

11 December 2018.

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



Dear Mr. Foley,

I refer to my letter of the 16 November 2018 seeking a review of the SEO for the construction sector. In the interim, we have sought some guidance on our application for a review and in light of this, I now wish to advise that we are formally withdrawing that application.

I am however attaching for your attention a fresh application for a review of the construction sector SEO and we would ask the Court to consider this request as soon as practicable.

As you are aware on the 19 October 2017 the Minister for State at the Department of Business, Enterprise and Innovation, Mr. Pat Breen TD, made a Sectoral Employment Order (SI No. 455 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.

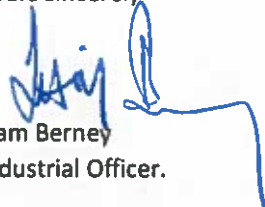
Given the expiry of the required twelve months, The Congress Construction Industry Committee comprising of BATU, Connect Trade Union, OPASTI, SIPTU and Unite the Union are requesting the Labour Court to conduct a further investigation of the terms and conditions of employment of workers in the construction 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.

As part of the Courts investigation, we believe the Labour Court should examine the definition of the sector to reflect the recent developments.

I have attached the required application form and statutory declaration and if you require any additional information do not hesitate to contact the undersigned.

Yours sincerely


Liam Berney
Industrial Officer.

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THE LABOUR COURT

INDUSTRIAL RELATIONS (AMENDMENT) ACT 2015

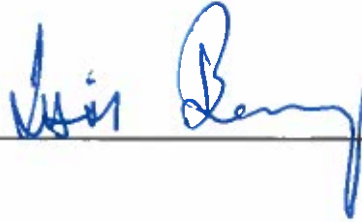
APPLICATION FOR A REQUEST to EXAMINE THE TERMS AND CONDITIONS OF EMPLOYMENT IN A SECTOR

Name of applicant:	BATU Connect Trade Union OPATSI SIPTU UNITE THE UNION
Address:	C/O 32 Parnell Square Dublin 1.
Contact Number:	01 889 7777
Email Address:	liam.berney@ictu.ie
Sector:	Construction within the meaning of the CSO Standard Classification of the Sector.
Class, type or group of workers to which the request relates: Persons employed in the economic sector as craft persons, construction operatives and apprentices.	
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: Historically the minimum terms and conditions of employment applying in the sector where agreed at the National Joint Industrial Council and such agreements given legal affect by registration by the Labour Court. Following decisions of the Superior Courts and the enactment of Industrial Relations Amendment Act 2015 minimum terms and conditions of employment applying in the sector since 2017 have been determined by the making of an SEO. The National Joint Industrial Council, which is chaired by the WRC, continues to provide a forum for sectoral dialogue in matters not covered by the terms of any SEO in force at the time.	
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: The applicants are the trade unions of workers representative of workers in the sector.	

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 blue ink, appearing to read "John Barry", written over a horizontal line.

Date:

11/12/2018

**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.

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:

33,917

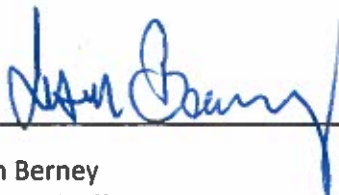
e) Number of workers of the class type or group to which the request relates who are normally employed in the construction industry:

62,000 – 65,000

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 data obtained from the CSO Labour Force Survey and from data contained in studies undertaken by DKM Economic Consultants



Liam Berney
Industrial Officer
Irish Congress of Trade Unions

Date: _____

11/12/2018

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:

Brandon O'Sullivan

Date:

07/12/18

Connect Trade Union

Signed:

Thomas J. Meehan

Date:

07/12/2018

OPASTI

Signed:

Billy O'Connell

Date:

07/12/2018.

SIPTU

Signed:

Greg Eganis

Date:

10/12/18

Unite The Union

Signed:

Thomas J. Meehan

Date:

11/12/18