not take further action; others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>25.16 The Job Holder was aware that there was the potential for disciplinary consequences for him personally as a result of a persistent failure to meet his Targets without good reason – this process started with a formal meeting, followed by counselling, and ultimately performance management. (See further Section 2 of the Background Document).</p> <p>25.17 Because he generally met his Targets to the extent set out at paragraph 25.2 above, or was otherwise able to satisfy his Supervisor that he had a good reason for his underperformance not meeting the Targets on those occasions when he failed to do so, the Job Holder did not personally face any of these consequences. He is aware of about 3 to 4 of his Colleagues who did go through the performance management processes. Further, the Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014 (by way of example), Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as 182 x 250 x 2/5 – approximately six months (or 182 days), for 250 Colleagues, and assuming those Colleagues did at least 2 shifts a week of either Stock Pick or PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with</p>	<p>25.17 Because he either met his Targets, or was able to satisfy his Supervisor that he had a good reason for not meeting the Targets on those occasions when he failed to do so, the Job Holder did not personally face any of these consequences. He is aware of about 3 to 4 of his Colleagues who did go through the performance management processes. Further, the Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014 (by way of example), Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. These conversations included conversations asking why a target had not been met or asking about periods of downtime in excess of about 8 minutes, most of which elicited a sound explanation so that no further action was taken. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal.</p> <p>5.6 25.18 The Job Holder was also aware that when he was employed on the E2 pay grade (from January 2014), there were higher productivity targets for that pay grade and he was generally expected to meet them in order to retain the higher rate of pay. He attended a pay review meeting with his Supervisor every 13 weeks, during which his productivity was discussed and a decision taken by his Supervisor about whether to maintain his current rate of pay. In taking that decision, his Supervisor considered his overall performance across the different Activities, as well as any issues that may have affected his recent performance – a failure to meet the higher performance Targets on a particular Activity did not automatically result in a reduction of pay. The Job Holder was typically given a chance to improve before a manager decided to move the Colleague down the pay scale. While the Job Holder was generally expected to be meeting that higher performance target, Supervisors had an element of discretion which was more often exercised when enforcing the E2 and E3 targets on Activities requiring the use of the HRT. They were mindful of the fact that, when working at the pace required of him, the Job Holder had only 3 minutes to collect a Pallet, drive his HRT to the relevant location, and insert the Pallet into a storage location that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Colleague dropping the Pallet. Supervisors therefore enforced the higher performance expectations on this Activity with an understanding that safety was paramount and had to take precedence over performance, permitting occasional instances of underperformance more often than on other Activities. In practice, Colleagues would never be moved down a grade for narrowly failing to meet the 105% or 110% target for HRT activities.</p> <p>25.19 After being awarded the E2 pay grade in January 2014, the Job Holder retained that pay grade until the end of the Relevant Period. Although he did not always meet the higher performance targets, his Supervisor was satisfied that as a whole he was performing at the expected levels for that pay grade (considering the factors explained in paragraph 25.18 above). He was aware that a number of his Colleagues were moved down the pay scale because of their manager's assessment that they had failed to perform at the expected level for the pay grade (for which</p>
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		<p>Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed. No Colleagues were dismissed.</p> <p>25.18 The Job Holder was also aware that when he was employed on the E2 pay grade (from January 2014), there were higher productivity targets for that pay grade and he was generally expected to meet them in order to retain the higher rate of pay. He attended a pay review meeting with his Supervisor every 13 weeks, during which his productivity was discussed and a decision taken by his Supervisor about whether to maintain his current rate of pay. In taking that decision, his Supervisor considered his overall performance across the different Activities, as well as any issues that may have affected his recent performance – a failure to meet the higher performance Targets on a particular Activity did not automatically result in a reduction of pay. Productivity Targets were only one aspect of a Colleague’s performance meaning that a failure to meet those targets could be offset against other relevant circumstances. The Job Holder was typically given a chance to improve before being moved down the pay scale. Supervisors were also more accepting where he failed to meet the higher expectations on Activities requiring the use of the HRT (Putaways, Letdowns, and Flow Racking Replenishment). He understood this to be because they knew it was dangerous to push him to work faster when the work that he was doing required him insert and remove Pallets weighing up to 1,050 kilograms into and from storage slots that were up to 11.5 metres above the ground and where an error could have resulted in him dropping that Pallet. An element of discretion was particularly important when Supervisors were assessing the Job Holder’s performance on Activities requiring the use of the HRT. Supervisors were mindful of the fact that, when working at the pace required of him, the Job Holder had only a few minutes to collect a Pallet, drive their HRT to the relevant location, and insert or remove the Pallets into or from storage locations that may have been up to 11.5 metres above the air. The E2 pay grade required that he do all of this even faster. Any lapse in concentration, or a slight nudge to the Pallet, could have resulted in the Job Holder dropping the Pallet. Supervisors did not therefore enforce the E2 target on these Activities because safety was paramount and had to take precedence over performance.</p> <p>25.19 After being awarded the E2 pay grade in January 2014, the Job Holder retained that pay grade until the end of the Relevant Period. Although he did not always meet the higher performance targets, his Supervisor was satisfied that as a whole he was performing at the expected levels for that pay grade (considering the factors explained in paragraph 25.18 above). He was aware that a number of his Colleagues were moved down the pay scale because of a failure to meet the higher performance targets perform at the expected levels for the pay grade.</p>	<p>their failure to achieve the higher level targets was the starting point).</p>
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Certain portions of the paragraphs extracted in the

table above are also in dispute for different productivity-related reasons. Only those portions of the paragraphs which relate to issue numbers 139 and 146 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

Issues 139 and 143: Reporting of Mr Dolan's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1 Dolan, para 5.4,	<p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] This meant he had only 3 minutes on average to collect, move and put away each Pallet – constantly balancing the need for speed and safety in his job. From January 2014, the Job Holder was a GMB union steward and was not expected to meet the full Productivity Target, because of the impact of union duties on his work. He was required to work at 50 percent of the Target [...] After completing his probation, the Job Holder was spoken to on one occasion (during a pay review dated 17 March 2014) regarding underperformance but did not enter the capability process for failing to meet his target and being marked as “ungraded” for work performance.</p>	<p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] This meant he had only 3 minutes on average to collect, move and put away each Pallet – constantly balancing the need for speed and safety in his job. From January 2014, the Job Holder was a GMB union steward and was not expected to meet the full Productivity Target, because of the impact of union duties on his work. He was required to work at 50 percent of the Target [...] After completing his probation, the Job Holder was spoken to on one occasion (during a pay review dated 17 March 2014) regarding perceived failure to meet targets. He was warned that he could be put through a capability process. Supervisors realised that he had to be managed against reduced targets and formal capability procedures were never actually started.</p>
2 Dolan, paras 7.27, 7.31	<p>Stock Pick</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>7.26 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to pick 5 cases of sugar, the Job Holder confirmed the number of cases that were picked to the Talkman by saying “Pick 5”).</p> <p>7.27 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). The Job Holder kept a note of any reasonable explanation for downtime during his probation but not once he became a Union Steward because his explanations were typically accepted by the supervisors.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>7.30 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>7.31 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10</p>	<p>Stock Pick</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>7.26 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to pick 5 cases of sugar, the Job Holder confirmed the number of cases that were picked to the Talkman by saying “Pick 5”).</p> <p>7.27 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much “downtime” he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes).</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>7.30 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>7.31 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10 minutes. This was time-consuming and any delays such as this impacted the Job Holder's ability to meet his Target.</p>

Issues 139 and 143: Reporting of Mr Dolan's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	minutes, but if This was time consuming and any delays such as this impacted the Job Holder's ability to meet his Target his explanation would typically be accepted by a supervisor as it was a circumstance beyond his control, and was not due to a lack of effort.	
3	<p>Dolan, para 22.5.2</p> <p>Factor Eleven – Communications and Relationships</p> <p><u>Internal Communications</u></p> <p>22.5 The Job Holder also communicated with his Supervisor on issues such as:</p> <p>[...]</p> <p>22.5.2 when his Supervisor queried why he was behind his Productivity Target. During his probationary period, he was spoken to by his Supervisors on at least 6 separate documented occasions in relation to his performance on Stock Pick alone. He was also repeatedly told in his probationary and pay reviews that he needed to improve his rates. Ultimately, the Job Holder was issued a counselling on 28 January 2014 for his failure to meet the Targets excessive downtime and picking his last case 19 minutes before the end of his shift when he had not achieved the target. He was reminded to ask his Supervisor for a larger pick if he was struggling to meet target and that if he was unable to pick the target figure he must be seen to be picking until the end of his shift [...]</p>	<p>Factor Eleven – Communications and Relationships</p> <p><u>Internal Communications</u></p> <p>22.5 The Job Holder also communicated with his Supervisor on issues such as:</p> <p>[...]</p> <p>22.5.2 when his Supervisor queried why he was behind his Productivity Target. During his probationary period, he was spoken to by his Supervisors on at least 6 separate documented occasions in relation to his performance on Stock Pick alone. He was also repeatedly told in his probationary and pay reviews that he needed to improve his rates. Ultimately, the Job Holder was issued a counselling on 28 January 2014 for excessive downtime and picking his last case 19 minutes before the end of his shift when he had not achieved the target. He was reminded to ask his Supervisor for a larger pick if he was struggling to meet target and that if he was unable to pick the target figure he must be seen to be picking until the end of his shift. The Job Holder disputed the counselling on the basis that his Supervisor was challenging him on the full Target even though he was by then a union steward and only had to meet 50 percent of the Target [...]</p>
4	<p>Dolan, paras 20.10, 20.11, 20.12, 20.13, 20.14, 20.15</p> <p>Factor Nine – Emotional Demands</p> <p><u>The Requirement to Meet Targets and Deadlines</u></p> <p>[...]</p> <p><i>The Need to Account for Interruptions</i></p> <p>20.9 Factor Three – Organisation of Work explains how the Job Holder organised his work more generally. The Job Holder also had regular interruptions to his schedule. Examples include:</p> <p>20.9.1 his MHE running out of battery mid-shift (approximately once every second shift);</p> <p>20.9.2 problems with his Talkman – e.g., not responding or recognising a voice command, or otherwise malfunctioning (approximately once every shift);</p> <p>20.9.3 damaged Roll Cages – which had to be isolated or red-tagged before use (1 in 3 Roll Cages that he encountered was defective or damaged);</p> <p>20.9.4 attending to first aid incidents (approximately 6 per year);</p> <p>20.9.5 requests to move to work on another Activity, in order to respond to urgent capacity issues onsite. For example, the Job Holder was generally asked to assist on De-Kit mid-way through a shift on Putaways, either by his Supervisor or over the tannoy system;</p> <p>20.9.6 waiting for other Colleagues – on Stock Pick, Flow Pick or Trunk Pick the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking (between one and six minutes approximately). On Putaways, and Flow-Racking Replenishment the Job Holder had to follow the “Two Bay Rule” and therefore wait for Colleagues to move away before he could start his manoeuvre; and</p>	<p>Factor Nine – Emotional Demands</p> <p><u>The Requirement to Meet Targets and Deadlines</u></p> <p>[...]</p> <p><i>The Need to Account for Interruptions</i></p> <p>20.9 Factor Three – Organisation of Work explains how the Job Holder organised his work more generally. The Job Holder also had regular interruptions to his schedule. Examples include:</p> <p>20.9.1 his MHE running out of battery mid-shift (approximately once every second shift);</p> <p>20.9.2 problems with his Talkman – e.g., not responding or recognising a voice command, or otherwise malfunctioning (approximately once every shift);</p> <p>20.9.3 damaged Roll Cages – which had to be isolated or red-tagged before use (1 in 3 Roll Cages that he encountered was defective or damaged);</p> <p>20.9.4 attending to first aid incidents (approximately 6 per year);</p> <p>20.9.5 requests to move to work on another Activity, in order to respond to urgent capacity issues onsite. For example, the Job Holder was generally asked to assist on De-Kit mid-way through a shift on Putaways, either by his Supervisor or over the tannoy system;</p> <p>20.9.6 waiting for other Colleagues – on Stock Pick, Flow Pick or Trunk Pick the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking (between one and six minutes approximately). On Putaways, and Flow-Racking Replenishment the Job Holder had to follow the “Two Bay Rule” and therefore wait for Colleagues to move away before he could start his manoeuvre; and</p> <p>20.9.7 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take</p>

