Appendix A

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REPUBLIC OF IRELAND HEAD OFFICE



29th May 2017

Mr. John Deegan The Labour Court Lansdowne House Lansdowne Road Ballsbridge Dublin 4

By Courier and Email - john.deegan@djei.ie

Dear Mr Deegan,

Following on from the case management hearing concerning a request by Unite/TEEU to examine the terms and conditions relating to the remuneration and sick pay scheme and pension scheme of workers in the Mechanical Engineering Building Services Contracting Sector on the 8th of May 2017, under the terms of the Industrial Relations (Amendment) Act 2015, please find below points of clarification concerning our application of the 27th January 2017. Firstly we provide some context for the Court concerning how the rates of pay and conditions of employment of mechanical workers are arrived at.

1. Context and background

1.1. The trade 'Plumber' featured in the national construction industry employments agreement for pay (1966) and pensions (1969)since their inception as Registered Employment Agreements. Since the early 1970s plumbers and other mechanical grades (Fitters & Welders-explained below) received plus payments beyond the construction industry pay rates through engagement and agreement with the employers in the industry/sector. These plus payments were linked to levels of proficiency and service attained; they were housed in agreements between the employers and trades unions within the Mechanical

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Engineering and Building Service Sector.¹ These agreements were referred to as the MESBCA agreements. A copy of the most recent of these agreements is attached at appendix 1.

- 1.2. In 2011, under the auspices of the then Labour Relations Commission, the mechanical rates were agreed on the basis of service, i.e. 1 to 6 years out of time (copy of agreed rates attached at appendix 2). In 2011 substantial reductions in pay in the sector were agreed (17% with further cuts applying in many cases). This pay reduction was agreed on the basis that the then MEBSCA agreed pay rates would form the basis for a registered employment agreement in the mechanical contracting sector. It was envisaged that the unions and employers would agree a comprehensive redrafted agreement before applying to the Labour Court to have it registered as an employment agreement as provided for under the then section 3 of the 1946 Industrial Relations Act 1946. Events unfolded that hindered the parties' ability to get the agreement registered; changes to the law, High Court & Supreme Court decisions and so on. In May 2016 agreement was reached between the unions and employers in the mechanical sector under the auspices of the Workplace Relations Commission. (Copy of this agreement is attached at appendix 3)
- 1.3. Both the unions and the employers in the sector are committed to the principle of the establishment of a Sectoral Employment Order in the sector. On 27th of January 2017 the unions in the sector made an application to the Labour Court for an examination of the terms and conditions relating to the remuneration and sick pay scheme and pension scheme of workers in the Mechanical Engineering Building Services Contracting Sector. On the 22nd of November 2016 the Construction Industry Federation made an application to the Labour Court for a request to have the terms and conditions of employment of the construction sector examined for the purpose of establishing a sectoral employment order concerning all craft disciplines and general operative grades within that sector, with the specific exclusion of mechanical grades.
 - 2. Application Form (Copy of application attached at appendix 4)
- 2.1. Class, type or group of workers to which the request applies

Page 1 Box 1 - Mechanical Craft Workers (Plumbers, Pipefitters, Welders including supervisory grades and apprentices)

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¹ The Mechanical Engineering & Building Service Contractors Association of the Construction Industry Federation and Unite/TEBU

Mechanical Craft Worker

The mechanical craft worker trades are Plumbing and Pipefitter². Some Plumbers and Fitters may operate as Welders having firstly attained the appropriate state standard based apprenticeship qualification (Advanced Craft Certification or equivalent) and thereafter appropriate welding certification, they include but are not limited to: (BS4871-Arc Welding, AP1 1104 – Oil and Gas, BS 4871 – Weld testing). As referenced above the rates are paid on the basis of serviced attained in the sector. (Current rates attached at appendix 5)

Mechanical Craft Apprentices

The mechanical craft apprentices are those who complete the state's standard based apprenticeship programmes in the aforementioned trades. Section 16(5)(d) of the Industrial Relations (Amendment) Act 2015 (the 2015 Act) allows the Labour Court to recommend to the Minister minimum hourly rates of basic pay for apprentices. Pay rates are paid to apprentices in the sector on the basis of time served i.e. 1st year rate, 2nd year rate, 3rd year rate, 4th year rate, with the increases applied on the anniversary of registration of the apprenticeship.

Mechanical Craft Supervisor

Mechanical craft supervisory grades include Craft Charge Hands and Craft Foremen; they are derived from the pool of above mentioned qualified craft workers. They are defined as being qualified craft workers in the first instance housed into either the charge hand of foreman grade, subject to levels of responsibilities, the attainment of recognised supervisory standards and agreement with the employer/s. The supervisory grade is interchangeable, for example, a craft worker can operate as a charge hand for a period of time due to the nature of the project, receive the charge hand allowance for that period of time and when the project is over revert to the craft rate. In some circumstances craft workers will negotiate to keep either the charge hand or foreman allowance on an ongoing basis. There is a standard allowance attached to these grades across the industry, paid in addition to the craft rate: Craft Charge Hand Allowance — Not less than 10% of the Craft Rate, Craft Foreman Allowance — Not less than 20% of the Craft Rate. The rates attached to supervisory grades featured in the early MEBSCA agreement (Charge Hand is

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² http://www.solas.ie/Pages/WhoWeAre.aspx

referenced specifically- Foeman evolved at local/enterprise level). Mechanical craft supervisory grades are viewed, in the sector, as the natural progression after an individual has served their apprenticeship and severed time as craft workers in the sector. Box 1 below sets out this progression.

2.2. The grades explained above are all included in the application because they reflect the reality of the sector. While we appreciate that the legislation is prescriptive concerning apprentices, we believe that terms "class, type of group" can be constructed to allow for two or more grades within a given sector, in this case Craft Worker grades and Supervisory grades. The number of workers represented by the applicants in the sector, as detailed in appendix 3 of the application, include all three grades above. Without prejudice to our above argument, in the event of the Court not supporting our view concerning the construction of "class, type of group" the applicants would request that the Court consider the term "Mechanical Craft Worker" as an all encapsulating term for craft and supervisory grades (not apprentices) and apply the rates set out in column two of box 1 as part of any recommendation made to the Minister.

Mechanical Apprentices	Mechanical Craft Worker	Mechanical Supervisor
1st year	1 st year out of time	Charge Hand
	(Basic craft hourly rate)	(Basic supervisor hourly rate)
2 nd year	3 rd year out of time	Foreman
•	(1 st higher hour rate of basic craft pay)	(1 st higher supervisor hourly rate)
3 rd year	6 th year out of time	
•	(2nd higher hour rate of basic craft pay)	
4 th year		

Box 1

3. Industrial Relations (Amendment) Act 2015, Section 15(1)

3.1. Section 15(1) of the 2015 Act provides:

"Where the Court receives a request under <u>section 14</u> it shall not undertake an examination in accordance with this section unless it is satisfied that-

- (a) following consideration of any documentation submitted under subsection (2) of section 14
 - (i) the trade union of workers is substantially representative of the workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and in satisfying itself in that regard, the Court shall take into consideration the number of workers in that class, type or group represented by the trade union of workers, and
 - (ii) where the request is made by a trade union or organisation of employers or jointly with a trade union or organisation of employers, the trade union or organisation concerned is substantially representative of the employers in the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and in satisfying itself in that regard, the Court shall take into consideration the number of workers employed in the particular class, type or group in the economic sector concerned by employers represented by the trade union or organisation of employers concerned,
- 3.2. It is the applicants view that the trade union/s of workers making the application are obliged to meet clause 15(1)(a)(i) only. However following engagement with the employer organisation in the sector, they have indicated their intention to correspond with the Court directly to support their position concerning their levels of representation.
- 3.3. With the above in mind, please find attached at appendix 5 supporting documentation as referenced in statutory declarations of both applicants. Part A of appendix 5 provides extracts form the DKM report³; they advise that 8,700 was the number of those employed in the sector in question in 2015. The Unite document attached at Part B of appendix 5 advised that when growth in the sector for 2016, as advised by the Central Statistics Office, is taken into account the number employed in the sector in question was 9,400 (End of 2016). The applicant's joint membership in the sector as of the start of 2017 equalled 6,431, making them substantially representative in the sector.

4. Industrial Relations (Amendment) Act 2015, Section 15(1)(C)

4.1. Section 15(c) of the 2015 Act provides:

"it is a normal and desirable practice, or that it is expedient, to have separate terms and conditions relating to remuneration, sick pay schemes or pension schemes in respect of workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and"

³ http://cif.ie/images/Publications/Skillsreportfor2020.pdf

4.2. Remuneration

The applicants for the examination of the sector have been party to a collective agreement with the employers for the sector for over 50 years. The agreement has evolved and is now referred to as the MEBSCA agreement. The MEBSCA agreement has historically provided mechanical workers *inter alia*, with plus payments above the terms of the construction industry agreements⁴. Changes to the mechanical rates followed negotiations between the employer body and both unions in the sector, as detailed at section one. The above and attached illustrates that it is a normal and desirable practice to have separate terms and conditions relating to remuneration in respect of workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply. Further and better particulars can be provided upon request.

4.3. Sick Pay and Pensions

It has been the practice in the sector to have mechanical workers enrolled in the Construction Workers Pension Scheme (CWPS). This has been the case since the establishment of the then Construction Industry Registered Employment Agreement for Pension, Assurance and Sick Pay in 1969. It is the intention of the applicants seeking the examination of the sector to request the Labour Court to recommend to the Minister that mechanical workers be registered in a pension and sick scheme not less favourable than the CWPS as a percentage of the mechanical craft rate. The union and employers are in agreement that mechanical workers should be in a pension and sick scheme not less favourable than the CWPS. There is a diverging view on what the contribution rate should be.

