

23 July 2024

The Secretary  
The Labour Court  
Lansdowne House  
Lansdowne Road  
Dublin 4

Re : Examination into Terms and Conditions in the Electrical Contracting Sector  
Pursuant to Section 15 of the Industrial Relations (Amendment) Act 2015

Dear Sir/Madam

In May 2024, ECA, along with the AECl and Connect Trade Union, made a request to the Court to conduct an examination into terms and conditions in the electrical contracting sector under section 14 of the Industrial Relations (Amendment) Act, 2015.

Please see attached submission by the ECA in connection with the above.

Yours faithfully

A handwritten signature in blue ink that reads "Sean Winter". The signature is written in a cursive, flowing style.

Director  
Industrial Relations and Employment Services

Encl 1





CONSTRUCTION  
INDUSTRY  
FEDERATION

# SEO IN THE ELECTRICAL CONTRACTING SECTOR

Submission on behalf of the Electrical  
Contractors Association

July 2024



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## **INTRODUCTION**

In May 2024, the Electrical Contractors Association (ECA), the Association of Electrical Contractors Association of Ireland (AECI) and Connect Trade Union jointly applied to the Labour Court under s.14 of the Industrial Relations (Amendment) Act 2015, to request the Court to examine the terms and conditions relating to the remuneration and pensions/sick pay of electricians and electrical apprentices working in the electrical contracting sector. The application form and accompanying Statutory Declaration submitted by the ECA is attached at Appendix 1.

ECA is a trade association affiliated to the Construction Industry Federation (CIF). CIF is an authorised trade union and the holder of a negotiation licence. ECA consists of approximately 40 members who range in size from small, medium to large, and who employ substantial numbers of electricians and apprentices. In value terms ECA members carry out approximately 80% of all electrical projects in both the public and private sectors in the State.

## **BACKGROUND**

ECA, AECI and Connect Trade Union were parties to the Registered Employment Agreement (REA) for the electrical contracting sector. The REA was entered in the Register of Employment Agreements on 24<sup>th</sup> September 1990 and was varied on numerous occasions thereafter. The REA set legally binding rates of pay and conditions of employment for electricians and electrical apprentices working in the electrical contracting sector. It enabled contractors to tender on a level playing field with regard to labour costs, and it provided good rates of pay and conditions of employment for electrical workers. Labour costs account for approximately 40% of the cost of a project and, therefore, a mechanism to ensure that contractors can compete for work on a level playing field with regard to labour costs is essential in a sector where competition for work is intense.

Agreements between employers and electricians go back as far as 1922 and several agreements were entered into between ECA, AECI and Connect up to the date of the introduction of the REA in 1990. To date, all negotiations between the parties take place at the Electrical National Joint Industrial Council (ENJIC). The ENJIC, which is open to all employer and trade union representatives in the sector, is chaired by a representative from the Workplace Relations Commission.

The REA provided a mechanism for pay determination. Pay adjustments were determined by reference to movements in pay in an agreed range of analogous employments. In September each year the ENJIC established the average basic rate payable in those employments and this rate was then incorporated into the REA. This system provided a fair and orderly system of setting wages in the sector.

The Supreme Court Judgment in 2013 in the case of McGowan & Ors v Labour Court & Ors had the effect of striking down Part 111 of the Industrial Relations Act, 1946. As a result, all REAs in existence at that time were set aside. The removal of the REA left a vacuum in the sector which resulted in difficulties in tendering, uncertainty for workers in terms of terms and conditions of employment, and no specific mechanism for resolving disputes which inevitably arise in a sector employing large numbers of workers. ECA, therefore, welcomed the introduction of the Industrial Relations (Amendment) Act 2015 which re-introduced a mechanism

for establishing legally binding pay and conditions of employment, and also a procedure for resolving disputes in an orderly manner.

Two SEOs have been introduced in the electrical sector in accordance with the Industrial Relations (Amendment) Act 2015, namely:

- S.I. No. 251/2019 – Sectoral Employment Order (Electrical Contracting Sector) 2019
- S.I. No. 703/2021 – Sectoral Employment Order (Electrical Contracting Sector) 2021

While the above two SEOs were quashed by the High Court in 2020 and 2022 respectively for a number of reasons, the Supreme Court declared in 2021, in a case taken by NECI against the Labour Court, the Minister for Business, Enterprise and Innovation and the Attorney General, that Part 3 of the Industrial Relations (Amendment) Act, 2015 is valid.

ECA, AECl and Connect Trade Union are respectfully requesting the Labour Court to examine the terms and conditions of employment in the electrical contracting sector, and to make a recommendation to the Minister to introduce a new SEO in the electrical contracting sector.