Issues 139 and 143: Reporting of Mr Dolan's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>20.9.7 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes).</p> <p>20.10 The interruptions described above could have impacted the Job Holder's ability to meet his Targets. [...] The above were all considered legitimate reasons for downtime. He was aware that he was being constantly monitored. He stopped keeping this record after he became a union steward – this was because his Supervisors knew he was interrupted so often (usually at their request) and so didn't typically challenge him on his downtime.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>20.11 The Job Holder initially struggled to meet his Targets when he first joined the Depot. During the Relevant Period, he was spoken to by his Supervisors on at least 6 separate occasions after his shift in relation to his performance on Stock Pick alone. He was also repeatedly told in his probationary and pay reviews that he needed to improve his rates. Ultimately, the The Job Holder was issued a counselling on 28 January 2014 for his failure to meet the Targets, excessive downtime and picking his last case 19 minutes before the end of his shift when he had not achieved the target. He was reminded to ask his Supervisor for a larger pick if he was struggling to meet target and that if he was unable to pick the target figure he must be seen to be picking until the end of the shift.</p> <p>20.12 Since passing his probation and being elected as a union steward in January 2014, the Job Holder was not expected to achieve his full Productivity Target. He was expected to be working at about 50 percent of the Target, due to the interruptions inherent in his role. After moving on to the reduced Target rate, the Job Holder generally met or exceeded his Target but was still spoken to on certain occasions, particularly in his early days at the Depot. In a pay review on 17 March 2014 he was told that an <i>"immediate improvement"</i> in his performance was required. He was offered coaching and told that if he was still underperforming, he would be managed through the capability process. He was not subsequently put in the capability process.</p> <p>20.13 Compliance against the Targets was monitored in 'real time' which involved by Supervisors who speaking spoke to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder was told about the rate at which he was performing on each Activity in his PFP reviews, and whether he generally needed to be working more efficiently, although his rate of productivity did not factor into his pay review because of his role as a steward.</p> <p>20.14 If the Job Holder did not meet the productivity rate expected of him as a union steward, he would usually might have been spoken to about it. If he still did not meet his Target, he would might have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document), depending on what explanation there was for his failure to achieve his target). The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as 182 x 250 x 2/5 - approximately six months (or 182 days), for 250 colleagues, and assuming those colleagues did at least 2 shifts a week of either Stock Pick or PBYL Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably potentially higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The records show that the Job Holder himself was spoken to by his Supervisor on at least 6 separate occasions about his performance on Stock</p>	<p>up to 10 minutes).</p> <p>20.10 The interruptions described above could have impacted the Job Holder's ability to meet his Targets. [...] The above were all considered legitimate reasons for downtime. He was aware that he was being monitored in real time. He stopped keeping this record after he became a union steward – this was because his Supervisors knew he was interrupted so often (usually at their request) and so didn't typically challenge him on his downtime.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>20.11 The Job Holder initially struggled to meet his Targets when he first joined the Depot. During the Relevant Period, he was spoken to by his Supervisors on at least 6 separate occasions after his shift in relation to his performance on Stock Pick alone. He was also repeatedly told in his probationary and pay reviews that he needed to improve his rates. Ultimately, the Job Holder was issued a counselling on 28 January 2014 for excessive downtime and picking his last case 19 minutes before the end of his shift when he had not achieved the target. He was reminded to ask his Supervisor for a larger pick if he was struggling to meet target and that if he was unable to pick the target figure he must be seen to be picking until the end of the shift.</p> <p>20.12 Since passing his probation and being elected as a union steward in January 2014, the Job Holder was not expected to achieve his full Productivity Target. He was expected to be working at about 50 percent of the Target, due to the interruptions inherent in his role. After moving on to the reduced Target rate, the Job Holder generally met or exceeded his Target but was still spoken to on certain occasions, particularly in his early days at the Depot. In a pay review on 17 March 2014 he was told that an <i>"immediate improvement"</i> in his performance was required. He was offered coaching and told that if he was still underperforming, he would be managed through the capability process. He was not subsequently put in the capability process.</p> <p>20.13 Compliance against the Targets was monitored in real time which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder was told about the rate at which he was performing on each Activity in his PFP reviews, and whether he generally needed to be working more efficiently, although his rate of productivity did not factor into his pay review because of his role as a steward.</p> <p>20.14 If the Job Holder did not meet the productivity rate expected of him as a union steward, (which was only on the odd occasion) he was to about it. If he still did not meet his Target, he might have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document), depending on what explanation there was for his failure to achieve his target). The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. These conversations included conversations asking why a target had not been met or asking about periods of downtime in excess of about 8 minutes, most of which elicited a sound explanation so that no further action was taken. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The records show that the Job Holder himself was spoken to by his Supervisor on at least 6 separate occasions about his performance on Stock Pick alone, including one occasion where his Supervisor requested camera footage in order to review his activity during the shift. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been</p>

Issues 139 and 143: Reporting of Mr Dolan's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>Pick alone, including one occasion where his Supervisor requested camera footage in order to review his activity during the shift. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed.</p> <p>20.15 The Job Holder knew of the potential for these consequences for him personally as a result of failure to meet his Targets, however, the Job Holder did not face any formal disciplinary consequences after passing his probation due to failing to meet his target.</p> <p>[...]</p>	<p>identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal.</p> <p>20.15 The Job Holder knew of the potential for these consequences for him personally as a result of failure to meet his Targets.</p> <p>[...]</p>

Certain portions of the paragraphs extracted in the table above are also in dispute for different productivity-related reasons. Only those portions of the paragraph which relate to issue numbers 139 and 143 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

Issues 139 and 144: Reporting of Mr Beaumont's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1 Beaumont, para 5.4, 5.28, 5.29	<p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] If the Job Holder was working at 100% of target, this would mean This meant that he had only 3 minutes to collect, move and put away each Pallet – constantly balancing and had to balance the need for safety and speed in his job. The Job Holder generally met his target, but he did not face any sanctions or other disciplinary measures if he failed to do so.</p> <p>[...]</p> <p><u>The Sin Bin</u></p> <p>5.28 If the Pallets being cleared from the Sin Bin had already been scanned once by other Colleagues who were originally trying to put them away (e.g. they had been scanned before that Colleague noticed they were damaged and moved them to the Sin Bin) then the Job Holder could not scan them again when he was putting them away as this confused the PI System. Because of this, clearing the Pallets from the Sin Bin impacted the Job Holder's ability to meet his Productivity Target because he was not recording his work on the PI System. He therefore made a note of any Pallets he moved that he had put away but could not scan. Most of the time, He relayed the information to his Supervisor, so that he had an explanation for failing to meet his Target, although it was rare for the Job Holder not to meet his target. He then gave the note to the PI Team, so that they could reconcile the system.</p> <p><u>Checking His Pace of Work</u></p> <p>5.29 Throughout his shift, the Job Holder checked his HRT data terminal, which recorded details of how many Pallets he had put away and scanned, in order to see whether he was working at the required pace and meeting his Productivity Target. He typically did this once or twice on every shift: after his break and towards the end of his shift. He also kept a note of any Pallets that he had put away but was not able to scan (and which therefore did not register on the system). If he had put away a lot of non-scan Pallets, he typically let his Supervisor know mid-shift, so that he had an explanation for why he was failing to log any data on the system. The JH has never been required to produce a note for this purpose as his Supervisor would take his word for it if he was asked to explain his position.</p>	<p>Putaways</p> <p><u>Overview</u></p> <p>5.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] This meant he had only 3 minutes, on average, to collect, move and put away each Pallet, constantly balancing the need for safety and speed in his job..</p> <p>[...]</p> <p><u>The Sin Bin</u></p> <p>5.28 If the Pallets being cleared from the Sin Bin had already been scanned once by other Colleagues who were originally trying to put them away (e.g. they had been scanned before that Colleague noticed they were damaged and moved them to the Sin Bin) then the Job Holder could not scan them again when he was putting them away as this confused the PI System. Because of this, clearing the Pallets from the Sin Bin impacted the Job Holder's ability to meet his Productivity Target because he was not recording his work on the PI System. He therefore made a note of any Pallets he moved that he had put away but could not scan. Most of the time, he relayed the information to his Supervisor, so that he had an explanation for failing to meet his Target. He then gave the note to the PI Team, so that they could reconcile the system.</p> <p><u>Checking His Pace of Work</u></p> <p>5.29 Throughout his shift, the Job Holder checked his HRT data terminal, which recorded details of how many Pallets he had put away and scanned, in order to see whether he was working at the required pace and meeting his Productivity Target. He typically did this once or twice on every shift: after his break and towards the end of his shift. He also kept a note of any Pallets that he had put away but was not able to scan (and which therefore did not register on the system). If he had put away a lot of non-scan Pallets, he typically let his Supervisor know mid-shift, so that he had an explanation for why he was failing to log any data on the system. The JH has never been required to produce a note for this purpose.</p>
2 Beaumont, paras 6.4	<p>Letdowns</p> <p>6.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] It was rare for the Job Holder not to meet this target, but there were no sanctions or other disciplinary measures if he failed to do so. [...] He had only If the Job Holder was working at the pace required by the productivity target, he had 4.5 minutes to remove each Pallet from storage, and insert it into a Pick Slot (consolidating it with any existing stock in that Slot as necessary) and he was therefore constantly balancing the need for safety and speed in his job. [...]</p>	<p>Letdowns</p> <p>6.4 The Job Holder was expected to do his work efficiently in accordance with measured Productivity Targets [...] He had only 4.5 minutes on average to remove each Pallet from storage, and insert it into a Pick Slot (consolidating it with any existing stock in that Slot as necessary) and he was therefore constantly balancing the need for safety and speed in his job. [...]</p>
3 Beaumont, paras 8.4, 8.29, 8.33,	<p>Stock Pick</p> <p><u>Overview</u></p>	<p>Stock Pick</p> <p><u>Overview</u></p>