4.4. The above and attached illustrates that it is a normal and desirable practice to have separate sick pay schemes or pension schemes in respect of workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply. Further and better particulars can be provided upon request.

5. Industrial Relations (Amendment) Act 2015, Section 15(d)

5.1. Section 15(d) of the 2015 Act provides:

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⁴ Construction Industry Employment Agreement for Wages and Conditions (Formerly the Construction Industry Registered Employment Agreement)

"any recommendation is likely to promote harmonious relations between workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply"

5.2. The employers within the industry advise that the only basis to have a collective agreement that provides for pay progression is with the perspective of the key terms of the agreement becoming enshrined in law (rates, pension, overtime rate, shift rate etc.). They advise that this provides stability for the purpose of planning and tendering in the sector. They also advise that having the rates and key conditions of employment enshrined in law deters unfair competitive advantage being achieved by some employers in this very transient sector. In the absence of a collective agreement that provides pay progression, unions would be obliged to engage with employers on a company by company basis, by definition, putting some employers in the sector at a competitive disadvantage, as a sector standard is achieved. With the prospect of a competitive disadvantage being the result of enterprise level agreements, due to employers being engaged with at different times and on different projects for the purpose of pay and conditions or not at all for significant periods of time, employers are likely to resist engaging with unions in such circumstances. At the very least the absence of a sector wide collective agreement would result in a 'free for all' approach to pay and industrial relations in the sector, with such a dynamic increasing the prospect of disputes at enterprise level in the first instance and across the sector at a later stage.

6. Appendix

- 1. MESBCA Agreement 1999
- 2. LRC agreed mechanical rates- 13th October 2010
- 3. WRC agreement for percentage increase to mechanical rates 9th May 2016
- 4. Copy of application to the Labour Court for examination of the sector- 27th January 2017
- 5. (A) Demand for Skills in Construction to 2020, DKM Economic Consultants 2015
 - (B) Unite the union document The DKM Report and Employment Numbers
- 6. Current mechanical sector hourly rates 2016-2018

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Finally, thank you for your assistance with this matter. If you have any further queries please do not hesitate to contact the undersigned or my colleague in the TEEU - Mr Brian Nolan.

Yours Sincerely

Tom Fitzgerald

Regional Officer

Unite the Union

On behalf of the MEBSCA Unions

CC: Brian Nolan- Regional Secretary TEEU

AGREEMENT

- BETWEEN -

THE MECHANICAL ENGINEERING & BUILDING SERVICES CONTRACTORS ASSOCIATION

AND

THE AMALGAMATED ENGINEERING & ELECTRICAL UNION AND

THE TECHNICAL ENGINEERING & ELECTRICLA UNION

July 1999

SCOPE:

This Agreement will apply to all building Services Craftsmen employed by ME&BSCA members.

METHOD OF PAYMENT;

All operatives shall be paid by the hour, and all wages shall be paid weekly at shop or job or by direct debit.

WORKING HOURS:

The working hours at shops or job shall be from:

8.30am - 5pm Monday - Thursday

8.30am – 4pm Friday

with a half-hour break for lunch from 1.00pm to 1.30pm.

TRAVELLING TIME;

Travelling time in DUBLIN shall commence at the employers place of business or any bus or train terminus in the city centre.

Travelling time and fares shall be paid.

Walking time will be paid at a rate of 3 miles per hour.

Elsewhere travelling allowances shall be paid in accordance with the Construction Industry Agreement

RATES OF WAGES:

The minimum rate of wages to be paid to all journeymen operatives shall be that set out in the Construction Industry Agreement.

WELDING:

Operatives who are required to weld will be paid the appropriate plus rate as set out in the Appendix.

OVERTIME RATES:

Overtime worked between normal finishing time and 8.30pm shall be paid for at time and one half.

Overtime worked between 8.30pm and starting time the following morning shall be paid for at double time.

Overtime worked on Saturdays shall be paid for as follows:-

8.30am to 12.30pm – time and one half thereafter double time until starting time on Monday.

Eight hours (seven on Friday) must be worked daily before an operative is entitled to overtime payment.

In addition to the holiday entitlement double time will be paid for all hours worked on Public Holidays.

In addition to the holiday entitlement normal rates will be paid for hours worked on annual leave days.

STAND-BY AND CALLOUT:

- (A)(i) Operatives required to stand-by on site to be paid from quitting time at overtime rates.
 - (ii) When operative cease work at quitting time having been notified previously of the resumption of work at a later hour, the interval shall not be paid for.
 - (iii) When operatives are called from home for an emergency job, travelling time to and from their homes shall be paid for at overtime rates.
- (b) Any operative called out after 12 midnight shall receive 8 hours rest from the time they finished work. If any of the hours of rest extend into the next working day, such hours that extend into such working day shall be paid at the flat rate.

CHARGEHAND ALLOWANCE:

Any operative in charge of three or more qualified operatives shall be paid a chargehand allowance of £6.00 per day above the rate.

UNION MEMBERSHIP:

All operatives and foremen shall be members of their respective trade unions.

COUNTRY MONEY:

When workers are sent to the country and are unable to return home at night, they shall be paid a lodging allowance in accordance with the Registered Employment Agreement for the Construction Industry.

Operatives shall be paid travelling expenses consisting of fares and travelling time when going to or coming from a job which necessitates their taking lodgings. All time spent in travelling shall be paid for at single rates.

PERIODIC RETURN HOME:

Transport expenses for the return journey between the site of country jobs and the operatives home town shall be allowed for on seven occasions during the year. These occasions shall include Christmas, Easter, Whit, annual holidays and the bank holiday at the end of October

TERMINATION OF EMPLOYMENT;

- (A) Where the employment of an operative, who has been continuously employed with a firm for not less than three months is terminated for reasons other than misconduct, e.g. redundancy or where the worker wishes to leave, the duration of notice shall be equivalent to the non-overtime weekly hours operating in the establishment for the time being, such notice to expire at the normal finishing time on Fridays. A week's notice must be given by the employee who wishes to change his employment.
- (B) In the case of misconduct, the operative may be summarily discharged at ant time. Operatives starting work on any day shall be paid for the remainder of that day and shall continue to be paid until definitely dismissed.

DIRTY MONEY:

Operatives working in sewers only shall qualify for the payment of Dirty Money Allowance, and this allowance shall be £5.00 per day while so engaged.

DISCIPLINARY ACTION:

It is agreed that the Unions who are parties to this agreement undertake that in cases of irregularity or carelessness on the part of their members being reported by an employer to the Unions concerned and on investigation found to be such, the Union will immediately take the necessary disciplinary action.

APPRENTICES:

All Apprentices entering the trades covered by this agreement shall conform to the conditions laid down by FAS. An apprentice shall be at liberty to work with his own tools in his 3rd and 4th year under the control of a journeyman on the same job except in cases of minor repairs when journeymen in that employment are not available.

Apprentices shall receive the following Percentages of the craft rate:

1st	30%
2nd	45%
3rd	65%
4th	80%

DISPUTES PROCEDURE:

There will be a Disputes Committee consisting of not less that two members of the Mechanical Engineering and Building Services Contractors' Association and two members of the Operative's Union. Any dispute which arises must be referred to this Committee. No stoppage of work shall take place until a decision has been reached by this Disputes Committee or if agreement is not reached at local level, by the Labour Court.

DURATION OF AGREEMENT:

This agreement shall terminate on 30th September 2000 and shall remain in force thereafter from year to year unless three months notice to terminate it shall be given in writing by either party.

The unions undertake not to use the rates set out in the Appendix to this agreement as the basis for a claim for:

- (a) Any other category of employee within the Scope of the Construction Industry or
- (b) Any employment or category of employee Outside the Industry.

PUMBERS & FITTERS TOOLS:

SCHEDULE OF CRAFTSMAN'S TOOLS (MINIMUM)

Each craftsman shall provide himself with the following tools:-

- 1 Ball Pane Hammer 1 1/2 1b wt
- 1 Screwdriver 200mm
- 1 Screwdriver 100mm
- 1 Phillips Screwdriver No 1. Point
- 1 Phillips Screwdriver No 3. Point
- 1 Stillson Wrench 18 inch
- 1 Stillson Wrench 14 inch
- 1 Adjustable Wrench 10 inch
- 1 Pipe Cutters 15mm 50mm
- 1 Pliers 8 inch
- 1 Tin Snips 10 inch
- 1 Cold Chisel 10 inch
- 1 Spirit Level 600mm
- 1 Senior Hacksaw Frame
- 1 Junior Hacksaw Frame
- 1 Set Imperial Allen Keys
- 1 Set Metric Allan Keys
- 1 Set Ring Spanners 6mm 22mm
- 2 "Instantor" Spanners 1" X 3"
- 1 15mm Bending Spring for Copper
- 1 20mm Bending Spring for Copper
- 1 Measuring Tape 5 meters
- 1 Bastard File

All craftsmen's tools to have a personalised identification mark and be stored in a secured tool box.

APPENDIX:

The plus rages set out in this Appendix are inclusive of all existing payments and allowances locally negotiated or otherwise.