A completed application form is attached at Appendix 1, together with an independent report by EY on the size of the electrical contracting sector.

## **STRUCTURE OF SUBMISSION**

This submission is structured on the following basis:

**Part 1** Addresses sections 15 and 16 of the Industrial Relations (Amendment) Act 2015

**Part 2** ECA's submission with regard to the content of an SEO, particularly in terms of:

- hourly rates of pay for electricians and electrical apprentices
- overtime, unsocial hours worked, hours worked on a Sunday
- pensions and sick pay
- a disputes resolution procedure

ECA has also included in this submission the Association's arguments against the inclusion of travel allowances in an SEO. This section of the submission is included in the event that an interested party outside the scope of the ECA seeks the inclusion of travelling allowances in a new SEO.

## PART 1

### SECTIONS 15 AND 16 OF THE INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2015

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#### **Section 15(1)(a) – Substantial Representation**

In May 2024, ECA, along with the AECl and Connect Trade Union made a joint application to the Labour Court to conduct an examination into pay and conditions in the electrical contracting sector with a view to making a recommendation to the Minister for an SEO in the sector. Accompanying the ECA's application was a report from EY setting out the size of the sector and the numbers of workers employed by members of ECA and AECl on the employer side, and the number of workers in membership of Connect Trade Union on the employee side. (Appendix 1).

Based on this report, we believe the applicant employer organisations and the trade union representing electrical workers are substantially representative of the sector.

#### **Section 15(1)(b) – the request (to undertake an examination) to apply to all workers of the particular class, type or group and their employers**

ECA requests that the Court makes a recommendation to the Minister for a new SEO in the electrical contracting sector that will apply to all electricians and electrical apprentices working in the sector as defined at Appendix 1. Universal application across the sector will contribute towards industrial harmony between employers and employees where both parties are aware of their obligations and entitlements respectively.

#### **Section 15(1)(c) – 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**

It is a normal and desirable practice to have terms and conditions relating to remuneration, pensions and sick pay in the electrical contracting sector. Over 7,000 electrical workers are employed by members of ECA and AECl, the majority of whom are members of Connect Trade Union. To ensure harmonious industrial relations in the sector, ECA and AECl have traditionally entered into agreements with Connect Trade Union on rates of pay and terms and conditions of employment. These three organisations were parties to the previously Registered Employment Agreement for the electrical contracting sector. Since the Supreme Court Judgment in the McGowan case, the parties continued to meet under the auspices of the Electrical National Joint Industrial Council (ENJIC) to discuss issues relevant to the sector. The last agreement reached between ECA, AECl and Connect Trade Union on hourly rates of pay for electricians and apprentices was in 2023 (see Appendix 2).

Prior to the striking down of REAs, it was a statutory requirement for electricians and electrical apprentices from the age of 20 to be registered in a pensions and sick pay scheme. The construction sector generally was the only sector of the economy with mandatory pension provision. Despite the setting aside of mandatory pension provision in 2013, many contractors in the industry continued to support a pension scheme for workers.

Mandatory pension provision is currently provided for in S.I. No. 207/2023 Sectoral Employment Order (Construction Sector) 2023. Pension provision amongst ECA members is well established, with contributions being made by both employers and employees. While it is anticipated that auto-enrolment will be introduced next year, the new national scheme will provide basic pension provision only in the first few years, with increased contributions being phased in over a period of time. ECA is supportive of the continuation of the current pension and death in service contributions for electrical workers between the ages of 20 and 65 – see pages 14 and 15.

Similar to a pension scheme for electrical workers, over the last 50 years approximately, ECA members have supported a sick pay scheme for electricians and electrical apprentices who are absent from work due to illness or injury. Mandatory sick pay for electrical workers was provided for in the Registered Employment Agreement in the Electrical Contracting Sector and in the two SEOs in the sector. ECA members continued to support a sick pay scheme in the intervening years between the striking down of the REA and the introduction of the first SEO in the sector. ECA members have also continued their support of a sick pay scheme since the striking down of the last SEO in the sector in 2022. Notwithstanding the fact that the Sick Leave Act, 2022 has introduced mandatory sick pay for all workers, ECA members wish to continue their support of a sick pay scheme that provides greater benefits overall than those set out in the Sick Leave Act. ECA's submission on contributions to be made by both employers and workers over the age of 20 is set out on 15.

**Section 15(1)(d) – any recommendation is likely to promote harmonious relations between workers of a particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply**

An SEO in the electrical contracting sector which sets legally binding rates of pay and provides for pensions and sick pay will undoubtedly promote harmonious relations between employers and workers in the sector. Electricians are highly skilled workers who have an ability to move from employer to employer. Greater stability exists where each employer is aware of their obligations on pay and conditions, and each worker is aware of their entitlements to pay and conditions. This applies across the board, from contractors working on medium and large projects to smaller contractors operating in the domestic market.