Issues 139 and 144: Reporting of Mr Beaumont's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
8.37	<p>8.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target. He could monitor his progress against it by using his Talkman, and did so roughly once per shift. The Job Holder met his target on Stock Pick most of the time. On the rare occasion that the Job Holder did not meet his target he may have been asked to explain why, or he may have been given some time to improve his pick rate, but he was never formally counselled or disciplined.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>8.28 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet) then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>8.29 This process was time consuming and detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was therefore important that the Job Holder did it as efficiently as possible. However, if the Job Holder provided an explanation for why his target was not met that was a circumstance beyond his control, for example as a result of waiting for Colleagues, there was no sanction.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>8.32 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to Pick 5 cases of sugar, the Job Holder confirmed the number of cases that were Picked to the Talkman by saying "Pick 5").</p> <p>8.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much "downtime" he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). The Job Holder has never been spoken to about excessive downtime on Stock Pick.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>8.35 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously "zeroed". If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p>	<p>8.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target. He could monitor his progress against it by using his Talkman, and did so roughly once per shift.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>8.28 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet) then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>8.29 This process was time consuming and detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was important that the Job Holder did it as efficiently as possible.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>8.32 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to Pick 5 cases of sugar, the Job Holder confirmed the number of cases that were Picked to the Talkman by saying "Pick 5").</p> <p>8.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much "downtime" he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes). [...]</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>8.35 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously "zeroed". If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still "zero". This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>8.37 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10 minutes, It was time consuming and any delays such as this could have impacted the Job Holder's ability to meet his Target.</p>

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	<p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still "zero". This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>8.37 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between 5 and 10 minutes, but if any delays such as this impacted the Job Holder's ability to meet his Target his explanation would be accepted by a supervisor, either because it was a circumstance beyond his control or because it was not due to a lack of effort. It was time consuming and any delays such as this could have impacted the Job Holder's ability to meet his Target.</p>	
4	<p>Beaumont, paras 9.3</p> <p>Flow Pick</p> <p><u>Overview</u></p> <p>9.3 The Job Holder had a higher Productivity Target than on Stock Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked within 4 aisles of the Racking Shelving rather than the whole warehouse and had less distance to travel when collecting cases of stock. The Job Holder always met his Productivity Target on Flow Pick if he undertook overtime. If he did not meet his target on a normal shift, there were no sanctions or other disciplinary measures.</p> <p>[...]</p>	<p>Flow Pick</p> <p><u>Overview</u></p> <p>9.3 The Job Holder had a higher Productivity Target than on Stock Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked within 4 aisles of the Racking Shelving rather than the whole warehouse and had less distance to travel when collecting cases of stock.</p> <p>[...]</p>
5	<p>Beaumont, paras 13.4</p> <p>PBYL</p> <p><u>Overview</u></p> <p>13.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target. The Job Holder did not always meet this target (he estimates that he did about 90% of the time). The Depot management team were aware of this but always accepted the Job Holder's explanation and there were no sanctions or other disciplinary measures.</p>	<p>PBYL</p> <p><u>Overview</u></p> <p>13.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target.</p>
6	<p>Beaumont, para 7.5</p> <p>Flow-Racking Replenishment</p> <p><u>Overview</u></p> <p>7.5 The Job Holder was also expected to work efficiently in accordance with measured Productivity Targets [...] The Job Holder always met his targets on this Activity.</p>	<p>Flow-Racking Replenishment</p> <p><u>Overview</u></p> <p>7.5 The Job Holder was also expected to work efficiently in accordance with measured Productivity Targets [...]</p>
7	<p>Beaumont,</p> <p>Cage Pick</p>	<p>Cage Pick</p>

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para 10.3	10.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way as for Stock Pick. The Job Holder never failed to meet his target on this Activity.	10.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way as for Stock Pick.
8 Beaumont, para 11.2	Trunk Pick 11.2 Trunk Pick was similar to Stock Pick (see Section 8 above), save that the Job Holder Picked stock from Flow Pick Slots and ordinary Pick Slots. He had the same Productivity Targets as he did for Stock Pick and Flow Pick (depending on the area of the Racking Shelving he was Picking in), save that from approximately the end of 2010 the Job Holder had a reduced Productivity Target (175 cases per hour; 1,313 cases per shift) when working on the Activity to reflect the fact that the Chepstow stock was stored in Pick Slots across the entire Depot and therefore took longer to collect. The Job Holder always met these targets and found it easy to do so.	Trunk Pick 11.2 Trunk Pick was similar to Stock Pick (see Section 8 above), save that the Job Holder Picked stock from Flow Pick Slots and ordinary Pick Slots. He had the same Productivity Targets as he did for Stock Pick and Flow Pick (depending on the area of the Racking Shelving he was Picking in), save that from approximately the end of 2010 the Job Holder had a reduced Productivity Target (175 cases per hour; 1,313 cases per shift) when working on the Activity to reflect the fact that the Chepstow stock was stored in Pick Slots across the entire Depot and therefore took longer to collect.
9 Beaumont, paras 14.4, 14.5	Goods Out 14.4 The Job Holder was expected to balance the requirements for safety and precision in his work with the need to work efficiently. Each trailer had a particular "load-by deadline", which was the time it needed to leave the Depot to arrive at store on time. The Job Holder had a Productivity Target, requiring him to load a minimum of 0.87 trailers per hour (6.53 trailers per shift). However, Colleagues were typically given 1 hour to load a Single Deck trailer and 1.5 hours to load a Double Deck trailer. The Job Holder always met his targets. 14.5 Between August 2008 and April 2009 and also between October 2012 and January 2013 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required meant to work at a rate above the Productivity Target – 5% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 5% above the Productivity Target (post April 2012). Supervisors had an element of discretion when enforcing the E2 targets and productivity was only one aspect of a Colleague's performance, meaning that a failure to meet those targets could be offset against other relevant circumstances. From January 2013, the Job Holder was a GMB union steward and was not expected to meet the full Productivity Target, because of the impact of union duties on his work. He was required to work at 50 percent of the Target. In the Relevant Period, the Job Holder always met his targets.	Goods Out 14.4 The Job Holder was expected to balance the requirements for safety and precision in his work with the need to work efficiently. Each trailer had a particular "load-by deadline", which was the time it needed to leave the Depot to arrive at store on time. The Job Holder had a Productivity Target, requiring him to load a minimum of 0.87 trailers per hour (6.53 trailers per shift). However, Colleagues were typically given 1 hour to load a Single Deck trailer and 1.5 hours to load a Double Deck trailer. 14.5 Between August 2008 and April 2009 and also between October 2012 and January 2013 the Job Holder was employed on an E2 pay grade. In order to retain that pay grade, he was required to work at a rate above the Productivity Target – 5% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 5% above the Productivity Target (post April 2012) There was some manager discretion as to what grade to award based on a holistic review of overall performance. From January 2013, the Job Holder was a GMB union steward and was not expected to meet the full Productivity Target, because of the impact of union duties on his work. He was required to work at 50 percent of the Target.
10 Beaumont, paras 25.2, 25.3, 25.3.2, 25.9, 25.11, 25.13, 25.14, 25.15, 25.16	Factor Nine – Emotional Demands <u>The Requirement to Meet Targets and Deadlines</u> <i>Productivity Targets</i> 25.1 The Job Holder's work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. The Job Holder, along with all other Warehouse Colleagues, performed the Activities as part of the process of fulfilling these orders on time and accurately while at the same time ensuring they worked safely and did not damage stock as they handled it. 25.2 In order to ensure goods were delivered to stores on time, many of the Activities at the Depot were closely planned and monitored. As such, the Job Holder was given required to meet measured Productivity Targets which applied to the following Activities he performed	Factor Nine – Emotional Demands <u>The Requirement to Meet Targets and Deadlines</u> <i>Productivity Targets</i> 25.1 The Job Holder's work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. The Job Holder, along with all other Warehouse Colleagues, performed the Activities as part of the process of fulfilling these orders on time and accurately while at the same time ensuring they worked safely and did not damage stock as they handled it. 25.2 In order to ensure goods were delivered to stores on time, many of the Activities at the Depot were closely planned and monitored. As such, the Job Holder was required to meet measured Productivity Targets which applied to the following Activities he performed throughout the Relevant Period: Putaways, Letdowns, Flow-

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	<p>throughout the Relevant Period: Putaways, Letdowns, Flow-Racking Replenishment, Stock Pick, Flow Pick, Cage Pick, Trunk Pick, PBYL and Goods Out.</p> <p>25.3 The Job Holder was aware of his Productivity Targets and the consistent pace at which he would be was required to work in order to meet them over the course of his 8 hour shift. For example: [...]</p> <p>25.3.2 on a number of occasions throughout the Relevant Period, the Job Holder was informed that he was not meeting expected Productivity Targets in his PFP Reviews with his manager, and that he had to improve his performance. On 12 January 2014, he was also spoken to because his downtime was excessive. Despite the Job Holder falling below the targets for some activities (for example PBYL and Flow Pick), no further action was taken against the Job Holder; [...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>25.8 He was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, Talkman, and HRT data terminal. If the Job Holder had not met his targets, the information in these reports could have been discussed with him. The Job Holder was never spoken to his Supervisor on the Depot floor, but heard his Supervisor question other Warehouse Colleagues about their pace of work and the reasons why they were behind the Target. This happened once or twice a month, and most often on Stock Pick and Flow Pick.</p> <p>25.9 The Job Holder was also aware that his “downtime” was closely monitored: on Picking, Putaways, Letdowns and Goods Out, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a four minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over four minutes that was recorded on the PI System. The Job Holder recalls that he was only spoken to about downtime if the targets were not met. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><i>The Need to Account for Interruptions</i></p> <p>25.10 Factor Three – Organisation of Work (page 103) explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>25.10.1 his MHE running out of battery mid-shift (once or twice per year);</p> <p>25.10.2 damaged Roll Cages – which had to be isolated or red-tagged before use (5 – 10 times per shift)</p> <p>25.10.3 accidents, hazards or spillages which impeded his work (accidents were sporadic, but spillages occurred 6 – 7 times per shift, on average);</p> <p>25.10.4 attending to first aid incidents (once every 2 months);</p>	<p>Racking Replenishment, Stock Pick, Flow Pick, Cage Pick, Trunk Pick, PBYL and Goods Out.</p> <p>25.3 The Job Holder was aware of his Productivity Targets and the consistent pace at which he was required to work in order to meet them over the course of his 8 hour shift. For example: [...]</p> <p>25.3.2 For most Activities, the Job Holder only rarely failed to meet his target. Where he was able to put a figure on his achievement rate for a particular activity, that figure exceeded 90%. He was least confident about his performance on Flow Picking, and did not give a precise estimate. This was because performance on Flow Picking could depend on a number of factors, such as delays in replenishment.</p> <p>The Job Holder’s experience was consistent with the general way in which Warehouse Colleagues’ performance was managed. On a number of occasions throughout the Relevant Period, the Job Holder was informed that he was not meeting expected Productivity Targets in his PFP Reviews with his manager, and that he had to improve his performance. On 12 January 2014, Mr Beaumont was spoken to for taking excessive downtime. The Job Holder did not face any other action.</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>25.8 He was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, Talkman, and HRT data terminal. If the Job Holder had not met his targets, the information in these reports could have been discussed with him. The Job Holder was never spoken to his Supervisor on the Depot floor, but heard his Supervisor question other Warehouse Colleagues about their pace of work and the reasons why they were behind the Target. This happened once or twice a month, and most often on Stock Pick and Flow Pick.</p> <p>25.9 The Job Holder was also aware that his “downtime” would be closely monitored if he was not achieving his target: on Picking, Putaways, Letdowns and Goods Out, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a four minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over four minutes that was recorded on the PI System. The Job Holder was only spoken to about downtime if the targets were not met. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><i>The Need to Account for Interruptions</i></p> <p>25.10 Factor Three – Organisation of Work (page 103) explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>25.10.1 his MHE running out of battery mid-shift (once or twice per year);</p> <p>25.10.2 damaged Roll Cages – which had to be isolated or red-tagged before use (5 – 10 times per shift)</p> <p>25.10.3 accidents, hazards or spillages which impeded his work (accidents were sporadic, but spillages occurred 6 – 7 times per shift, on average);</p> <p>25.10.4 attending to first aid incidents (once every 2 months);</p>