SPECIAL SKILLS RATES:

Class 1:

1/4/99

Hourly Rate:

£1.55

Class 1 operatives are Building Services Craftsmen certified to the HVCA standard Of welding (Class II Oxy - Acet) with a minimum of five years site experience as a craftsman in building services installations. Craftsmen must be certified to the required standard by an independent examiner. The cost of the examination will in the first instance be met by the employer and if unsuccessful thereafter will be shared between the employer and the employee (60/40) until the standard has been achieved. Updating of certificates as required will be at the cost of the employer. The panel of examiners will be subject to continuing approval bt MEBSCA.

Class II

1/4/99

Hourly Rate:

95p

Class II operatives are Building Services Craftsmen with welding and brazing skills to a standard to meet the requirements of the working environment with a minimum of two years site experience as a craftsman in Building Services installations

Class III operatives are Plumbing and Heating craftsmen who have completed a four year nationally recognised apprenticeship.

CERTIFICATION:

(Additional Payments):

1.4.99

Hourly Rate:

1 Copper pipe work Certified to ASME IX Brazing for copper pipe work

20p

- Tabling for coppor pipe work

II (a) Certified to BS4871:

Manual metal arc welding (Class II) for low pressure pipe to 160
PSI

20p

(b) Certified to AP1 1104: For oil and gas pipelines to 160 PSI including (a) above

35p

(c) Certified to BS4871 Code for approved testing of Welders (Class 1) including (a) and (b) above.

65p

Special Equipment Allowance:

In return for the enhanced list of special equipment and tools contained in this agreement a Special Equipment Allowance of 20p per hour will be paid to all craftsmen in addition to, but separate from, the existing took allowance.



MEBSCA RATES: 2007/2008

		01/01/00
01/01/07	01/07/07	01/01/08 Per Hour
Per Hour	Per Hour	Grade 1 Plumber
Grade 1 Plumber	Grade 1 Plumber	(+5 years qualified)
(5+ years qualified)	(5+ years qualified)	(+3 years quarmed) Craft Rate - €18.60
Craft Rate - €17.71	Craft Rate - €18.15	Grade 1 - €3.39
Grade 1 - €3.24	Grade 1 - €3.24	
Special equipment - €0.43	Special equipment - €0	Special equipment - €0.45
Copper Pipe - €0.43	Copper Pipe - €0.43	Copper Pipe - €0.45 Consolidated Rate - €22.89
Consolidated Rate - €21.81	Consolidated Rate - 6	222.25 Consolidated Rate • C22.07
		Grade 2 Plumber
Grade 2 Plumber	Grade 2 Plumber	(2-4 years qualified)
(2-4 years qualified)	(2-4 years qualified)	Craft Rate - €18.60
Craft Rate - €17.71	Craft Rate - €18.15	Grade 2 - €2.15
Grade 2 - €2.06	Grade 2 - €2.06	00.45
Special equipment - €0.43	Special equipment - €0	
Consolidated Rate - €20.20	Consolidated Rate - 6	20.64 Consolidated Nate Calibo
		Grade 3 Plumber
Grade 3 Plumber	Grade 3 Plumber	1.01 15
(Up to 2 years qualified)	(Up to 2 years qualified	Craft Rate - €18.60
Craft Rate - €17.71	Craft Rate - €18.15	
Special equipment - €0.43	Special equipment - €0	
Consolidated Rate - €18.14	Consolidated Rate - €	10.50 Consolidated Rate Consolidated Rate
WELDING CERTIFICATI	ON	1/1/08
	1/7/07	€0.45 per hour
Cert BS 4871 Class II	€ 0.43 per hour	€0.78 per hour
API 1104	€ 0.75 per hour	<u>-</u>
Cert BS 4871 Class I	€ 1.43 per hour	€1.49 per hour
APPRENTICE RATES (Pei	· Hour) 01/01/07 01	/07/07 01/01/08
	0.000.00	5.45 € 5.58
1 st year rate	0 0 1	8.17 € 8.37
2 nd year rate		11.80 €12.09
a rd year rate	0 _ 1	-1100
4th year rate	€ 14.17 €	14.52 €14.88
	'1 for bolidarm	
*NOTE: Average travel time	paid for holidays. 1 January 2007 - €12	0.48.
Daily Chargehand allowance:	1 January 2007 - €12 1 January 2008 - € 13	
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1 January 2008 - € 13.04

-Ceardchumann Teicniúil, Innealtóireachta agus Leictreachais Technical, Engineering & Electrical Union

5 Cavendish Row, Dublin 1. Website: www.teeu.ie Phone: 874 7047 Fax: 874 7048

E-mail: info@teeu.ie



	1st October, 2006	1st January, 2007
	*add €0.41 if Brazing	*add €0,43 if Brazing
	2% Towards 2016	5.5% Increase in Special Skills Allowances
Craft Rate	€17:71	€17.71
Class 1	€3.07	€3.24
Class 2	€1.95	€2.06
Special Equipment	€0,41	€0.43
Copper Pipe ASME 1X Cert	€0.41	€0.43
Cert BS 4871 Class 2	€0.41	€0.43
API 1104	€0.71	€0.75
Cert BS 4871 Class 1	€1.35	€1.43
Grade 1 Fitter		
Craft Rate	€17.71	€17.71
Grade 1	€3.07	€3.24
Special Equipment	€0.41	€0.43
Copper Pipe	€0.41	€0.43
Consolidated Rate	€21.60	€21.81
Grade 2 Fitter		
Craft Rate	€17.71	€17.71
Grade 2	€1.95	€2.06
Special Equipment	€0.41	€0.43
Consolidated Rate	€20.07*	€20.20*
Fitter Under 2 Years		
Craft Rate	€17.71	€17.71
Special Equipment	€0.41	€0.43
Consolidated Rate	€18.12*	€18.14*
Grade 1 Fitter/Welder		
Craft Rate	€17.71	€17.71
Grade 1	€3.07	€3.24
Special Equipment	€0.41	€0.43
Copper Pipe	€0.41	€0.43
Cert BS 4871 Class 1	€1,35	€1.43
Consolidated	€22.95	€23.24
Apprentices		
1st Year - 30%	€5.31	€5.31
2nd Year - 45%	€7.97	
3rd Year - 65%	€11.51	
4th Year - 80%	€14.17	
3		
Daily Chargehand Allowance	01/01/2006	€11.83
Daily Chargehand Allowance	01/01/07	€12.48



The Labour Relations Commission

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15th October 2010

Tom Johnson House

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E-mail: info@lrc.le

Website: www.lrc.ie

LoCall (outside 01 area): 1890 220227

MEBSCA/TEEU &UNITE Agreement

I refer to the various meetings which have taken place in the Labour Relations Commission regarding the above and in particular to the meetings on 22nd July & 15th October 2010. Resulting from those meetings the following proposals are being tabled and are being recommended for acceptance by both union and management representatives;

The proposed pay scale from 1st October 2010 is as follows-

- 1st Year out of time ----- €20,63
- 2nd Year out of time ----- €20.92
- 3rd Year out of time ----- €21.06
- 4th Year out of time ----- €21.18
- 5th Year out of time ---- €21.31
- 6th Year out of time ------ €21.42

Apprentice rates will remain in line with the current Registered Agreement for the Construction Industry.

With regard to the rates for apprentices, these will be adjusted in due course should LCR 19,847 be implemented.

These new rates will apply to new projects, including new projects on existing sites, from 1st October 2010 and to all other existing projects from 1st January 2011

The rates include the 1st hour of travel and all other terms and conditions are as per the Registered Agreement for the Construction Industry.

The Agreement will be reviewed at the end of 2011.

It is the intention of both sides to approach the Labour Court as soon as possible with a view to having this Agreement registered.

The above proposals are put forward solely on the basis that the are being recommended for acceptance; if rejected by either side they are automatically withdrawn and have no status whatsoever.

Sheamus Sweeney Regional Manager Colomissium members

Breege O'Danoghue, Chair Brendan McGinty

Fergus Whelen

Geraid Barry

Iarla Duffy

Jahn Hennessy Perer McLaone



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> Direct Phone Line: 613 6709 Our Ref: C-160057-15

19 May 2017

Mr Tom Fitzgerald Regional Officer Unite the Union Unite House 55/56 Middle Abbey Street Dublin 1

Dear Mr Fitzgerald

I refer to the conciliation conferences between representatives of the CIF and Unite and the TEEU concerning members employed in the mechanical contracting industry.

The issues in dispute between the parties have necessitated a prolonged process of engagement at the Workplace Relations Commission. This process has resulted in the proposal below on pay being recommended for acceptance by all the parties.

Proposal

- 1. The hourly rates for members working in the mechanical contracting industry will increase as follows:
 - 2.4% on 1 July 2016
 - 2.5% on 1 January 2017
 - 2,4% on 1 October 2017
 - 2.5% on 1 March 2018
- This agreement will expire on the 30th September 2018.
- The parties are committed to applying to the Labour Court for a Sectoral Employment Order (SEO).

