

28 May 2021.

Mr. Kevin Foley  
Chairperson  
The Labour Court  
Lansdowne House  
Lansdowne Road  
Dublin 4  
D04 A3A8.

Received By  
Burt  
On  
28/5/21  
K  
28/5

Dear Mr. Foley,

As you are aware on the 28 May 2019 the Minister for State at the Department of Business, Enterprise and Innovation, Mr. Pat Breen TD, made a Sectoral Employment Order (SI No. 234 of 2017) setting certain legally enforceable minimum conditions of employment for workers in the construction sector.

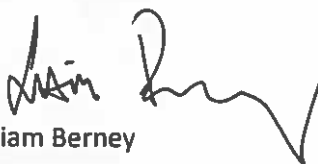
Section 14 (3) of the Industrial Relations Amendment Act 2015 provides the Labour Court cannot consider a request for an investigation until at least twelve months after the date of a previous Sectoral Employment Order.

Given the expiry of the required twelve months, The Congress Construction Industry Committee comprising of BATU, CONNECT TRADE UNION, OPASTI, SIPTU and UNITE THE UNION are requesting the Labour Court to conduct a further investigation of the terms and conditions of employment of workers in the construction sector. In particular, we are requesting the Labour Court to investigate:

- the minimum rates of remuneration including basic pay and travelling time;
- the standard daily and weekly hours of work; and
- pension contributions.

I have attached the required application form, a statutory declaration and a copy of a report compiled by the Nevin Economic Research Institute detailing the numbers employed in the sector. If you require any additional information do not hesitate to contact the undersigned.

Yours sincerely

  
Liam Berney  
Industrial Officer.



## THE LABOUR COURT

### INDUSTRIAL RELATIONS (AMENDMENT) ACT 2015

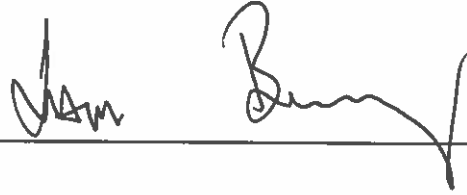
#### APPLICATION FOR A REQUEST to EXAMINE THE TERMS AND CONDITIONS OF EMPLOYMENT IN A SECTOR

Name of applicant:	<b>BATU Connect Trade Union OPATSI SIPTU UNITE THE UNION</b>
Address:	<b>C/O 32 Parnell Square Dublin 1.</b>
Contact Number:	<b>01 889 7777</b>
Email Address:	<a href="mailto:liam.berney@ictu.ie"><b>liam.berney@ictu.ie</b></a>
Sector:	<b>Construction Sector as defined in SI 234 / 2019 – Sectoral Employment Order (Construction Sector) 2019.</b>
Class, type or group of workers to which the request relates: <b>Persons employed in the sector as craft persons, construction operatives and apprentices.</b>	
Please enter details of the arrangements (if any) by which terms and conditions relating to remuneration and any sick pay scheme or pension scheme, of the workers in the sector to which the request relates are determined: <b>Since the enactment of the Industrial Relations Amendment Act 2015 the terms and conditions relating to remuneration, sick pay and pension have been determined by the making of a Sectoral Employment Order. There have been two such orders made to date. Matters not covered by the Sectoral Employment Order are negotiated through the National Joint Industrial Council.</b>	
Where the applicant is 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: <b>The applicants are trade unions representing workers in the construction sector.</b>	

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:

**Construction Industry Federation, Construction House, Canal Road, Dublin 6.**

Signature of Applicant:

A handwritten signature in black ink, appearing to read "John Barry", written over a horizontal line.

Date:

28/5/2021

**STATUTORY DECLARATION IN ACCORDANCE WITH  
THE STATUTORY DECLARATIONS ACT, 1938**

a) Name of Applicant:

**BATU  
CONNECT TRADE UNION  
OPASTI  
SIPTU  
UNITE THE UNION**

b) Position Held by the Declarant:

**Congress Industrial Officer**

c) Registered Address of the Applicant Within the State:

**C/O 32 Parnell Square, Dublin 1, D01 YR92.**

d) Number of workers of the class type or group to which the request relates who are members unions listed at figure a above on whose behalf the Declaration is made:

**29,962**

e) Number of workers of the class type or group to which the request relates who are normally employed in the construction industry:

**We estimate that the figure is in the range between 50,900 and 54,300.**

f) Declarant's means of knowledge of the matters referred to at paragraphs d) and e):

**The figure at (d) above is based on information provided to Congress by the Trade Unions listed at (a) above.**

**The figure at (e) above is based on an analysis conducted by The Nevin Economic and Research Institute a copy of which is attached to this declaration.**

  
Liam Berney  
Industrial Officer  
Irish Congress of Trade Unions

Date: 28/05/2021

We the undersigned have authorised Liam Berney, Industrial Officer of the Irish Congress of Trade Unions to make this Statutory Declaration on our behalf.

