

## **Recommendation**

### **Sectoral Employment Order in Respect of the Mechanical Engineering Building Services Contracting Sector**

#### **Definition**

For the purposes of this Sectoral Employment Order the Mechanical Engineering Building Services Contracting Sector means the sector of the economy comprising the following economic activity: -

*The installation, alteration, fabrication, fitting, repair, maintenance, commission, removal and demolition in any building or its sites 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 systems, medical and process gases, process pipe services, utility pipe services and compressed and vacuum services of such buildings.”*

#### **Definition of a Worker**

In this Sectoral Employment Order “worker” has the following meaning:-

“any person aged 15 years or more who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, whether it be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour”.

For the purpose of this definition apprentice and apprenticeship has the same meaning as it has in the Industrial Training Act 1967.

#### **Scope**

This Sectoral Employment Order applies to the following categories of worker who are directly employed or employed through an employment agency within the meaning of the Employment Agency Act 1971 and or the Protection of Employees (Temporary Agency Work) Act 2012 in the Mechanical Engineering Building Services Contracting Sector:-

Qualified Plumbers and Registered Apprentice Plumbers (Craftsperson) and Qualified Pipefitters and Registered Apprentice Pipefitters (Craftsperson) working in the Sector.

For the avoidance of doubt qualified plumbers and pipefitters who have acquired additional or advanced welding qualifications and who are required to function as welders on a day to day basis within the sector come within the scope of this Order.

### **Pay and Pay Categories**

Pay and conditions of employment of the following categories of workers are covered in this Sectoral Employment Order:-

A basic minimum hourly rate of pay to apply to all newly qualified Plumbers and Pipefitters employed in the sector. **(Category 1)**

A higher hourly rate of pay to apply to qualified Plumbers and Pipefitters employed in the sector with effect from the commencement of their 3<sup>rd</sup> year of employment after qualification as a Plumber and or Pipefitter. **(Category 2)**

A higher hourly rate of pay to apply to qualified Plumbers and Pipefitters employed in the sector with effect from the commencement of their 6<sup>th</sup> year of employment after qualification as Plumber and or Pipefitter. **(Category 3)**

In accordance with section 16(5)(d) of the Industrial Relations (Amendment) Act 2015, a minimum hourly rate of pay to apply to apprentices.

The following hourly rates of pay shall apply to the indicated Categories of employee employed in the sector:-

Category 1	€22.73
Category 2	€23.33
Category 3	€23.60

The following rates of pay shall apply to apprentices employed in the sector:-

Apprentice Year 1	33.3% of Category 1 hourly rate of pay
Apprentice Year 2	50% of Category 1 hourly rate of pay
Apprentice Year 3	75% of Category 1 hourly rate of pay
Apprentice Year 4	90% of Category 1 hourly rate of pay

### **Normal Working Time and Unsocial Hours Payments**

The following definitions shall apply in respect of hours worked by qualified craftspersons and apprentices in the sector:-

#### **Normal Working Week**

Normal Working week shall consist of 39 hours worked between Monday and Friday each week.

### **Normal Daily Working Hours**

Normal daily working hours shall consist of eight consecutive hours of work undertaken between the hours of 7 am (normal weekday starting time) and 5 pm (Normal weekday finishing time) Monday – Thursday inclusive and between the hours of 7 am (normal Friday starting time) and 4 pm (normal Friday finishing time) on Friday.

### **Other Hours Worked**

Hours worked outside of those hours shall constitute unsocial working hours and shall attract the following premium payments:-

Hours worked between normal finishing time and Midnight Monday to Friday inclusive	Time plus a half
Hours worked between Midnight and normal starting time Monday to Friday	Double time
First four hours worked after 7 am on Saturday	Time plus a half
All other hours worked on Saturday	Double time
All hours worked on Sunday	Double time
All hours worked on Public Holidays	Double time plus an additional day's leave

### **Pensions**

A worker to whom this Sectoral Employment Order relates shall be entered by his or her employer into a pensions scheme the terms of which, including both employer and employee contribution rates, shall be no less favourable than those set out in the Construction Workers Pension Scheme.

The minimum pension and death in service scheme contribution rates for employers and workers shall be set at the following levels:-

### **Pension Contribution**

Employer Contribution	Worker Contribution	Total Combined Employer and Worker Contributions
€5.32 per day to a maximum of €26.63 per week	€3.52 per day to a maximum of €17.76 per week	€8.84 per day to a maximum of €44.39 per week.

### ***Death In Service Contribution***

Employer Contribution	Worker Contribution	Total Combined Contribution
€1.11 per day to a maximum of €1.11 per week	€1.11 per day to a maximum of €1.11 per week	€2.22 per day to a maximum of €2.22 per week

For ease of reference the main features of the Construction Workers Pension Scheme are attached at *Appendix 1*.

### **Sick Pay Scheme**

A worker to whom this Sectoral Employment Order relates shall be entered by his or her employer in a sick pay scheme the terms of which, including both employer and employee contribution rates into the scheme shall be no less favourable than those set out in the Construction Workers Sick Pay Scheme.

The minimum Sick Pay Contribution Rates for employers and workers be set at the following levels

Employer Contribution	Worker Contribution	Total Combined Contribution
€1.27 per day to a maximum of €1.27 per week	€0.63 per day to a maximum of €0.63 per week	€1.90 per day to a maximum of €1.90 per week

For ease of reference the terms and benefits of the Construction Workers Sick Pay Scheme are attached at *Appendix 2*.

### **Dispute Resolution Procedure**

The following dispute resolution procedure shall apply to those covered by this Sectoral Employment Order.

If a dispute occurs between workers to whom the SEO relates and their employers no strike or lock-out, or other form of industrial action shall take place until the following procedures have

been complied with. All sides are obliged to fully comply with the terms of the disputes procedure.

### **Individual Dispute**

- a) The grievance or dispute shall in the first instance be raised with the employer at local level with a requirement to respond within 5 working days. Notice in writing of the dispute shall be given by the individual concerned or his trade union to the relevant organisation representing employers or to the employer directly.
- b) If the dispute is not resolved it shall be referred to the Adjudication Service of the WRC
- c) Either party can appeal the outcome of the Adjudication Hearing to the Labour Court.

### **Collective Dispute**

- a) The grievance or dispute shall be raised in the first instance with the employers with a requirement to respond within 5 working days. Notice in writing of the dispute shall be given by the workers concerned or their trade union to the relevant organisation representing employers or to the employer directly.
- b) If a dispute is not resolved the issue shall be referred to the Conciliation Service of the WRC
- c) If the issue remains unresolved, it shall be referred to the Labour Court for investigation and recommendation.