Additionally, an SEO will provide a means for the orderly resolution of disputes. ECA members carry out the majority, if not all, of the electrical work associated with the large multi-national firms investing in Ireland. These sites employ large numbers of electrical workers. Large numbers of electrical workers may also be employed on other sites in the public or private sector, and a means of resolving disputes in an orderly fashion is essential to ensure projects are completed on time and within budget without unnecessary delays due to industrial action.

An SEO will provide certainty and stability to contractors, electricians and clients as it will establish rates of pay for a minimum of one year.

**Section 16(2)(a) – Potential Impact on Levels of Employment and Unemployment**

Employment levels in the sector are determined by the level of work available. As the economy grows, there will be a greater need for new entrants. A sector that provides good quality employment, with fair and sustainable rates of pay and conditions of employment will entice new entrants into the apprenticeship system.

Project Ireland 2040 is the government's long-term overarching strategy to make Ireland a better country for all. The programme also aims to build a more resilient and sustainable future. It is anticipated that by 2040 there will be approximately one million additional people living in Ireland. This population growth will require hundreds of

thousands of new jobs, new homes, heightened cultural and social amenities, enhanced regional connectivity and improved environmental sustainability. Project Ireland 2040 sets out to deliver on all of these.

As part of Project Ireland 2040, the government has committed €165bn in capital investment through the National Development Plan 2021-2030 to fund vital infrastructure in areas such as housing, transport, education, enterprise, sport and climate action. Achieving value for money and reducing cost and schedule overruns through oversight and governance arrangements is a priority of government's in delivering the National Development Plan.

New workers will be required to meet the targets set out in the National Development Plan, the Housing for All scheme and the Climate Action Plan.

The absence of legally binding rates of pay and conditions of employment will provide those contractors from outside the State, who have a lower cost base, with a competitive advantage over employers currently operating in the State. An SEO will ensure that all electrical contracting firms, including those from outside the State, can tender for work on a level playing field. This is particularly important for contractors in the border counties who face competition from Northern Irish firms.

An SEO that sets legally binding rates of pay and conditions of employment will ensure that the current high levels of employment in the sector can be maintained. It will also assist in attracting new entrants into the sector to meet the objectives set out in Project Ireland 2040.

### **Section 16(2)(b) – Relevant National Agreements in Existence**

Set out at (1) below are recent agreements reached in the overall construction industry, including a new SEO which was introduced in 2023.

Set out at (2) below is the recently negotiated agreement in the public sector.

#### **1. Overall Construction Industry**

Against the backdrop of high levels of inflation in 2023 the following agreements/SEO were put in place:

##### **i) Electrical**

An agreement was negotiated between ECA, AECl and Connect Trade Union as follows:

1st February 2023	an increase of 2.8%
1st October 2023	an increase of 2.7%
1st June 2024	an increase of 2.7%

(agreement expires on 31<sup>st</sup> August 2025) See Appendix 2.

##### **ii) Mechanical**

An agreement was negotiated between the Mechanical Engineering & Building Services Contractors Association (MEBSCA) and Connect Trade Union, and a successor agreement was negotiated between MEBSCA and Unite the Union. MEBSCA is a constituent Association of the CIF.

*Agreement reached with both Unions:*

1 <sup>st</sup> January 2023	an increase of 2.8%
18 <sup>th</sup> September 2023	an increase of 3.5%
5 <sup>th</sup> August 2024	an increase of 1.9%



*The following successor agreement was negotiated with Unite the Union:*

1<sup>st</sup> December 2024                      an increase of 1.5%

5<sup>th</sup> August 2025                         an increase of 3%

(agreement with Unite expires on 31<sup>st</sup> May 2026)

iii) S.I. No. 207/2023 – Sectoral Employment Order (Construction Sector) 2023

A new SEO was introduced in the general construction/civil sector in 2023 which provides for the following:

18<sup>th</sup> September 2023                      an increase of 1.9%

5<sup>th</sup> August 2024                             an increase of 3.5%

In April 2024 the ICTU applied to the Labour Court to conduct an examination into pay and conditions for general construction workers with a view to a recommendation being made to the Minister for a new SEO. A Labour Court hearing into this application will take place on 6<sup>th</sup> August 2024.