Yours sincerely

Brendan Cunningham Industrial Relations Officer



THE LABOUR COURT

INDUSTRIAL RELATIONS (AMENDMENT) ACT 2015

APPLICATION FOR A REQUEST TO EXAMINE THE TERMS AND CONDITIONS OF EMPLOYMENT IN A SECTOR

Name of applicant:	TEEU (& Unite The Union Joint Applicants)
Address:	(Appendix 1.)
Contact Number:	(Appendix 1.)
Email Address:	(Appendix 1.)
Sector:	Mechanical Engineering Building Services Contracting Sector (Appendix 2.)
Class, type or group o	f workers to which the request relates: (Appendix 3.)
	kers (Plumbers/Pipefitters/Welders including supervisory grades & Apprentices)
to remuneration and a to which the request re	the arrangements (if any) by which terms and conditions relating my sick pay scheme or pension scheme, of the workers in the sector elates are determined:
Emolovment Agreemen	Pay/Pension Scheme are currently determined by a National Collective It for the sector which is negotiated by both aforementioned Unions and the pup under the auspices of the Workplace Relations Commission.
Where the applicant is other trade union of w relates:	s a trade union of workers, please enter the name and address of any corkers that is representative of workers in the sector to which the request
Unite the Union	
Unite House	
55/56 Middle Ab Dublin 1	obbey St.
Σήρπι ι	

Where the applicant is a trade union of workers, please enter the name and address of any trade union of employers or organisation of employers that is representative of employers in the sector to which the request relates:-

MEBSCA (c/o CIF) Construction House, Canal Road Dublin 1

Republic of Ireland

Where the applicant is a trade union of employers or an organisation of employers, please enter the name and address of any other trade union of workers that is representative of workers in the sector to which the request relates:-

N/A

Signature of Applicant:

9007

Note: Please see overleaf important notes for completion of the form.

Appendix 1. Contact details of the applicants

Applicant 1	Applicant 2
Technical, Engineering & Electrical Union 6 Gardiner Row Dublin 1 Tel: (01) 8747047 Email: construction@teeu.ie	Unite the Union 55/56 Middle Abbey St. Dublin 1 Republic of Ireland Tel: (01) 8980912 Email: thomas.fitzgerald@unitetheunion.org

Sector Definition;

Mechanical Engineering, Building Services Contracting Sector:

"The installation, alteration, fabrication, fitting, repair, maintenance, commission, removal and demolition in any building or its site of articles, fittings, pipes, containers, tubes or instruments, storage facilities, etc. (including central heating apparatus, central plant apparatus, machinery and fuel containers connected thereto) for heating, cooling, including domestic hot and cold water services, above ground drainage, fuel supply and storage delivery systems, medical and process gases, process pipe services, utility pipe services and compressed and vacuum services of such buildings.

Exclusions from this economic sector are such mechanical engineering, building services and pipe fitting works in:

- New one-off houses

- Low density new housing developments of 5 units or less (totality of project)

- Existing single residential and domiciled units for the purposes of repair, replacement and modification of mechanical systems.

Class, type or group of workers to which the request relates to;

The work in this sector is carried out by highly skilled (and in some areas regulated) Mechanical Craft Workers.

Plumbers, Pipefitters, Welders, Apprentices and Supervisory make up the skilled workforce that drives this sector.

All the above crafts are governed by the minimum educational qualifications associated with the statutory apprenticeship system. The qualifications achieved in completing the apprenticeship then provides a platform for further qualifications in areas which are relevant to the sector.

Statutory Declaration in accordance with the Statutory Declarations Act, 1938

a)	Name of Applicant:	
	Technical Engineering & Flectrical Union	

b) Position held by the Declarant:

General Secretary

c) Registered Address of the Applicant within the State:

TEEU, 6 Gardiner Row, Dublin 1

- d) Number of workers of the class, type or group to which the request relates who are members of the trade union of workers on whose behalf the request is made: 3,351
- e) Number of workers of the class, type or group to which the request relates who are normally employed in the sector to which the request relates:

Circa 9,400

- f) The declarant's means of knowledge of the matters referred to at paragraphs (d) and (e):
- (d) Refers to the number of workers of the class, type or group who are in membership of the TEEU.
- (e) Information supplied by DKM Economic Consultants which gives a balanced view of the numbers (8,700) of workers of the class, type or group to which the request relates for 2015. Taking into account the fluctuation in members and increase in activity within the sector the figure of 9,400 is in our opinion the most accurate.

-signed; Declared before Me a fractising Joliator by Paddy Kowanagh at 81 Eccles Street, Dublin 7 this

Paddy Kavanagh General Secretary

figured.

Marion Streemey

27th day of January 2017. Me identity of the Declarant has been ost by ref to original Passport No



THE LABOUR COURT

INDUSTRIAL RELATIONS (AMENDMENT) ACT 2015

APPLICATION FOR A REQUEST TO EXAMINE THE TERMS AND CONDITIONS OF EMPLOYMENT IN A SECTOR

Name of applicant:	Unite The Union (& TEEU Joint Applicants)
Address:	(Appendix 1.)
Contact Number:	(Appendix 1.)
Email Address:	(Appendix 1.)
Sector:	Mechanical Engineering Building Services Contracting Sector (Appendix 2.)
Mechanical Craft Work Please enter details of to remuneration and a to which the request re	The Cohomo are currently determined by a National Collective
1	t Pay/Pension Scheme are currently document oned Unions and the of the sector which is negotiated by both aforementioned Unions and the output under the auspices of the Workplace Relations Commission.
Where the applicant i	s a trade union of workers, please enter the name and address of any

other trade union of workers that is representative of workers in the sector to which the request relates:

TEEU 6 Gardiner Row Dublin 1 Republic of Ireland

Where the applicant is a trade union of workers, please enter the name and address of any trade union of employers or organisation of employers that is representative of employers in the sector to which the request relates:-

MEBSCA (c/o CIF) Construction House, Canal Road Dublin 1

Where the applicant is a trade union of employers or an organisation of employers, please enter the name and address of any other trade union of workers that is representative of workers in the sector to which the request relates:-

N/A

Signature of Applicant:

Date:

Note: Please see overleaf important notes for completion of the form.

Appendix 1. Contact details of the applicants

Applicant 1	Applicant 2
Unite the Union 55/56 Middle Abbey St. Dublin 1 Republic of Ireland Tel: (01) 8980912 Email: thomas.fitzgerald@unitetheunion.org	Technical, Engineering & Electrical Union 6 Gardiner Row Dublin 1 Tel: (01) 8747047 Email: construction@teeu.ie

Sector Definition;

Mechanical Engineering, Building Services Contracting Sector:

"The installation, alteration, fabrication, fitting, repair, maintenance, commission, removal and demolition in any building or its site of articles, fittings, pipes, containers, tubes or instruments, storage facilities, etc. (including central heating apparatus, central plant apparatus, machinery and fuel containers connected thereto) for heating, cooling, including domestic hot and cold water services, above ground drainage, fuel supply and storage delivery systems, medical and process gases, process pipe services, utility pipe services and compressed and vacuum services of such buildings.

Exclusions from this economic sector are such mechanical engineering, building services and pipe fitting works in:

New one-off houses

Low density new housing developments of 5 units or less (totality of project)

Existing single residential and domiciled units for the purposes of repair, replacement and modification of mechanical systems.

Class, type or group of workers to which the request relates to;

The work in this sector is carried out by highly skilled (and in some areas regulated) Mechanical Craft Workers.

Plumbers, Pipefitters, Welders, Apprentices and Supervisory make up the skilled workforce that drives this sector.

All the above crafts are governed by the minimum educational qualifications associated with the statutory apprenticeship system. The qualifications achieved in completing the apprenticeship then provides a platform for further qualifications in areas which are relevant to the sector.

STATUTORY DECLARATION

THE INDUSTRIAL RELATIONS (AMENDMENT) ACT 2015

I Jimmy Kelly, General Secretary of Unite the Union, whose principle place of business is 55-56 Middle Abbey Street, Dublin 1 aged 18 years and upwards make oath and say as follows:-

- 1. I say that I am the General Secretary of Unite the Union.
- 2. I further say and believe that Unite the Union holds a negotiating licence.
- The address of Unite the Union is 55-56 Middle Abbey Street, Dublin 1.
- 4. The number of workers of the class, type or group to which the agreement relates who are members of Unite the Union is 3,080.
- 5. I say the total numbers which are members of the class, type or group to which the request relates is approximately 9,400.
- 6. I say and believe that the DKM Economic consultant's report 2016 (Demand for Skills in Construction 2020) estimates that 8,700 workers of the class, type or group to which the request relates for 2015. When we apply the overall construction employment increases from the Central Statistics Office (+7.8%) arising from research conducted by Unite the Union we estimate that current numbers of workers of the class, type or group to which the request relates equals 9,400.
- 7. I make this declaration from facts within my own knowledge save where otherwise appearing and whereso appearing I believe same to be true and pursuant to the provisions of the Statutory Declarations Act 1938