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	<p>25.10.5 waiting for other Colleagues – on Stock Pick, Flow Pick, Cage Pick or Trunk Pick, the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking (between two and five minutes each time approximately). On Putaways, Letdowns and Flow-Racking Replenishment the Job Holder had to follow the "Two Bay Rule" and wait for Colleagues to move away before he could start his manoeuvre. This happened about 4 – 5 times per shift. The Job Holder also had to wait for battery replacements for MHE, this could take up to 5 - 10 minutes;</p> <p>25.10.6 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes)</p> <p>25.11 The interruptions described above could have impacted the Job Holder's ability to meet his Targets, but were all considered legitimate reasons for downtime. However, the Job Holder kept a note of these interruptions (which he did in a notebook) in order to then explain to his Supervisor that he had a legitimate reason for missing his target. He encouraged his Colleagues to do the same. The Job Holder was aware that he was being constantly monitored and that he would have to explain why he had too much downtime, or did not meet his target. The Job Holder was typically given an opportunity to catch up on his targets either by requesting different picks or by undertaking full pallet pulls when the depot was experiencing a "dead period" during certain times of the day.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>25.12 The Job Holder generally met his Target consistently for most Activities. There were occasions when he didn't do so, because of interruptions to his work:</p> <p>25.12.1 on PBYL, the Job Holder often had instances where the barcodes on the Pallets or cases didn't scan. When that happened, he had to go to his Supervisor and have them check on the system why they had not scanned, and fix the issue. This could take around 15 – 20 minutes;</p> <p>25.12.1 on Flow Pick, the Job Holder often ended up receiving a higher number of Small Picks which affected his ability to meet his Target as he was Picking smaller quantities of each product and spending more time travelling to and from locations to collect stock.</p> <p>When interruptions such as these occurred, the Job Holder notified his Supervisor, and gave an explanation for why his performance was below what was expected. His Supervisor also approached him on a number of occasions and said things such as, "You didn't your numbers today, why is that?" Because the Job Holder had legitimate reasons for not meeting his Targets (as explained above), he was not disciplined on these occasions.</p> <p>25.13 As noted above, the Targets were monitored in 'real time' which involved Supervisors speaking spoke to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p>	<p>25.10.5 waiting for other Colleagues – on Stock Pick, Flow Pick, Cage Pick or Trunk Pick, the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking (between two and five minutes each time approximately). On Putaways, Letdowns and Flow-Racking Replenishment the Job Holder had to follow the "Two Bay Rule" and wait for Colleagues to move away before he could start his manoeuvre. This happened about 4 – 5 times per shift. The Job Holder also had to wait for battery replacements for MHE, this could take up to 5 - 10 minutes;</p> <p>25.10.6 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes)</p> <p>25.11 The interruptions described above could have impacted the Job Holder's ability to meet his Targets, but were all considered legitimate reasons for downtime. However, the Job Holder kept a note of these interruptions (which he did in a notebook) in order to then explain to his Supervisor that he had a legitimate reason for missing his target. He encouraged his Colleagues to do the same. The Job Holder was aware that he was being monitored in real time and that he would have to explain why he had too much downtime, or did not meet his target.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>25.12 The Job Holder generally met his Target consistently for most Activities. There were occasions when he didn't do so, because of interruptions to his work:</p> <p>25.12.1 on PBYL, the Job Holder often had instances where the barcodes on the Pallets or cases didn't scan. When that happened, he had to go to his Supervisor and have them check on the system why they had not scanned, and fix the issue. This could take around 15 – 20 minutes;</p> <p>25.12.1 on Flow Pick, the Job Holder often ended up receiving a higher number of Small Picks which affected his ability to meet his Target as he was Picking smaller quantities of each product and spending more time travelling to and from locations to collect stock.</p> <p>When interruptions such as these occurred, the Job Holder notified his Supervisor, and gave an explanation for why his performance was below what was expected. His Supervisor also approached him on a number of occasions and said things such as, "You didn't your numbers today, why is that?" Because the Job Holder had legitimate reasons for not meeting his Targets (as explained above), he was not disciplined on these occasions.</p> <p>25.13 As noted above, the Targets were monitored in 'real time' which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>25.14 The Job Holder's productivity was also discussed at the PFP review meetings which were held between the Supervisor and the Job Holder every 13 weeks. If the Job Holder continued to miss the Productivity Targets by the time of his next PFP review, he would move down a pay grade (from E3 to E2 or from E2 to E1) subject to the manager having discretion to keep him at his existing pay grade. After becoming a GMB steward in January 2013, the Job Holder was told about the rate at which he was performing on each Activity in his PFP reviews, and whether he generally needed to be working more efficiently, although his rate of productivity did not factor into his pay review.</p> <p>25.15 If the Job Holder was employed on E1 pay grade and did not hit his baseline Productivity Targets over a</p>

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	<p>25.14 The Job Holder's productivity was also discussed at the PFP review meetings which were held between the Supervisor and the Job Holder every 13 weeks. If the Job Holder continued to miss the Productivity Targets by the time of his next PFP review, he would might move down a pay grade (from E3 to E2 or from E2 to E1), although he could remain on E2 or E3 without meeting these targets at the manager's discretion and the Job Holder maintained his E2 grade despite not hitting targets on PBYL. After becoming a GMB steward in January 2013, the Job Holder was told about the rate at which he was performing on each Activity in his PFP reviews, and whether he generally needed to be working more efficiently, although his rate of productivity did not factor into his pay review.</p> <p>25.15 If the Job Holder was employed on E1 pay grade and did not hit his baseline Productivity Targets over a period of a week he was spoken to about it. If he still did not meet his Target after another week, he would might have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document). Because he was a union steward, the Job Holder himself was also often asked by his Supervisor to go and have a word with underperforming Colleagues. This was typically because the Job Holder could have more frank conversations with his peers, which was often more effective than the Supervisor having the conversation.</p> <p>25.16 The Job Holder knew of the potential for disciplinary consequences for him personally as a result of failure to meet his Targets. He was also aware of Colleagues who had been disciplined: this happened about 2 or 3 times per month. The Job Holder did not face any disciplinary consequences despite consistently not hitting targets on PBYL. The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as 182 x 250 x 2/5 – approximately six months (or 182 days), for 250 Colleagues, and assuming those Colleagues did at least 2 shifts a week of either Stock Pick or PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed. No Colleagues were dismissed.</p>	<p>period of a week he was spoken to about it. If he still did not meet his Target after another week, he might have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document).</p> <p>25.16 The Job Holder knew of the potential for disciplinary consequences for him personally as a result of failure to meet his Targets. He was also aware of Colleagues who had been disciplined: this happened about 2 or 3 times per month. The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. These conversations included conversations asking why a target had not been met or asking about periods of downtime in excess of about 8 minutes, most of which elicited a sound explanation so that no further action was taken. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal.</p>

Certain portions of the paragraphs extracted in the table above are also in dispute for different productivity-related reasons. Only those portions of the paragraphs which relate to issue numbers 139 and 144 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

Issues 139 and 145: Reporting of Mr Devenney's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1	<p>Devenney, paras 5.4, 5.31</p> <p>Stock Pick</p> <p><u>Overview</u></p> <p>5.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target. He could monitor his progress against it by using his Talkman, and did so approximately twice per shift. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 40 of 50 shifts (approximately 80% of the time) and his average work performance was 108%. If the Job Holder did not meet his target he may have been asked to explain why, but he was never formally counselled or disciplined.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>5.30 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously "zeroed". If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>5.30.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>5.30.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still "zero". This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>5.31 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between five and ten minutes and but if any delays such as this could have impacted the Job Holder's ability to meet his Target, his explanation would typically be accepted by a Supervisor as a circumstance beyond his control and there would be no sanction.</p>	<p>Stock Pick</p> <p><u>Overview</u></p> <p>5.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target. He could monitor his progress against it by using his Talkman, and did so approximately twice per shift.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>5.30 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously "zeroed". If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>5.30.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>5.30.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still "zero". This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>5.31 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. This could take between five and ten minutes and any delays such as this could have impacted the Job Holder's ability to meet his Target</p>
2	<p>Devenney, paras 6.2, 6.3</p> <p>Flow Pick</p> <p><u>Overview</u></p> <p>6.2 Flow Pick was broadly similar to Stock Pick (see Section 5 above): the main difference was that the Job Holder was Picking cases of stock from Flow Pick Slots, which were tiered shelving units positioned at five different heights above ground level. The Job Holder had to crouch to lift cases from the bottom three shelves (the five shelves varied in height between 23 cm and 160 cm above the ground). The cases he lifted weighed on average 2.33 kilograms. If working at the required pace pace to Pick 265 cases an hour, the Job Holder was therefore lifting and moving a cumulative average weight of 4,630 kilograms throughout his shift.</p> <p>6.3 The Job Holder worked to a higher Productivity Target when on Flow Pick compared to Stock</p>	<p>Flow Pick</p> <p><u>Overview</u></p> <p>6.2 Flow Pick was broadly similar to Stock Pick (see Section 5 above): the main difference was that the Job Holder was Picking cases of stock from Flow Pick Slots, which were tiered shelving units positioned at five different heights above ground level. The Job Holder had to crouch to lift cases from the bottom three shelves (the five shelves varied in height between 23 cm and 160 cm above the ground). The cases he lifted weighed on average 2.33 kilograms. If working at the required pace, the Job Holder was therefore lifting and moving a cumulative average weight of 4,630 kilograms throughout his shift.</p> <p>6.3 The Job Holder worked to a higher Productivity Target when on Flow Pick compared to Stock Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked in within four aisles of the</p>