**BATU**



Signed:

Date:

28/5/2021

**CONNECT TRADE UNION**

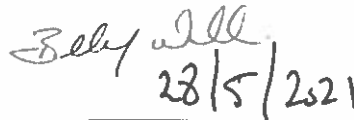


Signed:

Date:

28/5/2021

**OPASTI**

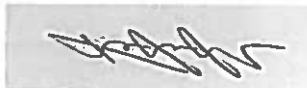


Signed:

Date:

28/5/2021

**SIPTU**



Signed:

Date:

28/5/2021

**UNITE THE UNION**



Signed:

Date:

28/5/2021

The NERI was asked by the ICTU Construction Industry Committee to provide an estimate of the number of employees in the construction sector who fall within the definition of the sector as set out in the Sectoral Employment Order (SI No. 234 of 2017).

### Estimating sector size

The CSO's Labour Force Survey (LFS) is a detailed quarterly release from which most up to date labour market statistics are drawn. Among other indicators, the LFS breaks employment down by occupational group according to the Standard Occupation Classification 2010 (SOCCODE 2010).

The CSO published a report along with a detailed breakdown of estimates of employment in occupations, the structure of Irish occupations as well as estimates of occupations within sectors using data collected in the first quarter of 2019 back to 2013.<sup>1</sup>

The CSO estimate for *Skilled Construction and Building Trades* (SOCCODE 53) in all sectors economy in Q1 2019 was 78,600.

**Table 1 Occupational employment (SOC2010)**

Soccode	Q1 13	Q1 14	Q1 15	Q1 16	Q1 17	Q1 18	Q1 19
53 Skilled construction and building trades	41.6	46.8	55.3	55.5	64.4	73.2	78.6
531 Construction and building trades	31.6	34.8	41.4	40.9	48.7	51.9	55.5
532 Building finishing trades	7.6	9.3	11.1	11.5	11.6	18.7	19.7
533 Construction and building trades supervisors	[2.4]	[2.7]	[2.8]	[3.1]	[4.0]	*	*
CSO LFS Employment series Q1 2019 <a href="https://pdf.cso.ie/www/pdf/20190719024110_LFS_Employment_Series_Q1_2019_full.pdf">https://pdf.cso.ie/www/pdf/20190719024110_LFS_Employment_Series_Q1_2019_full.pdf</a>							

This group is made up of three sub-groups that are in turn made up of various skilled construction workers for which the CSO also provide estimates:

1) *Construction and Building Trades* (531), (Steel erectors, Bricklayers and masons, Roofers, roof tilers and slaters, Plumbers and heating and ventilating engineers, Carpenters and joiners, Glaziers,

<sup>1</sup> We use 2019 data as the primary source for estimates due to the volatility in more recent data reflecting the pandemic crisis.

window fabricators and fitters)<sup>2</sup>. Approximately 55,500 workers are estimated in these occupations.

2) *Building Finishing Trades* (532) (floorers, wall tilers, Painters and decorators). Approximately 19,700 workers.

3) *Construction and building trades supervisors* (533). Approximately 4,000 workers (latest figure for 2017).

The same report shows that 64.7 percent of workers in *Skilled Trades* are employees giving us an estimate of 50,900 in *Skilled Construction and Building Trades*.

The report also provides estimates on *Skilled Trades* (this wider category includes metal and electrical workers) in the *Construction* sector alone. Out of 144,600 in employment in *Construction* in the first quarter of 2019, 83,900 were in *Skilled Trades*.

**Table 2 Occupational employment (SOC2010) by sector**

NACE Sector	Q1 13	Q1 14	Q1 15	Q1 16	Q1 17	Q1 18	Q1 19
Construction (F)	80.3	87.1	105.4	114.0	124.9	137.3	144.6
SOCCODE 2010							
Skilled Trades (5) (In the Construction sector)	44.4	49.6	58.1	61.1	70.6	82.0	83.9
CSO LFS Employment series Q1 2019 <a href="https://pdf.cso.ie/www/pdf/20190719024110_LFS_Employment_Series_Q1_2019_full.pdf">https://pdf.cso.ie/www/pdf/20190719024110_LFS_Employment_Series_Q1_2019_full.pdf</a>							

Considering employees make up 64.7 percent of employment *Skilled Trades*, the rest being self-employed, the estimate is 54,300 *Skilled Trades* employees in *Construction*.

<sup>2</sup> Unfortunately, there is no way to separate out plumbers, suffice to say the estimates would be lower.