Jimmy Kelly

SWORN by the said Jimmy Kelly

on the 77 th day of JANUARLY 2017 at SS-S6, TUDDLE ABBEY ST

in the City of Dublin

before me a Practising Solicitor and I know the

Deponent/the Deponent was identified to me by

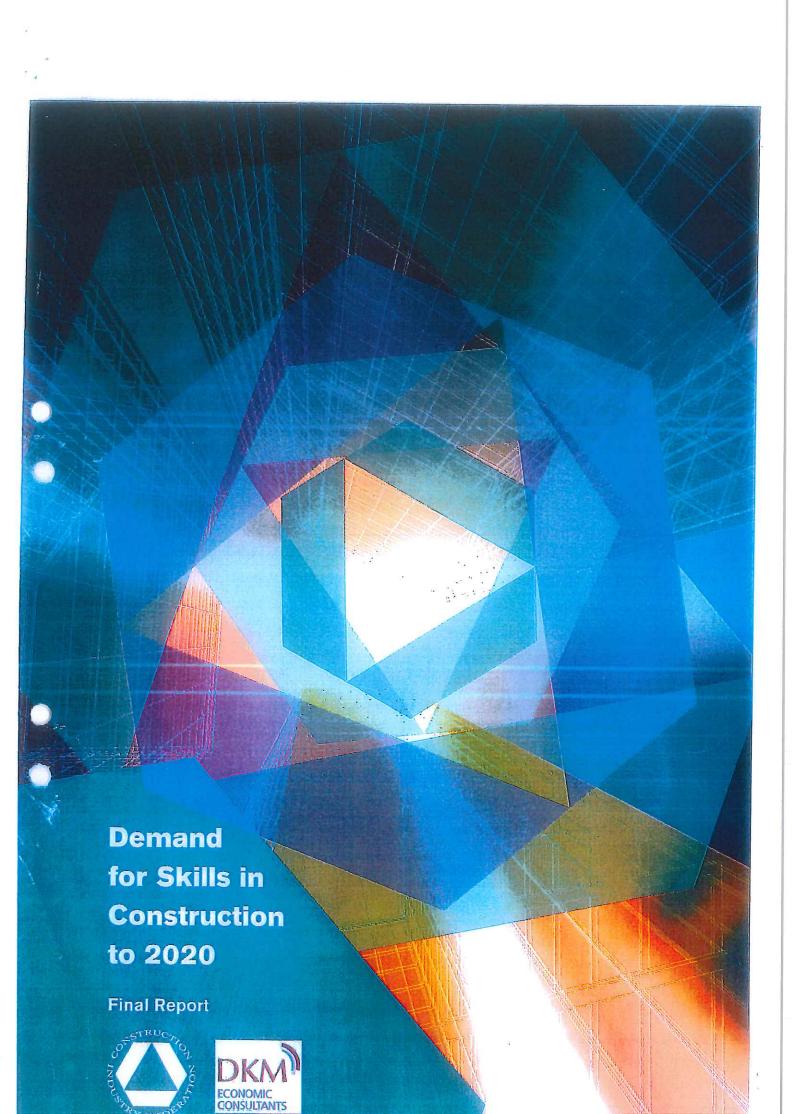
PRACTISING SOLICITÓR

Robert O'Mal/ony

66 DATTEST

DeBUIN 2

Appendix 5 (A)





The losses incurred in the occupational groups of qualified Skilled Craftspersons and Apprentices between the peak and the final quarter of 2015 (-47.3% and -81.4% respectively) warrants closer inspection.

Table 4.6 provides a more detailed breakdown for the occupational group <u>Skilled Craftspersons</u> between qualified and apprentices. The total persons in this combined category in the whole economy was 68,200 in 2015, down from 144,700 in 2007. The numbers of apprentices at the height of the boom was 23,700 but had fallen to 3,000 by 2013, before recovering modestly (+1,400) over the subsequent two years.

TABLE 4.6: CONSTRUCTION RELATED SKILLED CRAFTSPERSONS ACROSS WHOLE ECONOMY

. (OCCUPATION	Employment	Employment	% Change
	Skilled Craftspersons	2007 Q4	2015 Q4	
	Electricians and Electrical Fitters	29,100	17,300	-40.6%
	of which Apprentices	7,880	2,491	-68.4%
(Qualified Craft Electricians	21,200	14,800	-30.2%
1	Bricklayers and Masons	13,000	3,900	-70.0%
	of which Apprentices	1,635	54	-96.7%
(Qualified Bricklayers and Masons	11,400	3,800	-66.7%
F	Plumbers, Heating and Ventilating Engineers	17,100	8,700	-49.1%
	of which Apprentices	4,842	798	-83.5%
(Qualified Plumbers	12,300	7,900	-35.8%
(Carpenters and Joiners	42,500	18,300	-56.9%
	of which Apprentices	6,815	657	-90.4%
(Qualified Carpenters and Joiners	35,700	17,600	-50.7%
F	lasterers, Floorers and Wall Tilers	22,400	6,100	-72.8%
	of which Apprentices	999	35	-96.5%
C	Qualified Plasterers, Floorers and Wall Tilers	21,400	6,000	-72.0%
P	ainters and Decorators	11,500	7,800	-32.2%
	of which Apprentices	440	40	-90.9%
C	Qualified Painters and Decorators	11,100	7,700	-30.6%
C	Construction Plant Fitters and others *	9,100	6,200	-31.9%
	of which Apprentices	1,051	288	-72.6%
(Qualified Craftspersons	8,100	5,900	-27.2%
T	otal Skilled Craftspersons	144,700	68,200	-52.9%
C	of which			
7	otal Qualified Craftspersons	121,000	63,800	-47.3%
1	otal Apprentices	23,700	4,400	-81.4%
7	otal Construction Employment (000s)	266.2	126.6	-52.4%
1	otal Employment Nationally (000s)	2,156.00	1,983.00	-8.0%
	C. L. CLIII L.	(CLASSII) I		L M 1 1 1

Source: Solas, Skills and Labour Market Research Unit (SLMRU) analysis of the Quarterly National Household Survey (QNHS), Central Statistics Office (CSO). As employment figures have been rounded to the nearest 100, figures may not sum due to rounding.

^{*} The number of fitters employed refers to only those employed in the construction sector (an estimate for the number of construction plant fitters).

Appendix 5 (B)



The DKM Report and Employment Numbers

1. DKM, in association with the Skills and Labour Market Research Unit (SLMRU) within Solas, has estimated employment numbers in the plumbers, heating and ventilating engineers sub-sector for 2015. This is in contrast to Census numbers produced in a previous report. This note looks at the difference and concludes that the DKM report's estimate of employment numbers is robust.

2. DKM and Census Employment numbers

The following is a breakdown of employment in the PHVE sector as produced by DKM and the 2011 Census:

	DKM 2015	2011 Census	
Employees	Not available	5,747	
Employees Employers and Own Account	Not Available	4,423	
Employment excluding	7,900	Not Available	
Apprentices	800	Not Available	
Apprentices	8.700	10,170	
Total Employment	0.700		

There is a discrepancy, especially when considering that – all the things being equal – there would be more people employed using the 2011 Census since there are more overall constructions employed in 2015.

There might be a couple of explanations: first, there may be differences in how own-account and self-employed with employees are counted. Second, the Census figures include employers (there is no distinction between own-account and employers). Third, the DKM report separates out managers from the sub-sectors; the census does not.

Given these potential discrepancies, the numbers are not as far apart as the headline suggests (DKM shows there were 15,200 employed in this sub-sector in 2007; the 2006 census shows 15,965 employed).

3. Different Methodologies

The census is obviously a survey of everyone in the state, with people self-declaring. The DKM report is based on the Quarterly National Household Survey – the main employment survey conducted by the CSO on a quarterly basis.

The DKM report is based on the CSO's micro-data. The CSO publishes headline rates (employment in the construction sector, manufacturing, financial services, etc.). The micro-data, which is unpublished, provides a detailed occupational breakdown within each sector (it also provides data

on age, gender, region, working hours, etc.). The micro-data is provided by the CSO under license and requires special software due to the volume of data.

Further, DKM worked with the Skills and Labour Market Research Unit (SLMRU) within Solas. This body studies trends in employment to make assessment of occupational and skill needs in the future. For instance:

ent (excluding apprentices): 2007 to 2020
2015	2020 (estimate
7,800	11,800

Based on economic and demographic trends, DKM/Solas estimates that employment in the plumbers, heating and ventilating engineers sub-sector will rise by 4,000 by 2020, or more than 50 percent. This forecast is derived by using estimates from the construction output scenario and assumes activity is delivered over the forecast period. Should anything derail that policy being implemented, such as a lack of confidence amongst buyers and developers, a lack of finance for projects, delays to the capital programme or planning constraints, the direct employment trajectory would be lower than projected.

4. Conclusion

The DKM estimate should be used. It is based on the best quality data that the CSO provides (microdata under the Quarterly Household National Survey) and has been developed in association with Solas. It is also the most current – the full 2016 employment numbers have yet to be produced. One could extrapolate the trend since 2015. In the first three quarters of 2016, overall construction employment rose by 7.8 percent. If this applied to the plumbing, heating and ventilating engineer sector, employment in 2016 would be 9,400.

End.

Appendix 6

Unite House 55/56 Middle Abbey Street Dublin 1

Republic of Ireland

00 353 (0)1 873 4577/6611063

Tel: 00 353 (0)1 873 4602/6611738 Fax:



Republic of Ireland Head Office

MECHANICAL RATES OF PAY 2016-2018

HOURLY	04-02-2011	01-07-2016	01-01-2017	01-10-2017	01-03-2018
RATES		+2.4%	+2.5%	+2.4%	+2.5%
1 st Year out of time 2 nd Year out of time 3 rd Year out of time 4 th Year out of time 5 th Year out of time 6 th Year out of time	€20.63	€21.13	€21.65	€22.17	€22.73
	€20.92	€21.42	€21.96	€22.48	€23.05
	€21.06	€21.57	€22.10	€22.64	€23.20
	€21.18	€21.69	€22.23	€22.76	€23.33
	€21.31	€21.82	€22.37	€22.91	€23.48
	€21.42	€21.93	€22.48	€23.02	€23.60
APPRENTICES					
1 ST Year	€5.73	€5.87	€6.01	€6.15	€6.30
2 nd Year	€8.61	€8.82	€9.04	€9.26	€9.49
3 rd Year	€12.91	€13.22	€13.55	€13.88	€14.22
4 th Year	€15.49	€15.86	€16.26	€16.65	€17.07

Appendix B

Unite House 55/56 Middle Abbey St. Dublin 1

Republic of Ireland

Tel:

00 353 (01) 8980912

Fax:

00 353 (01) 8734602

REPUBLIC OF IRELAND HEAD OFFICE



Ms. Jean Winters Director Industrial Relations and Employment Services Construction Industry Federation Construction House Canal Road Dublin 6

04/11/16

Re: MEBSCA Agreement & SEO for the Mechanical Contracting Industry:

Dear Ms. Winters,

Further to recent engagement and your correspondences of the 13th September 2016 concerning the above, both unions are committed to honouring and advancing clause 3 of the WRC proposals of the 19th May 2016 - "The parties are committed to applying to the Labour Court for a Sectoral Employment Order (SEO)". Notwithstanding this commitment we have a number of concerns about the approach taken by MEBSCA/CIF on this issue.