Issues 139 and 145: Reporting of Mr Devenney's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked in within four aisles of the Racking Shelving and had less distance to travel when collecting cases of stock. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 8 out of 10 shifts, but there were no sanctions or other disciplinary measures for him. His average performance against Target was 101%.	Racking Shelving and had less distance to travel when collecting cases of stock.
3	Devenney, para 9.4 PBYL 9.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 10 of 50 shifts (approximately 20% of the time) and his average work performance was 80%, but there were no sanctions or other disciplinary measures. His ability to meet the Productivity Target would depend on what product line he was picking. For example, it was harder to meet the Productivity Target for Crisps and Cereals as there are only 25 cases on a pallet. The Depot management team were aware of this and they rarely spoke to the Job Holder if he failed to meet his target as they would already be aware of the reason why. He could monitor his progress against it Target by using his Talkman, and did so approximately two to three times per shift.	PBYL 9.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target. His ability to meet the Productivity Target would depend on what product line he was picking. For example, it was harder to meet the Productivity Target for Crisps and Cereals as there are only 25 cases on a pallet. The Depot management team were aware of this and they rarely spoke to the Job Holder if he failed to meet his target as they would already be aware of the reason why. He could monitor his progress against Target by using his Talkman, and did so approximately two to three times per shift.
4	Devenney, para 7.3 Cage Pick 7.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way as for Stock Pick. The Job Holder always met his Productivity Target on Cage Pick.	Cage Pick 7.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way as for Stock Pick.
5	Devenney, paras 15.6, 15.8 Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u> <i>Stock Pick, Cage Pick, Flow Pick</i> 15.4 The Job Holder kept track of his pace of work and organised himself to ensure he met his Targets by requesting an “aisle summary” from his Talkman which gave him details of any Pick Slots from which he was to Pick 10 or more cases. This information helped the Job Holder to plan his Picking as he could go to each Pick Slot from which he had to Pick 10 or more cases and decide whether it was more efficient to pick those cases first, either because they were heavy or would help to provide a stable base i.e., he could collect a large number of cases of the same shape, size and weight to stack at the bottom of the Pallet to provide a stable base. By ensuring he had a stable load at the bottom of the pallet the Job Holder could stack his pallet efficiently which also saved him time. 15.5 If the aisle summary indicated that a large number of cases were to Picked from a particular location then the Job Holder requested that a Letdown Colleague remove an entire Pallet so that he could take that rather than Pick individual cases. Alternatively, he could simply	Factor Three – Organisation of Work <u>Performance Targets and Working Efficiently</u> <i>Stock Pick, Cage Pick, Flow Pick</i> 15.4 The Job Holder kept track of his pace of work and organised himself to ensure he met his Targets by requesting an “aisle summary” from his Talkman which gave him details of any Pick Slots from which he was to Pick 10 or more cases. This information helped the Job Holder to plan his Picking as he could go to each Pick Slot from which he had to Pick 10 or more cases and decide whether it was more efficient to pick those cases first, either because they were heavy or would help to provide a stable base i.e., he could collect a large number of cases of the same shape, size and weight to stack at the bottom of the Pallet to provide a stable base. By ensuring he had a stable load at the bottom of the pallet the Job Holder could stack his pallet efficiently which also saved him time. 15.5 If the aisle summary indicated that a large number of cases were to Picked from a particular location then the Job Holder requested that a Letdown Colleague remove an entire Pallet so that he could take that rather than Pick individual cases. Alternatively, he could simply remove the entire Pallet from the Pick Slot himself with a PPT, switching it with the empty Pallet on the forks of his LLOP, and return any excess cases to the Pick Slot.

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	<p>remove the entire Pallet from the Pick Slot himself with a PPT, switching it with the empty Pallet on the forks of his LLOP, and return any excess cases to the Pick Slot. This was typically quicker than picking individual cases and therefore meant the Job Holder worked more efficiently.</p> <p>15.6 The Job Holder also checked how many cases he had Picked twice a shift by using the “Shift Summary” command on his Talkman. If the Job Holder was behind his hourly Target he spoke to a Supervisor to request a bigger pick he knew to Pick up his pace of work [...]</p> <p>[...]</p> <p>15.8 The Job Holder managed his break schedule in order to ensure he was working at the required pace; typically if he was behind on his Target he would not take his full break. This happened around once or twice a month. If the Job Holder met his Target before the end of his shift he could take a longer break and sit in the canteen.</p>	<p>This was typically quicker than picking individual cases and therefore meant the Job Holder worked more efficiently.</p> <p>15.6 The Job Holder also checked how many cases he had Picked twice a shift by using the “Shift Summary” command on his Talkman. If the Job Holder was behind his hourly Target he knew to pick up his pace of work. This could be achieved by speaking to his Supervisor and requesting a bigger pick.</p> <p>[...]</p> <p>15.8 The Job Holder managed his break schedule in order to ensure he was working at the required pace; typically if he was behind on his Target he would not take his full break. This happened around once or twice a month.</p>								
6	<p>Devenney, paras 21.2, 21.3, 21.3.3, 21.6, 21.7, 21.8.5, 21.9, 21.10, 21.11, 21.13, 21.14</p> <p>Factor Nine – Emotional Demands</p> <p><u>The Requirement to Meet Targets and Deadlines</u></p> <p><i>Productivity Targets</i></p> <p>21.1 The Job Holder’s work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. The Job Holder, along with all other Warehouse Colleagues, performed the Activities as part of the process of fulfilling these orders on time and accurately while at the same time ensuring they worked safely and did not damage stock as they handled it.</p> <p>21.2 In order to ensure goods were delivered to stores on time, many of the Activities at the Depot were closely planned and monitored. As such, the Job Holder was required to meet given measured Productivity Targets which applied to the following Activities he performed throughout the Relevant Period: Stock Pick, Flow Pick, Cage Pick, and PBYL. [...] The Job Holder’s performance for each Activity in the period between January 2014 and December 2014, in terms of whether the Job Holder achieved at or above 100% of the target was met, is as follows:</p> <table border="1"> <tr> <td>Stock Pick</td> <td>80% (average performance 108%)</td> </tr> <tr> <td>Flow Pick</td> <td>80% (average performance 101%)</td> </tr> <tr> <td>Cage Pick</td> <td>100% (average performance 114%)</td> </tr> <tr> <td>PBYL</td> <td>20% (average performance 80%)</td> </tr> </table> <p>21.3 The Job Holder was aware of his Productivity Targets and the consistent pace at which he was required to work in order to meet them over the course of his 8 hour shift. For example:</p> <p>[...]</p> <p>21.3.3 the Job Holder was informed on two occasions during his PFP reviews that he was not meeting the expected Productivity Targets and had to improve his performance (e.g. in his October 2010 and May 2011 Reviews). Despite the Job Holder consistently falling well below the targets for some activities (PBYL for example), no further action was taken against the Job Holder.</p> <p>[...]</p>	Stock Pick	80% (average performance 108%)	Flow Pick	80% (average performance 101%)	Cage Pick	100% (average performance 114%)	PBYL	20% (average performance 80%)	<p>Factor Nine – Emotional Demands</p> <p><u>The Requirement to Meet Targets and Deadlines</u></p> <p><i>Productivity Targets</i></p> <p>21.1 The Job Holder’s work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. The Job Holder, along with all other Warehouse Colleagues, performed the Activities as part of the process of fulfilling these orders on time and accurately while at the same time ensuring they worked safely and did not damage stock as they handled it.</p> <p>21.2 In order to ensure goods were delivered to stores on time, many of the Activities at the Depot were closely planned and monitored. As such, the Job Holder was required to meet measured Productivity Targets which applied to the following Activities he performed throughout the Relevant Period: Stock Pick, Flow Pick, Cage Pick, and PBYL. [...]</p> <p>21.3 The Job Holder was aware of his Productivity Targets and the consistent pace at which he was required to work in order to meet them over the course of his 8 hour shift. For example:</p> <p>[...]</p> <p>21.3.3 the Job Holder was informed on two occasions during his PFP reviews that he was not meeting the expected Productivity Targets and had to improve his performance (e.g. in his October 2010 and May 2011 Reviews).</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>21.6 He was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, and Talkman. If the Job Holder had not met his Targets, the information in these reports could have been discussed with him. Typically, this discussion would result in the manager accepting the Job Holder’s explanation for why the target was not met, although it would be checked first. On a couple of occasions, the Job Holder heard his Supervisor briefly question other Warehouse Colleagues, on the Depot floor about their pace of work and the reasons why they were behind the Target. He them say things like, “<i>Look just get it picked</i>”.</p> <p>21.7 The Job Holder was also aware that his “downtime” would be closely monitored if he was not achieving his</p>
Stock Pick	80% (average performance 108%)									
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	<p><i>How Targets were monitored by Supervisors</i></p> <p>21.6 He was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, and Talkman. If the Job Holder had not met his Targets, the information in these reports could have been discussed with him. Typically, this discussion would result in the manager accepting the Job Holder’s explanation for why the target was not met. On a couple of occasions, the Job Holder heard his Supervisor briefly question other Warehouse Colleagues, on the Depot floor about their pace of work and the reasons why they were behind the Target. The Job Holder himself was not spoken to but He heard them say things like, “Look just get it picked”.</p> <p>21.7 The Job Holder was also aware that his “downtime” was closely monitored: on Picking, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a four minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over 4 minutes that was recorded on the PI System. The Job Holder was not provided with copies of these reports, and was not always informed if he had downtime for more than four minutes. His explanations for downtime were typically accepted by his supervisors. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><i>The Need to Account for Interruptions</i></p> <p>21.8 Factor Three – Organisation of Work explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>[...]</p> <p>21.8.5 requests to move to work on another Activity, in order to respond to capacity issues onsite (once a shift when the Job Holder was doing 12 hour shifts);</p> <p>[...]</p> <p>21.9 The interruptions described above could have impacted the Job Holder’s ability to meet his Targets but were all considered legitimate reasons. However, the Job Holder felt he had to keep a note of these interruptions in order to then explain to his Supervisor that he had a legitimate reason for missing his Target. The Job Holder was aware that he was being constantly monitored and that he could have to explain why if he had too much downtime, or did not meet his Target. The Job Holder recalls that most often Supervisors only challenged Colleagues on downtime where they failed to meet their Target.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>21.10 The Job Holder generally met his Target consistently for most Activities as set out in paragraph 21.2 above. There were occasions when he didn’t do so, particularly on PBYL. On that Activity, he was often delayed by having to shrink-wrap and close down Roll Cages. He had to let his Supervisor know this so that they could verify what he was saying in real-time because it was not later possible to tell who had closed down a Cage, and therefore if what the Job Holder was saying was true. The Job Holder was not disciplined for failing to meet his</p>	<p>target: on Picking, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked or Pallets he had scanned, and his downtime. The system allowed a four minute grace period on Picking (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over 4 minutes that was recorded on the PI System. The Job Holder was not provided with copies of these reports and was not always informed if he had downtime for more than four minutes. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><i>The Need to Account for Interruptions</i></p> <p>21.8 Factor Three – Organisation of Work explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>[...]</p> <p>21.8.5 requests to move to work on another Activity, in order to respond to capacity issues onsite (once a shift when the Job Holder was doing 12 hour shifts) – this only happened very rarely part-way through a shift;</p> <p>[...]</p> <p>21.9 The interruptions described above could have impacted the Job Holder’s ability to meet his Targets but were all considered legitimate reasons. However, the Job Holder felt he had to keep a note of these interruptions in order to then explain to his Supervisor that he had a legitimate reason for missing his Target. The Job Holder was aware that he was being monitored in real time and that he could have to explain why if he had too much downtime, or did not meet his Target. The Job Holder recalls that most often Supervisors only challenged Colleagues on downtime where they failed to meet their Target.</p> <p><i>Consequences of not meeting the Productivity Targets</i></p> <p>21.10 The Job Holder usually met or exceeded his Target for most Activities. His average performance measured over multiple shifts was over 100%. On those shifts where he did not meet his target, his explanation was generally accepted. There were occasions when he didn’t do so, particularly on PBYL. On that Activity, he was often delayed by having to shrink-wrap and close down Roll Cages. He had to let his Supervisor know this so that they could verify what he was saying in real-time because it was not later possible to tell who had closed down a Cage, and therefore if what the Job Holder was saying was true. The Job Holder was not disciplined for failing to meet his Target on these occasions, because it was for reasons beyond his control.</p> <p>21.11 As noted above, the targets were monitored in real time, which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>[...]</p> <p>21.13 If the Job Holder did not hit his baseline Productivity Targets over a period of a week he was spoken to about it. If he still did not meet his Target after another week, he may have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document).</p> <p>21.14 The Job Holder knew of the potential for disciplinary consequences for him personally as a result of failure to meet his Targets. The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken</p>