Firstly you advise that there is no MEBSCA agreement per se. This position is potentially erosive to the prospects of achieving an SEO in the sector, the 2015 Act emphasises the importance of existing collective agreements in a given sector. Moreover it is incorrect to suggest that there is not an existing MEBSCA agreement involving the MEBSCA/CIF association and the MEBSCA unions (Unite/TEEU). It is true to say that arising from discussions between the parties in 2010/2011 the agreement changed significantly; in essence the MEBSCA pay rates, MEBSCA agreement and the terms and conditions of the then construction REA were merged. You also very clearly affirmed your organisations acceptance of the agreement when you sought further and significant reductions to pay in 2012, proposed an undated draft of the agreement and then issued an acceptance of the agreement 'as is' in April 2013 to both unions (Copy of correspondence available).

In terms of the current process we wrote to you as early as the 7th December 2015 seeking your position on headings that might be contained in an SEO and asking you to comment on their content. Rather than commenting on the content of the clauses we put forward, you wrote on the 15th January 2016 advising whether or not the headings we advanced are contained in the 2015 Act.

Notwithstanding our concerns as set out above it is important to note that we have had positive and constructive engagement between the parties over the last number of months. With this in mind we would like to propose that a meeting involving our respective sub-committees takeS place at the earliest convenience, we would propose the following agenda;

- 1. SEO headings and application
- 2. Collective agreement headings and agreement

We propose this approach to allow for priority to be given to SEO discussions and its_application. We are also seeking a commitment to set out a time frame for discussion on all other items. With this in mind we have included a document that sets out the unions' position regarding the possible terms of a SEO (including heading contents) and all other terms flowing from our MEBSCA agreement (headings only). We would be grateful if you and your members would consider our correspondence and enclosed draft document in advance of a meeting.

While we understand regardless of what is agreed between us in terms of SEO headings, the Labour Court will ultimately decide what they are prepared to recommend, if anything, to the Minister. However, we believe that it is important to be able to illustrate to the Court what is agreed between us and what we don't have agreement on.

Finally, we hope this approach is acceptable to you. We understand that it will require significant effort on both sides and that we may not be able to resolve all issues in the short term. We believe that this approach will be more enduring and in all of our interests and represents the prospect of seeing an SEO being realised in the Mechanical Contracting Industry

Yours Sincerely

Tom Fitzgerald Regional Officer Unite the Union Brian Nolan Regional Secretary

TEEU

MECHANICAL CONTRACTING INDUSTRY EMPLOYMENT AGREEMENT (THE MEBSCA AGREEMENT)

EMPLOYMENT AGREEMENT

BETWEEN

MECHANICAL ENGINEERING AND BUILDING SERVICES CONTRACTORS' ASSOCIATION OF THE CONSTRUCTION INDUSTRY FEDERATION

AND

MECHANICAL UNIONS (UNITE / TEEU)

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SEO Headings	
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3. Apprentices Rates	3
4. Overtime & Shift Rates	4
5. Travel	5
6. Pensions	6
7. Sick Pay	7
8. Procedure for Settling Grievance & Disputes	7
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1. SCOPE

This Agreement applies to all building services, craftsmen and apprentices employed in the mechanical engineering and building services sector. For the purposes of this Agreement a mechanical engineering and building services firm means an undertaking the principal business of which is one or a combination of any of the following activities:

The installation, alteration, fitting, repair, maintenance and demolition in any building or its site of articles, fittings, pipes, containers, tubes or instruments (including central heating apparatus, machinery and fuel containers connected thereto) for the heating, cooling, air-conditioning and ventilation, hot and cold water services, soils and waste, fuel supply and storage delivery systems, process and medical gasses, utility piped services and compressed and vacuum services of such buildings.

(Clause excluding smaller contractors to be considered)

2. CRAFT RATES

	01/07/2016	01/01/2017	01/ 10 /2017	01/ 03/2018
Craft Hour	€21.93	€22.48	€23.02	€23.60
Craft Charge hand (+10)	€24.12	€24.73	€25.32	€25.96
Craft Forman (+20)	€26.31	€26.98	€27.62	€28.32

Craft Worker -

Charge hand Allowance - Any operative in charge of two but not more than six qualified operatives shall be paid a charge hand allowance of 10% above the hourly rate.

Foremen – Any Operative in charge of more than six workers is entitled to be paid a premium which shall not be less than 20% above the MEBSCA hourly rate. Foremen's rate is also to apply to operatives on site who have responsible for all company matters on that site i.e. operatives that run jobs.

3. APPRENTICE RATES

01/07/2016	01/01/2017	01/10/2017	01/03/2018
€5.87	€6.01	€6.15	€6.30
€8.82	€9.04	€9.26	€9.49
€13.22	€13.55	€13.88	€14.22
€15.86	€16.26	€16.65	€17.07
	€5.87 €8.82 €13.22	€5.87	€5.87

4. OVERTIME AND SHIFT RATES

a) Monday to Friday

Overtime worked between normal finishing time and 8.30 pm shall be paid for at time and one half. Anything worked over 12 hours in the day is paid at double time.

Overtime worked between 8.30 pm and starting time the following morning shall be paid for at double time.

Eight hours (seven on Friday) must be worked daily before an operative is entitled to an overtime payment.

b) Weekends

Overtime worked on Saturdays shall be paid for as follows:-

8.30 am to 12.30 pm – time and one half, thereafter double time paid until starting time on Monday morning.

In addition to the holiday entitlement double time will be paid for all hours worked on Public Holidays.

c) Shift Work

Shifts shall be paid at the following rates:

First 8 hours, time plus 1/3

Next 4 hours, time plus 1/3 at time and a half

After 12 hours, time plus 1/3 at double time

Where possible shift work is to be facilitated over four days, i.e. Monday to

Thursday 39 hours (including break times) at time plus 1/3.

Workers to be paid shift rate the week immediately after coming off shift work.

In the event that an operative is absent through his own fault (excluding annual leave and illness) on any normal working day, he shall not be entitled to an overtime payment on the day immediately following the day of absence and the prerogative of working overtime on that particular day will rest with the operative himself.

5. TRAVEL TIME (when working away from base)

National Travel Time Rates:

Distance to be calculated from the general post office in each city or town (unless place of business previously agreed), for smaller towns and villages distance to be calculated from place of business.

- 0 6 kilometres 1 hour per day
- 6 8 kilometres 11/4 hours per day
- 8 10 kilometres 1½ hours per day
- 10 12 kilometres 1 34 hours per day
- 12 20 kilometres 2 hours per day
- 20 32 kilometres 2½ hours per day
- a) The hours or fraction of hours above refer to the basic rate for craftsmen and apprentices, as appropriate.
- b) All distances are radial and are measured from the GPO (or place of business as above) outwards to the actual job/site. All distances are measured on a straight line basis and are one way only.

- c) These payments are paid only on the strict understanding that they are allowances towards compensating the operative in full both for the expense and time involved in travelling to and from the job/site. This travelling is to be done in the operative's own time and at his own expense and he must be available on the site for work at the normal starting time.
- d) Where transport is provided 75% of the appropriate travel allowance is paid in that situation.

Subsistence Allowance (Country Money)

Subsistence allowance (country money) shall be €50 per day or €250 for 5 days and increase pro rata for 6 or 7 days. The allowance will be increased every 6 months in accordance with increases in the consumer price index. The allowance shall be paid where an operative has to either reside away from home or travel more than 32 km (in one direction) in the performance of his duties. In the event of residing away from home, all accommodation costs should be covered by the employer, lodging expenses shall be paid on foot of appropriate receipts. No back week should apply to this payment.

Operatives shall be paid travelling expenses consisting of fares and travelling time when going to or coming from a job which necessitates their taking lodgings. All time spent in travelling shall be paid for at single rates.

Periodic Return Home

Travel time for the return journey between the site of country jobs and the employer's base shall be paid at flat time, either within the working day or as additional pay.

6. PENSION/ DEATH IN SERVICE BENEFIT

All mechanical operatives employed by MEBSCA employers must be registered into a Pension scheme comparable to the Construction Workers Pension Scheme (CWPS) for the purpose of pension and death in service benefit .The contribution rate should reflect at a minimum, a percentage of the MEBSCA pay rates.

7. SICK PAY

All mechanical operatives employed by MEBSCA employers must be registered into a sick pay scheme comparable to the sick pay provisions of the Construction Workers Pension Scheme (CWPS) for the purpose of sick pay.