Issues 139 and 145: Reporting of Mr Devenney’s personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>Target on these occasions, because it was for reasons beyond his control.</p> <p>21.11 As noted above, the Targets were monitored in ‘real time’ which involved Supervisors speaking spoke to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>[...]</p> <p>21.13 If the Job Holder did not hit his baseline Productivity Targets over a period of a week he was spoken to about it. If he still did not meet his Target after another week, he may have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document). The Job Holder did not face any disciplinary consequences despite consistently not hitting targets on PBYL and Stock Pick.</p> <p>21.14 The Job Holder knew of the potential for disciplinary consequences for him personally as a result of failure to meet his Targets. The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL alone. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as 182 x 250 x 2/5 – approximately six months (or 182 days), for 250 Colleagues, and assuming those Colleagues did at least 2 shifts a week of either Stock Pick or PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed. No Colleagues were dismissed. [...]</p>	<p>to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL alone. These conversations included conversations asking why a target had not been met or asking about periods of downtime in excess of about 8 minutes, most of which elicited a sound explanation so that no further action was taken. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was potentially higher, as not all Supervisors may have noted all conversation they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal. [...]</p>

Certain portions of the paragraphs extracted in each sub-issue in the table above are also in dispute for different productivity-related reasons. Only those portions of the paragraph which relate to issue no’s 139 and 145 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.

Issues 139 and 146: Reporting of Mr Ballard's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
1	<p>Ballard, paras 6.4, 6.5, 6.29, 6.33, 6.34, 6.37</p> <p>Stock Pick</p> <p><u>Overview</u></p> <p>6.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target [...] In the period between January and December 2014, the Job Holder achieved at or above 100% of the Target on 26 or 43 shifts (approximately 59% of the time) and his average performance against Target was 100%. He could monitor his progress against it by using his Talkman, and did so roughly once per shift [...]</p> <p>6.5 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay. The Job Holder struggled to meet the E3 target but was not moved down from the E3 pay grade.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>6.28 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet or if the stock in the Pallet had been depleted by other Colleagues "pyramid picking") then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>6.29 This process detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was therefore important that However, if the Job Holder did it as efficiently as possible provided an explanation for why his target was not met that was a circumstance beyond his control, for example as a result of having a lot of cases to collect from Second Level Pick Slots, there was no sanction.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>6.32 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to pick five cases of sugar, the Job Holder confirmed the number of cases that were picked to the Talkman by saying "Pick 5").</p> <p>6.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much "downtime" he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes).</p>	<p>Stock Pick</p> <p><u>Overview</u></p> <p>6.4 [...] The Job Holder had a Productivity Target, which required him to collect a minimum of 220 cases per hour (1,650 cases per shift) [...] He was held accountable to that Target [...] He could monitor his progress against it by using his Talkman, and did so roughly once per shift [...]</p> <p>6.5 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay.</p> <p>[...]</p> <p><u>Picking Products from Pallets</u></p> <p>6.28 If the Job Holder could not reach the cases in the Second Level Pick Slot (e.g. if they were at the very back of the Pallet or if the stock in the Pallet had been depleted by other Colleagues "pyramid picking") then he had to flag down a Colleague using an HRT in the Racking Shelving and ask that Colleague to remove the Pallet from the Second Level Pick Slot and lower it to the ground so that the Job Holder could collect his cases from it. The HRT driver then turned the Pallet around and put it back into the Second Level Pick Slot so that the remaining cases on it were facing towards the front of the Pallet and were easier to collect on future trips.</p> <p>6.29 This process detracted from the Job Holder's ability to meet his Target, because it was time that he was not logging any data on the Talkman, i.e. it was recorded as "downtime". It was important that the Job Holder did it as efficiently as possible.</p> <p>[...]</p> <p><u>Recording and Checking the Pace of his Work</u></p> <p>6.32 As he Picked and stacked the cases on his LLOP, the Job Holder confirmed to the Talkman using voice commands that he had Picked the correct number of cases (e.g., if the Talkman had instructed him to pick five cases of sugar, the Job Holder confirmed the number of cases that were picked to the Talkman by saying "Pick 5").</p> <p>6.33 The Talkman stored the information reported by the Job Holder, which was fed back into the PI System and enabled the Job Holder's Supervisor to see how efficiently he was working and also how much "downtime" he had in his shift (meaning how many minutes throughout the shift that the Job Holder had failed to interact with the Talkman, subject to a grace period of 4 minutes).</p>

Issues 139 and 146: Reporting of Mr Ballard’s personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>Because of this, the Job Holder regularly monitored how fast he was working both by keeping a written record of the number of cases he Picked (and the number of slots he Picked from on each assignment) [...] and also through his Talkman by asking the Talkman to report details of his Pick rate using the command “Shift Summary” (approximately 4 to 5 times per shift). The Job Holder kept a written record so he could take it and show it to his Supervisor if he had consistently Small Picks and was therefore unlikely to meet his Target. The Job Holder’s supervisor never came to speak to him about how efficiently he was working.</p> <p>6.34 His Supervisor checked the PI System to verify that the Job Holder had in fact received a series of Small Picks and could have reassigned him a better Pick using the PI System to ensure he got a fairer spread of the work, depending on the number of picks on the system. If it was not possible to assign better picks the Supervisor made a note of the issue as being a reason why the Job Holder did not meet his Target on that shift. In these circumstances, the Job Holder found it hard to get back on track even when assigned a better Pick. There was, however, no sanction for not meeting his Target.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>6.36 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>6.37 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. If any delays such as this impacted the Job Holder’s ability to meet his Target, his explanation would be accepted by a supervisor, either because it was a circumstance beyond his control or because it was not due to a lack of effort.</p>	<p>behind target, he would approach the Supervisor to alert him to the problem.</p> <p>6.34 His Supervisor checked the PI System to verify that the Job Holder had in fact received a series of Small Picks and could have reassigned him a better Pick using the PI System to ensure he got a fairer spread of the work, depending on the number of picks on the system. If it was not possible to assign better picks the Supervisor made a note of the issue as being a reason why the Job Holder did not meet his Target on that shift and that reason would be considered acceptable). In these circumstances, the Job Holder found it hard to get back on track even when assigned a better Pick. If this was the reason why the Job Holder did not meet the target, the reason would be considered acceptable.</p> <p>[...]</p> <p><u>Encountering an Empty or Depleted Pick Slot</u></p> <p>6.36 At the end of his Picking assignment, after the Job Holder had Picked all of the other products for that store, the Talkman directed the Job Holder to return to any Pick Slots that he had previously “zeroed”. If the cases were now there, the Job Holder Picked them. If the Slot had still not been replenished the Job Holder either:</p> <p>8.35.1 delayed completing the Pick and requested that a nearby Warehouse Colleague undertaking Letdowns replenish the Slot so that he could collect the required number of cases to complete the Pick; or</p> <p>8.35.2 alternatively, if he considered that a delay would be caused by waiting for the Slot to be replenished he could inform the Talkman a second time that the Slot was still “zero”. This removed the Slot from his picking assignment and sent it to the Chase Pick log. This meant it was an assignment that was done by the Colleague rostered to do Chase Pick, whose job it was to complete any Picks left unfinished by the Stock Pickers.</p> <p>6.37 If, however, the Job Holder needed more than 10 cases of stock from the Pick Slot to complete his Pick, the Job Holder could not send this to the Chase Pick log. He had to wait for a Colleague on Letdowns to replenish the Pick Slot before he could finish his Pick. If any delays such as this impacted the Job Holder’s ability to meet his Target.</p>
2	<p>Ballard, paras 7.2, 7.3, 7.4</p> <p>Flow Pick <u>Overview</u></p> <p>7.2 Flow Pick was broadly similar to Stock Pick (see Section 6 above): the main difference was that the Job Holder was Picking cases of stock from Flow Pick Slots, which were tiered shelving units positioned at five different heights above ground level. The Job Holder had to repeatedly crouch and reach to lift cases when Picking from the bottom and top shelves (the five shelves varied in height between 23 cm and 160 cm above the ground). The cases he lifted weighed on average 2.33 kilograms. If working at the required pace pace to pick 265 cases an hour (1,988 cases per</p>	<p>Flow Pick <u>Overview</u></p> <p>7.2 Flow Pick was broadly similar to Stock Pick (see Section 6 above): the main difference was that the Job Holder was Picking cases of stock from Flow Pick Slots, which were tiered shelving units positioned at five different heights above ground level. The Job Holder had to repeatedly crouch and reach to lift cases when Picking from the bottom and top shelves (the five shelves varied in height between 23 cm and 160 cm above the ground). The cases he lifted weighed on average 2.33 kilograms. If working at the required pace, the Job Holder was therefore lifting and moving a cumulative average weight of 4,632 kilograms</p>

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JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>shift), the Job Holder was therefore lifting and moving a cumulative average weight of 4,632 kilograms throughout his shift.</p> <p>7.3 The Job Holder had a higher Productivity Target when on Flow Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked within four aisles of the Racking Shelving rather than the whole warehouse) and had less distance to travel when collecting cases of stock. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 5 of 12 shifts (approximately 42% of the time), but there were no sanctions or other disciplinary measures.</p> <p>7.4 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay. Although the Job Holder regularly did not meet his Target, he was not moved down from E3.</p>	<p>throughout his shift.</p> <p>7.3 The Job Holder had a higher Productivity Target when on Flow Pick (265 cases per hour; 1,988 cases per shift) – more was expected of him because he worked within four aisles of the Racking Shelving rather than the whole warehouse) and had less distance to travel when collecting cases of stock.</p> <p>7.4 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay.</p>
3	<p>Ballard, paras 8.3, 8.4</p> <p>Cage Pick <u>Overview</u></p> <p>8.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way. The Job Holder estimates that he would not meet this Target all of the time.</p> <p>8.4 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay. Although the Job Holder did not meet his Target all of the time, he was not moved down from E3.</p>	<p>Cage Pick <u>Overview</u></p> <p>8.3 The Job Holder had a Productivity Target of 175 cases per hour (1,313 cases per shift) if working in the Flow Pick area, or 155 cases per hour (1,163 cases per shift) if working in the Stock Pick area, and his performance was monitored by his Supervisor and himself in the same way.</p> <p>8.4 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay.</p>
4	<p>Ballard, paras 9.2, 9.3</p> <p>Trunk Pick <u>Overview</u></p> <p>9.2 Trunk Pick was similar to Stock Pick (see Section 6 above), save that the Job Holder Picked stock from Flow Pick Slots and ordinary Pick Slots. He had the same Productivity Targets as he did for Stock Pick and Flow Pick (depending on the area of the Racking Shelving he was Picking in), save that from approximately the end of 2010 the Job Holder had a reduced Productivity Target (175 cases per hour; 1,313 cases per shift) when working on the Activity to reflect the fact that the Chepstow stock was stored in Pick Slots across the entire Depot and therefore took longer to collect. The Target was reduced for all Colleagues. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 15 of 23 shifts (approximately 65% of the time) and his average performance against Target was 100%.</p> <p>9.3 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected required to work at a rate above the</p>	<p>Trunk Pick <u>Overview</u></p> <p>9.2 Trunk Pick was similar to Stock Pick (see Section 6 above), save that the Job Holder Picked stock from Flow Pick Slots and ordinary Pick Slots. He had the same Productivity Targets as he did for Stock Pick and Flow Pick (depending on the area of the Racking Shelving he was Picking in), save that from approximately the end of 2010 the Job Holder had a reduced Productivity Target (175 cases per hour; 1,313 cases per shift) when working on the Activity to reflect the fact that the Chepstow stock was stored in Pick Slots across the entire Depot and therefore took longer to collect.</p> <p>9.3 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected required to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012).). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of</p>

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5	<p>Ballard, paras 11.4, 11.5</p> <p>PBYL</p> <p><u>Overview</u></p> <p>11.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target [...]. In the period between January 2014 and December 2014, the Job Holder achieved at or above 100% of the Target on 2 of 5 shifts (approximately 65% of the time) and his average performance against Target was 100%. The Depot management were aware of this and there were no sanctions or other disciplinary measures for failing to meet his Target.</p> <p>11.5 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay and although the Job Holder would not meet his Target very often, he was not moved down from E3.</p>	<p>PBYL</p> <p><u>Overview</u></p> <p>11.4 [...] The Job Holder had a Productivity Target, which required him to distribute a minimum of 177 cases per hour (1,328 cases per shift) on average across the product lines. He was held accountable to that Target [...].</p> <p>11.5 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder's performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay.</p>

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JD Reference	Parties’ Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal																
<p>6</p> <p>Ballard, Concentration Table (row 2 column 3), Accuracy Table (row 2 column 3)</p>	<p>Factor Eight – Concentration, Accuracy, Memory</p> <p>Concentration Table, Row 2 (column 3)</p> <table border="1"> <thead> <tr> <th data-bbox="379 415 477 514">No.</th> <th data-bbox="477 415 822 514">Demand</th> <th data-bbox="822 415 1104 514">Duration and Frequency</th> <th data-bbox="1104 415 1528 514">Impact of Failure to Exercise</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 514 477 1329">2.</td> <td data-bbox="477 514 822 1329"> <p>When doing Stock Pick, Flow Pick, Cage Pick, Trunk Pick or Chase Pick or PBYL, the Job Holder was required to listen to aural commands issued by the Talkman, whilst continuing to listen for hazards and maintaining an awareness of his surroundings (including other Colleagues).</p> <p>In addition, for Chase Pick concentration was required for as the Job Holder was Picking for multiple stores at once. He had to ensure the correct type and number of goods were Picked at each stop and then delivered to the correct Loading Lane and consolidated into the correct store order.</p> </td> <td data-bbox="822 514 1104 1329"> <p>The Job Holder’s Talkman was on for 7.5 hours of his shift.</p> <p>A failure by the Job Holder to interact with his Talkman for greater than 4 minutes during that period was not permitted; this was recorded as “downtime” and could result in the Job Holder being spoken to by his Supervisor.</p> </td> <td data-bbox="1104 514 1528 1329"> <p>A failure by the Job Holder to concentrate on the commands issued by the Talkman may have resulted in the Job Holder undertaking Picking tasks inaccurately, resulting in mistaken deliveries to stores and discrepancies in the stock levels recorded on the Depot’s PI System.</p> <p>A failure to listen for hazards might have caused injury to the Job Holder, or damage to equipment and stock.</p> <p>If the Job Holder did not meet his target, however, there were no sanctions or other disciplinary measures, provided he could explain to his supervisor the reason for the downtime and his supervisor accepted that it was a circumstance beyond his control, or was not due to a lack of effort.</p> </td> </tr> </tbody> </table>	No.	Demand	Duration and Frequency	Impact of Failure to Exercise	2.	<p>When doing Stock Pick, Flow Pick, Cage Pick, Trunk Pick or Chase Pick or PBYL, the Job Holder was required to listen to aural commands issued by the Talkman, whilst continuing to listen for hazards and maintaining an awareness of his surroundings (including other Colleagues).</p> <p>In addition, for Chase Pick concentration was required for as the Job Holder was Picking for multiple stores at once. 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25.7, 25.8; 25.10 - 25.15	<p><i>Productivity Targets</i></p> <p>25.1 The Job Holder’s work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. The Job Holder, along with all other Warehouse Colleagues, performed the Activities as part of the process of fulfilling these orders on time and accurately while at the same time ensuring they worked safely and did not damage stock as they handled it.</p> <p>25.2 In order to ensure goods were delivered to stores on time, many of the Activities at the Depot were closely planned and monitored. As such, the Job Holder was required to meet measured given Productivity Targets which applied to the following Activities he performed throughout the Relevant Period: Stock Pick, Flow Pick, Cage Pick, Trunk Pick and PBYL. The Job Holder’s performance for each Activity in the period between January 2014 and December 2014, in terms of whether the Job Holder achieved at or above 100% of the target, is as follows:</p> <table border="1"> <tr> <td>Stock Pick</td> <td>59% (average performance 100%)</td> </tr> <tr> <td>Flow Pick</td> <td>42% (average performance 95%)</td> </tr> <tr> <td>Cage Pick</td> <td>Did not meet all of the time (Job Holder estimate)</td> </tr> <tr> <td>Trunk Pick</td> <td>65% (average performance 100%)</td> </tr> <tr> <td>PBYL</td> <td>40% (average performance 93%)</td> </tr> </table> <p>25.3 The Job Holder was aware of his Productivity Targets and the consistent pace at which he was would be required to work in order to meet them over the course of his 8 hour shift. For example:</p> <p>[...]</p> <p>25.3.3 the Job Holder was also regularly informed of the Targets and how he was performing against them in his PFP reviews (see Background Document, paragraph 2.4). Despite the Job Holder consistently falling well below the targets for some activities (Trunk Pick and PBYL, for example), no further action was taken against the Job Holder.</p> <p>25.4 Throughout the Relevant Period, the Job Holder was employed on an E3 pay grade. In order to retain that pay grade, he was generally expected to work at a rate above the Productivity Target – 10% above the then average work-rate of Colleagues doing that same Activity at the Depot (pre April 2012) and 10% above the Productivity Target (post April 2012). However the assessment of the Job Holder’s performance for the purposes of a pay review was an holistic assessment that took account of a number of factors – a failure to meet the higher Targets did not automatically result in a decrease in pay (see further paragraph 25.15 below) and despite the Job Holder consistently falling well below the E3 Targets for some activities (Trunk Pick and PBYL, for example), no further action was taken against the Job Holder.</p> <p>[...]</p> <p><i>How Targets were monitored by Supervisors</i></p> <p>25.7 He was also aware that his Supervisor monitored his productivity by watching his progress on the Depot floor and by reference to automated reports generated from his inputs into the PI System, via the Scanning Guns, and Talkman. If the Job Holder had not met his targets, the information in these reports could have been discussed with him. Typically, this discussion would result in the manager accepting the Job Holder’s explanation for why the target was not met. The Job Holder heard his Supervisor question other Warehouse Colleagues, on the Depot floor about</p>	Stock Pick	59% (average performance 100%)	Flow Pick	42% (average performance 95%)	Cage Pick	Did not meet all of the time (Job Holder estimate)	Trunk Pick	65% (average performance 100%)	PBYL	40% (average performance 93%)	<p><i>Productivity Targets</i></p> <p>25.1 The Job Holder’s work was part of a continuous logistics process – goods were received at the Depot, sorted, repacked, and distributed out to retail stores 24 hours a day, 7 days a week. 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In his role as Colleague Circle Representative the Job Holder was also often approached by Colleagues with complaints about the Targets, and this was a topic that came up regularly in his monthly meetings with senior managers.</p> <p>25.8 The Job Holder was also aware that his “downtime” would be closely monitored if he was not achieving his target: when he was Picking, the PI System recorded when he logged in, logged out, how long he took for his break, how many cases he had Picked, and his downtime. The system allowed a four minute grace period (to allow for technical issues or time spent shrink wrapping a Pallet or Roll Cage etc.), but if there was a period of inactivity of over four minutes that was recorded on the PI System. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><u>The Need to Account for Interruptions</u></p> <p>25.9 Factor Three – Organisation of Work (page 103) explains how the Job Holder organised his work in order</p>
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The Job Holder was not provided with copies of these reports, and was not always informed if he had downtime for more than four minutes. If he was meeting his target, he was permitted a 20 minute performance break that would also count as downtime but would not need to be explained.</p> <p><u>The Need to Account for Interruptions</u></p> <p>25.9 Factor Three – Organisation of Work (page 103) explains how the Job Holder organised his work in order to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. Examples include:</p> <p>25.9.1 his MHE running out of battery, gas or diesel mid-shift (the Job Holder refuelled his CBT twice a shift to avoid this);</p> <p>29.9.2 defects in MHE mid-shift, such as oil leaks and burst hoses (once or twice per week at the Old Site);</p> <p>25.9.3 problems with his Talkman – e.g. not responding or recognising a voice command, or otherwise malfunctioning;</p> <p>25.9.4 damaged Roll Cages – which had to be isolated or red-tagged before use (up to 8 per shift);</p> <p>25.9.5 accidents, hazards or spillages which impeded his work and needed to be reported (once or twice per week);</p> <p>25.9.6 requests to move to work on another Activity, in order to respond to urgent capacity issues onsite;</p> <p>25.9.7 unfavourable weather conditions when working in the Yard, which caused the Job Holder to have to drive his CBT more slowly, out of caution;</p> <p>25.9.8 waiting for other Colleagues – on Stock Pick, Cage Pick or Trunk Pick, the Job Holder could not send more than 10 cases of a product to Chase Pick if a Pick Slot needed replenishing. The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking. The Job Holder recalls having to wait for around 5 to 10 minutes;</p> <p>25.9.9 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes). The Job Holder had approximately 10 PAT inspections in the Relevant Period, and was also approached by auditors on a number of occasions, and stopped for random accuracy checks.</p> <p>25.10 The interruptions described above could have impacted the Job Holder's ability to meet his</p>	<p>to meet Targets. However, the Job Holder also had regular interruptions to his schedule and which could interfere with his ability to meet Targets and be recorded as downtime. 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The Job Holder therefore had to find a Letdown driver and wait for the product to be replenished before he could continue Picking. The Job Holder recalls having to wait for around 5 to 10 minutes;</p> <p>25.9.9 spot-checks by Supervisors, such as PAT Inspections and accuracy checks (which could take up to 10 minutes). The Job Holder had approximately 10 PAT inspections in the Relevant Period, and was also approached by auditors on a number of occasions, and stopped for random accuracy checks.</p> <p>25.10 The interruptions described above could have impacted the Job Holder's ability to meet his Targets, but were all considered legitimate reasons. However, the Job Holder felt he had to keep a note of these interruptions in order to then explain to his Supervisor that he had a legitimate reason for missing his target. By keeping the note, the Job Holder could "back up" his explanations, particularly if a Supervisor came to him some time later to ask about his performance. The Job Holder was aware that he was being monitored in real time and that he could have to explain why if he had too much downtime, or did not meet his target.</p> <p><u>Consequences of not meeting the Productivity Targets</u></p> <p>25.11 The Job Holder usually met his shift target for most Activities, and his average performance on most activities was at or near 100%. There were occasions when he didn't do so, due to interruptions which affected his work:</p> <p>25.11.1. on Flow Pick, the Job Holder often found that there was not enough stock in the Pick Slots to complete his Pick, therefore impacting his ability to work efficiently and meet his Target;</p> <p>25.11.2. on Trunk Pick, the Job Holder sometimes struggled to meet the Target because of the amount of additional restacking he had to do. When he was on Trunk Pick, he was Picking a wide variety of stock across the whole of the Depot, and could – for example – have been directed to Pick beers and wines directly after Picking nappies. He was often required to spend more time restacking cases on his Pallet to make sure they were safely stacked in a way that would not damage the</p>