8. PROCEDURE FOR RESOLUTION OF GRIEVANCES AND DISPUTES

- a) In the circumstances where a trade dispute arises between two or more parties connected with the SEO that cannot be resolved at the level of the enterprise or sector the WRC will be requested to assist the parties to resolve the matter/s in dispute.
- b) If having engaged through the WRC the dispute remains unresolved the issue/s still in dispute will be referred to the Labour Court, who will issue a determination to finally resolve matter/s in dispute.
- c) While the matter/s in dispute are in the procedures set out in this clause, the terms of this SEO shall be applied to the workers concerned pending a final outcome.
- d) Should any party or parties to such a dispute refuse to utilise the procedures set out in this clause, then the procedures will be deemed to be exhausted.



Construction House, Canal Road, Dublin 6. Tel: (01) 4066000 Fax: (01) 4966953 E-Mail: m&e@cif.ie Website: www.cif.ie

24 March 2017

Mr Tom Fitzgerald Unite Unite House 55/56 Middle Abbey Street Dublin 1

Re

SEO and REA in the Mechanical Engineering and Building Services Sector

Dear Tom

I refer to our meeting on 7 March last in connection with the above. In particular our discussions centred on remuneration to be provided for in the Sectoral Employment Order. As agreed, I undertook to write to you setting out the Association's response to the joint document put forward by the TEEU and Unite.

An SEO will set legally binding rates of pay and conditions of employment in the sector. It will enable contractors to tender on a level playing field with regard to labour costs and it will ensure that all workers in the sector receive decent and fair rates of pay. Therefore, all pay-related issues must be covered by an SEO. Due to the limited scope of an SEO in so far as it only provides for remuneration, pensions and sick pay, the Association is supportive of the introduction of an REA. It is essential that the REA provides for non-pay related issues to ensure that members of the Association are not placed in an uncompetitive position vis-à-vis their competitors.

As you are aware, two separate pay claims comprising of two separate percentage increases were lodged on MEBSCA employers. Following discussions at the WRC, agreement was finally reached on these claims in 2016. The agreement, which provides from increases in hourly rates of over 10%, expires on 30 September 2018 and, therefore, it is the Association's firm belief that all pay-related issues to be covered by the SEO are covered by this agreement.

As agreed, I will respond to each point in your document as follows:

1. Scope

As per the definition of the economic sector set out in the application for an SEO.

2. Craft Rates

The agreement between the parties provides for six hourly rates of pay and the legislation underpinning the SEO only provides for three hourly rates. We believe, therefore, that the 1st year out of time rate, the 3rd year out of time rate and the 6th year out of time rate should be included in the SEO.



It has traditionally been the case that chargehands and foremen are paid over and above the top craft rate and the flexibility to negotiate these rates should remain between the parties.

3. Apprentice Rates

As agreed, we will discuss the issue of the apprentice rates at the meeting of MEBSCA on 29 March next.

4. Overtime and Shift Rates

The joint union document on overtime and shift rates amounts to a claim on employers and, as stated above, we are currently in an agreement on pay.

The current situation with regard to overtime should remain in place, i.e.

Week Days

From normal finishing time to midnight - time plus a half

Weekends

First four hours from normal starting time on Saturday morning - time plus a half Thereafter to normal starting time on Monday morning – double time

Eight hours (seven on a Friday) must be worked daily before overtime is applied.

In addition to the holiday entitlement, double time will be paid for all hours worked on public holidays.

With regard to shift work, we propose the following:

First 8 hours – time plus a sixth Thereafter overtime to apply

Where possible, shift work will be facilitated over four days i.e. Monday to Thursday.

In the event that an operative is absent through his own fault (excluding annual leave and certified sick leave) on any normal working day, he shall not be entitled to an overtime payment on the day immediately following the day of absence and the prerogative of working overtime, if requested, on that particular day will rest with the operative himself.

5. Travel

As per custom and practice, travel allowances to continue to be paid in the cities of Dublin, Cork, Limerick, Waterford and Galway. Where transport is provided, no travel allowance should be paid.

6. Subsistence (Country Money)

Country money to be paid in accordance with custom and practice i.e. where an operative has to reside away from home in the performance of his duties.

The allowance to be paid is as per the current agreement with the Revenue Commissioners.

The allowance includes all costs associated with travelling to and from site, including accommodation costs.

7. Pensions, Sick Pay and Death in Service

The current contribution rate should continue to be paid. The current rules of the CWPS should continue to apply.

8. Procedure for Resolution of Grievances and Disputes

Disputes regarding remuneration, pensions and sick pay to be dealt with in accordance with the Industrial Relations (Amendment) Act 2015.

A more comprehensive disputes resolution procedure covering all other disputes should be discussed in relation to clauses to be included in an REA.

As agreed, the parties will meet again on at 2.30pm on 30 March 2017 in Construction House, Canal Road, Dublin 6.

Yours sincerely

Jean Winters

Director

Industrial Relations and Employment Service

CC Brian Nolan, TEEU

Fitzgerald, Thomas

From:

Jean Winters <jwinters@cif.ie>

Sent:

08 August 2017 17:05

To:

Fitzgerald, Thomas

Cc: Subject: Brian Nolan MEBSCA - Travel

Attachments:

20170808165559942.pdf; 20170808162230440.pdf

Tom,

With regard to travel allowances under the mechanical agreement, please see attached:

1. Email from you dated 28 April 2017, specifically clause 4. This clause states that there is no agreement to extend travel beyond existing urban areas.

2. My letter to you dated 24 March 2017, specifically clause 5. This clause confirms that, as per custom and practice, travel allowances will continue to be paid in the cities of Dublin, Cork, Limerick, Waterford and Galway.

As can be seen from the above Tom, in all discussions between Unite,, TEEU and MEBSCA, we have made it clear that it is our intention to ensure travel allowances in the urban areas are included in the SEO for the mechanical sector.

Regards.

Jean

JEAN WINTERS | Director : Industrial Relations & Employment Services CONSTRUCTION INDUSTRY FEDERATION | Canal Road | Dublin 6 | 01 406 6011 / 406 6000 | www.cif.ie

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Jean Winters

From: '

Fitzgerald, Thomas <Thomas.Fitzgerald@unitetheunion.org>

Sent:

28 April 2017 17:06

To:

Jean Winters

Cc:

brian_n@teeu.ie

Subject:

MEBSCA Meeting 12th April 2017

Hi Jean,

Following on from our last meeting of the 12th of April 2017 we agreed to the following:

1. Union side to record what was agreed on the 12th by the 27th of April 2017

2. Next meeting to be a sub-committee meeting on the 4th of May 2017 at 2 pm to discuss **REA** headings

Regarding 1 above - I was hoping to send a draft letter that would set out what is agreed between us concerning the SEO headings, but from my notes there is a number of points of feedback that we need from you in the first instance. So for the moment I have just added what was agreed in red from our email of the 10th of April (Agenda on the 12th). No doubt we will discuss how to move forward on this on the 4^{th} .

Regarding 2 above – These headings are included in our letter of the 4th of November 2016

Regards

Tom

Dear Jean

Further to our recent MEBSCA meeting on 30/3/17 I wish to confirm the following headings raised. As agreed the heading s below are in draft format until further discussion.

1 Craft rates:

Rates 1, 3 & 6 should be included in the SEO, Rates 2,4 & 5 should be included in the REA. (Agreed)

The charge hand and foreman rates or allowance should be housed in the REA (Union position). (CIF to consider this clause's inclusion in REA)

2 Apprentice Rates: (Feedback to come from CIF on this issue)

Employer side to return on this issue.

3 Shift rate: (Wording and shift % to be agreed)

Draft definition to be provided by the CIF

. 4 Travel Time

The CIF to give consideration to other counties that may be included for the purpose of travel bands beyond Dublin, Cork, Limerick, Waterford & Galway (No Agreement to extend beyond existing urban arears)

5 Subsistence (Country Money)

CIF to give consideration to the necessity for an Operative to reside away from home (Agreed that reside away from home clause not require – may have to look at possible revenue implications)

6 Construction Workers Pension Scheme: (Agreement that CWPS should apply – No agreement on formula below)

It was agreed to establish what the payment is and what the difference would be by using the MEBSCA rates.

The deduction for the CWPS is derived from the average pay of construction workers at a rate of 7% (7% of €726 = €50.20)

If the mechanical pension rate was derived from the MEBSCA rate of 7% (7% of €876 = €61.40 approx.) The difference between the two = €11.20 (€7.50 and €3.70 approx.)

Regards

Tom Fitzgerald

Unite the Union
Unite House
55/56 Middle Abbey St.
Dublin 1
Republic of Ireland
Tel: (01) 8980912

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Construction House, Canal Road, Dublin 6. Tel: (01) 4066000 Fax: (01) 4966953 E-Mail: m&e@cif.ie Website: www.cif.ie

24 March 2017

Mr Tom Fitzgerald Unite Unite House 55/56 Middle Abbey Street Dublin 1

Re

SEO and REA in the Mechanical Engineering and Building Services Sector

Dear Tom

I refer to our meeting on 7 March last in connection with the above. In particular our discussions centred on remuneration to be provided for in the Sectoral Employment Order. As agreed, I undertook to write to you setting out the Association's response to the joint document put forward by the TEEU and Unite.

An SEO will set legally binding rates of pay and conditions of employment in the sector. It will enable contractors to tender on a level playing field with regard to labour costs and it will ensure that all workers in the sector receive decent and fair rates of pay. Therefore, all pay-related issues must be covered by an SEO. Due to the limited scope of an SEO in so far as it only provides for remuneration, pensions and sick pay, the Association is supportive of the introduction of an REA. It is essential that the REA provides for non-pay related issues to ensure that members of the Association are not placed in an uncompetitive position vis-à-vis their competitors.