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There were occasions when he didn’t do so, due to interruptions which affected his work:</p> <p>25.11.1. on Flow Pick, the Job Holder often found that there was not enough stock in the Pick Slots to complete his Pick, therefore impacting his ability to work efficiently and meet his Target;</p> <p>25.11.2. on Trunk Pick, the Job Holder sometimes struggled to meet the Target because of the amount of additional restacking he had to do. When he was on Trunk Pick, he was Picking a wide variety of stock across the whole of the Depot, and could – for example – have been directed to Pick beers and wines directly after Picking nappies. He was often required to spend more time restacking cases on his Pallet to make sure they were safely stacked in a way that would not damage the stock;</p> <p>25.11.3. on PBYL, the Job Holder had to spend time closing down Roll Cages. There may also have been congestion on the Grids, he may have received lots of Small Picks and so on.</p> <p>When interruptions such as these occurred, the Job Holder notified his Supervisor, and gave an explanation for why his performance was below what was expected. As these were considered legitimate reasons for not meeting a Target, and were not due to a lack of effort, the Job Holder was not disciplined for failing to meet his Target on these occasions.</p> <p>25.12 As noted above, the Targets were monitored in ‘real time’ which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>25.13 The Job Holder’s productivity was also discussed at the PFP review meetings which were held between the Supervisor and the Job Holder every 13 weeks. During the pay reviews, the performance of the Job Holder was assessed holistically, against all of the relevant performance criteria. Productivity Targets were only one aspect of a Colleague’s performance meaning that a failure to meet those targets could be offset against other Supervisors took into account all relevant circumstances. These included and factors such as ill-health or recent bereavement could be relevant to the assessment. If the Job Holder had, during the previous 13 week period, failed to meet the requirements of his E3 pay grade he could have been (but was not automatically) moved down the pay scale. Typically, Colleagues were given a further 13 week period to improve their performance following the period in which they had underperformed before they moved their Supervisor decided whether to move their pay grades. In relation to a sample pool of 422 Colleagues employed at the Depot on or after 1 January 2014, 61 of those</p>	<p>stock;</p> <p>25.11.3. on PBYL, the Job Holder had to spend time closing down Roll Cages. There may also have been congestion on the Grids, he may have received lots of Small Picks and so on.</p> <p>When interruptions such as these occurred, the Job Holder notified his Supervisor, and gave an explanation for why his performance was below what was expected. As these were considered legitimate reasons for not meeting a Target, the Job Holder was not disciplined for failing to meet his Target on these occasions.</p> <p>25.12 As noted above, the Targets were monitored in ‘real time’ which involved Supervisors speaking to Warehouse Colleagues during the shift if they were not working at the required pace. The Job Holder often pre-empted such a conversation by keeping track of the interruptions he had to his day and informing his Supervisor of this in advance. The way that Supervisors reacted to the reasons given by the Job Holder for failing to meet his Targets varied depending on the Supervisor. Some of them were generally accepting, others questioned him more about it or looked into it more deeply and asked him further questions the next day.</p> <p>25.13 The Job Holder’s productivity was also discussed at the PFP review meetings which were held between the Supervisor and the Job Holder every 13 weeks. During the pay reviews, the performance of the Job Holder was assessed holistically, against all of the relevant performance criteria. Supervisors took into account all relevant circumstances and factors such as ill-health or recent bereavement could be relevant to that assessment. If the Job Holder had, during the previous 13 week period, failed to meet the requirements of his E3 pay grade he could have been (but was not automatically) moved down the pay scale. Typically, Colleagues were given a further 13 week period to improve their performance following the period in which they had underperformed before their Supervisor decided to move their pay grades. In relation to a sample pool of 422 Colleagues employed at the Depot on or after 1 January 2014, 61 of those Colleagues (14%) had been moved down a pay grade and 137 of those Colleagues (33%) had been moved up a pay grade at least once in the period since they started work at the Depot and the date of the analysis (March 2017). Despite the Job Holder’s average performance over the period not meeting the E3 Targets, no further action was taken against the Job Holder.</p> <p>25.14 However, if the Job Holder was employed on E1 pay grade and did not hit his baseline Productivity Targets over a period of a week he may have been spoken to about it. If he still did not meet his Target after another week, he could have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document).). The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed through the capability process described above. Generally, the reason for counselling was excessive downtime or abuse of breaks. Although data from the Relevant Period have not been retained, at least one colleague was dismissed on ill health capability grounds during that 6-month period (between December 2013 and June 2014), and between 2015 and 2018, 17 Colleagues were dismissed on capability grounds, but it is not clear what aspect of their capability was the reason for dismissal.</p>

Issues 139 and 146: Reporting of Mr Ballard's personal experiences of performance against the Targets and consequences of a failure to meet the Targets		
JD Reference	Parties' Respective Proposals re Job Description Text (December 2020)	Facts Determined by the Tribunal
	<p>Colleagues (14%) had been moved down a pay grade and 137 of those Colleagues (33%) had been moved up a pay grade at least once in the period since they started work at the Depot and the date of the analysis (March 2017). However, the Job Holder maintained his E3 grade despite consistently not hitting Targets on Trunk Pick and PBYL, and not always meeting his Target for Flow Pick and Cage Pick.</p> <p>25.14 However, if the Job Holder was employed on E1 pay grade and did not hit his baseline Productivity Targets over a period of a week he was may have been spoken to about it. If he still did not meet his Target after another week, he would could have received counselling and potentially entered into a performance management process (see further Section 2 of the Background Document).). The Downtime Trackers (explained at paragraph 2.21 of the Background Document) show that in the 6 month period between mid-December 2013 and June 2014, Supervisors recorded having spoken to 132 separate Colleagues on 218 different occasions about instances of underperformance on Stock Pick and PBYL. For context, the total number of possible occasions that colleagues could have been spoken to for this period is in the region of 18,200. This figure has been calculated as $182 \times 250 \times 2/5$ – approximately six months (or 182 days), for 250 Colleagues, and assuming those Colleagues did at least 2 shifts a week of either Stock Pick or PBYL. Supervisors also noted 73 different instances where they were going to speak to Colleagues, but had not yet done so. The actual number of Colleagues spoken to was probably higher, as not all Supervisors may have noted all conversations they had with Colleagues, particularly the more informal real-time conversations on the Depot floor. The Trackers also show that during that same period, 20 different Colleagues were issued a counselling for underperformance, 11 had been identified as requiring further action, including possible counselling, and 4 were being performance managed. No Colleagues were dismissed.</p> <p>25.15 The Job Holder knew of the potential for disciplinary consequences for him personally as a result of failure to meet his Targets. The Job Holder did not face any disciplinary consequences despite consistently not hitting Targets on Trunk Pick and PBYL, and not always meeting his Target for Flow Pick and Cage Pick. [...]</p>	<p>25.15 The Job Holder knew of the potential consequences for him personally as a result of failure to meet his Targets. [...]</p>

Certain portions of the paragraphs extracted in the table above are also in dispute for different productivity-related reasons. Only those portions of the paragraphs which relate to issue numbers 139 and 146 are included in the table above; the remaining portions of these paragraphs are dealt with under separate issue headings within this schedule.