As you are aware, two separate pay claims comprising of two separate percentage increases were lodged on MEBSCA employers. Following discussions at the WRC, agreement was finally reached on these claims in 2016. The agreement, which provides from increases in hourly rates of over 10%, expires on 30 September 2018 and, therefore, it is the Association's firm belief that all pay-related issues to be covered by the SEO are covered by this agreement.

As agreed, I will respond to each point in your document as follows:

1. Scope

As per the definition of the economic sector set out in the application for an SEO.

Craft Rates

The agreement between the parties provides for six hourly rates of pay and the legislation underpinning the SEO only provides for three hourly rates. We believe, therefore, that the 1st year out of time rate, the 3rd year out of time rate and the 6th year out of time rate should be included in the SEO.



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As agreed, the parties will meet again on at 2.30pm on 30 March 2017 in Construction House, Canal Road, Dublin 6.

Yours sincerely

Director

Industrial Relations and Employment Service

Tom Fitzgerald, Unite CC

Appendix C

ID= CNJIC.

10.92/93

THE LABOUR COURT
TOM JOHNSON HOUSE
HADDINGTON ROAD
DUBLIN 4
TEL: (01) 660 8444



AN CHÚTRT OIBREACHAIS
TEACH THOMAS MAC SEÁIN
BÓTHAR HADDINGTON
BAILE ÁTHA CLIATH 4
FAX: (01) 660 8437



National Joint Industrial Council

Wage Rate Sub Committee

Interim Report

It is agreed that the increases due after 1st July, 1999 will be brought forward and paid in full from 1st September, 1999. This will result in wage rates set out in the attached Schedule. From that date also, the first band of travelling time will, where applicable, be included in the calculation of holiday pay.

This is an interim agreement only and is without prejudice to the Trade Unions' claim for a Craft Rate of £10 an hour, based on current rates and the inclusion of full travelling time in holiday pay.

The next Meeting of the Sub Committee will be held on Friday, 16th July, 1999 @ 10 am.

Deputy Chairman 21st June, 1999



CONSTRUCTION INDUSTRY FEDERATION

Construction House, Canal Road, Dublin 6. Tel: 01-4066000. Fax: 01-4966953. E-mail: cif@cif.ie Website: www.cif.ie

TO: <u>ALL MEMBERS COVERED BY THE REGISTERED</u> AGREEMENT FOR THE CONSTRUCTION INDUSTRY

9 October 2000

RE: REVIEW OF RATES OF PAY AND GRADING STRUCTURES

Dear Member

I refer to previous circulars in connection with the above. Enclosed is a revised wage and grading structure for the construction industry, which was agreed between the Construction Industry Committee of the Irish Congress of Trade Unions and the Construction Industry Federation. This agreement is effective from the 1st of October 2000.

This agreement was proposed by the Labour Relations Commission following a review of pay and grading structures in the construction industry by the Irish Productivity Centre. It is part of a collateral agreement to the Programme for Prosperity and Fairness. The new wage rates were ratified by the NJIC today and are recoverable under the terms of the RIAI form of contract where the PVC has not been deleted. Under the GDCA form of contract (with PVC) the increases are recoverable when implemented strictly in accordance with the terms of our agreements with the Trade Unions. Any member who has difficulty in this regard should contact the Federation.

It should be noted that the increases provided for in the agreement apply specifically and exclusively to those workers in receipt of the agreed basic rates and allowances only. Any other payments, allowances or plus payments should be offset against these increases.

The increases on the craft rate are as follows:

1st October 2000 Review Amount £1.20 plus 1st Phase PPF 5.5%
1st July 2001 Review Amount 40p
1st August 2001 2nd Phase PPF 5.5%
1st October 2001 Review Amount 40p
1st July 2002 3rd Phase PPF 4%



Overtime, travelling time and holiday pay will be calculated using the appropriate combined basic rate. The agreement also provides for the inclusion of actual travelling time, where applicable, when calculating holiday pay.







As part of the review process a new grading structure for general operatives was agreed. Among with other changes, this structure includes a Technical Operatives Grade (Grade A), the details of which are attached.

Strikes or any other form of industrial action are precluded in respect of any matter covered by this agreement, where the employer is acting in accordance with the terms of this agreement.

Also enclosed is the holiday schedule for the year 2000/2001.

Should you have any queries in relation to the above please do not hesitate to contact the Industrial Relations Department at the following numbers.

Dublin:

01 4066000

Cork:

021 4507161

Galway:

091 502680

Yours Faithfully

Terry McEvoy Director



Appendix D

Appendix: Construction Costs

City Centre Heated Offices		City Centre Air Conditioned Offices		Warehouses, Industrial, Factories		Out of Town Business Park	
Sweden	2,320	France	3,075	Denmark	2,171	Italy	2,425
Denmark	2,303	Sweden	2,870	Italy	1,250	Denmark	2,188
France	2,250	Denmark	2,390	Greece	1,150	Sweden	2,059
Finland	2,050	Italy	2,100	Sweden	1,131	France	1,650
Average	1,687	Germany	2,072	France	1,025	Finland	1,585
Germany	1,615	Average	2,029	Finland	1,015	Greece	1,550
Italy	1,500	UK	1,958	Average	1,014	Germany	1,538
Ireland	1,400	Greece	1,950	Germany	873	Average	1,511
UK	1,243	Ireland	1,850	Ireland	845	Spain	1,300
Belgium	1,188	Finland	1,820	Spain	803	Belgium	1,137
Netherlands	1,000	Spain	1,703	Netherlands	675	UK	1,026
Greece	n/a	Belgium	1,436	Belgium	698	Netherlands	900
Spain	n/a	Netherlands	1,125	UK	529	Ireland	775

High Rise Apartments		Shopping Centre		Capital City Hotel		Provincial / Suburban Hotel	
Denmark	2,946	Denmark	2,289	France	6,450	Denmark	2,373
Italy	2,160	Italy	1,800	Greece	3,000	Sweden	2,030
France	2,050	Sweden	1,798	Sweden	2,928	Ireland	1,950
Finland	1,925	Finland	1,780	Average	2,744	France	1,900
Sweden	1,870	Spain	1,613	Italy	2,738	Italy	1,875
UK	1,865	Greece	1,600	UK	2,455	Spain	1,833
Spain	1,790	Average	1,585	Denmark	2,353	Average	1,782
Average	1,754	France	1,575	Germany	2,327	Finland	1,770
Greece	1,450	Ireland	1,500	Belgium	2,311	Greece	1,750
Belgium	1,395	UK	1,424	Spain	2,305	Germany	1,553
Netherlands	1,300	Germany	1,309	Ireland	2,300	Netherlands	1,300
Ireland	1,200	Belgium	1,233	Finland	2,265	UK	1,27
Germany	1,100	Netherlands	1,100	Netherlands	1,500	Belgium	n/a

Appendix: Material Costs and Trade Rates

Material Costs (€)	Highest Cost	Middle	Lowest Cost
Concrete 30 MPa (m3) (1,500m3 job)	110	95	80
Reinforcement bar 16mm (tonne) (120 tonne job)	970	842	820
Concrete block (400x200) per 1,000 (>10,000 block job)	3,000	2,637	2,600
Standard brick per 1,000	688	475	407
Structural steel beams (tonne) (100 tonne+ job)	1,841	1,400	1,340
Glass pane 10mm tempered (m2)	195	132	102
Softwood timber for framing 100mm x 50mm (m)	4	3	2
13 mm plasterboard (m2)	5	4	4
Emulsion paint (litre)	9	5	4
Copper pipe 15 mm (metre) (1,000m+ job)	8	5	5
Copper cable (metre) (3C + E, 2.5mm PVC) (100,000m+ job)	4	2	2
Colour Code			
Germany (Munich)			
Netherlands (Amsterdam)			
Ireland (Dublin) Source: Turner & Townsend, International Construction	Hittive's		00 8 7 11

Trade Rates (€)	Highest Cost	Middle	Lowest Cost
Excavate basement (m3) (1,800m3 job)	14	13	11
	26	25	20
Excavate footings (m)	197	140	135
Concrete in slab (m3) (1,500m3 job)	1,373	1,172	980
Reinforcement in beams (tonne)	42	35	32
Formwork to soffit of slab (m2)	70	48	25
Blockwork in wall (m2) (10,000m2 block job)	3,699	2,558	1,900
Structural steel beams (tonne)		103	90
Pre-cast concrete wall (m2)	106	628	475
Curtain wall glazing including support system (m2) (1,000m2 job)	640		50
Plasterboard 13mm thick to stud wall (m2) (3,000m2 job)	80	55	
Single solid core door including frame and hardware (no) (50 door	1,134	885	765
job)	17	8	7
Painting to walls primer + 2 coats (m2)	76	65	54
Ceramic tiling (m2) (1,000m2 job)	47	35	30
Vinyl flooring to wet areas (m2) (500m2 job) Carpet medium tufted (m2) (4,500m2 job)	35	32	25

Lighting installation (m2) (5,000m2+ job)	69	57	50
Copper pipe 15mm to wall (m) (1,000m+ job)	31	31	26
Fire sprinklers (per m2) (5,000m2 job)	81	80	37
Air conditioning including main plant (m2) (5,000m2+ job)	140	92	87
Colour Code			
Germany (Munich)	and the same		
Netherlands (Amsterdam)			
Ireland (Dublin)		return to be	
Source: Turner & Townsend, International Construction Market S	Survey 2015		