2) **Public Sector Pay Agreement 2024 – 2026**

The recently negotiated agreement in the public sector provides increases in pay of 10.25% for the period from 1<sup>st</sup> January 2024 to 30<sup>th</sup> June 2026. Craft workers and general operatives employed by Local Authorities are covered by the terms of this new agreement. The agreement provides for the following increases in pay:

1<sup>st</sup> January 2024                      2.25%

1<sup>st</sup> June 2024                              1%

1<sup>st</sup> October 2024                        1%

1<sup>st</sup> March 2025                         2%

1<sup>st</sup> August 2025                         1%

1<sup>st</sup> September 2025                    1%

1<sup>st</sup> February 2026                      1%

1<sup>st</sup> June 2026                            1%

**Section 16(2)(c) – Potential Impact on Competitiveness**

The tendering process whereby electrical contractors tender to the principal contractor, or directly to the client, for work contributes towards intensifying competition between contractors. Labour and materials are the main cost components when tendering/pricing work. In the event of a downturn when work is limited, the absence of legally binding terms and conditions of employment undoubtedly lead to an erosion of the quality of employment conditions in a sector as competition between contractors to win work intensifies. Where economic conditions are more favourable, the absence of legally binding terms and conditions of employment make tendering/pricing more difficult as there is no certainty with regard to labour costs.

Additionally, contractors based outside the State with a lower cost base have an advantage over contractors currently operating in the State. An SEO will ensure a level playing field for all contractors when tendering for work. An SEO will also ensure that all electrical workers, regardless of origin, will be entitled to the same terms and conditions of employment.

Activity in the sector will increase to meet the targets set out in Project Ireland 2040. Investment in new technologies, training and health and safety will be required to ensure the sector can continue to deliver a high-quality product. Where labour is taken out of competition, investment in new technologies and training provides contractors with a competitive advantage when tendering for work.

**Section 16(2)(d) – Level of Remuneration in Other Sectors**

New Public Sector Pay Agreement – January 2024 to June 2026

Local Government Jobs Salary Scale Craftworker	€716.44 - €834.92 per week
Craft worker – Electrician Galway City Council	€759.89 - €879.56 per week

Source – [www.localgovernmentjobs.ie](http://www.localgovernmentjobs.ie)

**Section 16(2)(e) – SEO Binding on All Workers**

ECA is requesting that the Court recommends that the SEO is binding on all workers in the electrical contracting sector as defined at Appendix 1.

**Section 16(4)(a) – Harmonious Relations / Avoidance of Industrial Unrest**

See also submission in respect of section 15(1)(d) (page 5) in relation to an SEO promoting harmonious relations between employers and their employees.

S.I. No 207/2023 Sectoral Employment Order (Construction Sector) 2023 was signed into law by the Minister in 2023. This is the fourth SEO in the sector since 2017. The construction sector employs substantial numbers of workers and SEOs have undoubtedly contributed towards industrial peace and the avoidance of industrial unrest in the sector.

An SEO must contain a dispute resolution procedure. This is essential in a sector employing substantial numbers of workers. Clients and investors must have confidence in the sector’s ability to resolve disputes that inevitably

arise in an orderly manner. A disputes resolution procedure that is binding on employers and workers is essential in ensuring that clients, including multi-nationals who are considering investing in Ireland, can do so in the knowledge of good industrial relations practices.

#### **Section 16(4)(b)(i) – High Standards of Training and Qualifications**

Introducing legally binding terms and conditions in a sector creates a level playing field in terms of labour costs when contractors are tendering for/pricing work. This in turn eliminates the opportunity to erode employment conditions as a means of undercutting a competitor in order to secure a project.

Where competition for work exists, the cost of investing in training is critically examined by employers. An SEO that sets legally binding terms and conditions of employment eliminates the opportunity to erode employment conditions as a means of securing work. Where labour is taken out of competition, an electrical firm must look to gain a competitive advantage elsewhere. Investment in training, standards, qualifications and new technologies will be required to provide contractors with a competitive advantage when tendering for work.

#### **Section 16(4)(b)(ii) – Fair and Sustainable Rates of Remuneration**

The sector was in a severe recession for most of the intervening period between the striking down of the REA in 2013 and the introduction of the first SEO in the sector in 2019. It was evident during that time that the practice of using labour costs as a means of securing work led to an erosion of the quality of employment conditions in the sector as competition between electrical contractors to win work intensified. Electricians are highly skilled workers, and an SEO will contribute to ensuring that these workers receive good terms and conditions of employment.

It is essential, however, that remuneration is set at a realistic and sustainable level. While the projections for the sector are positive, the sector is facing a number of serious challenges which, if not managed appropriately, could threaten the survival of many companies. These challenges include a general global downturn – particularly in China, continuing tensions in the Middle East, the Russian-Ukrainian war and changes in political leadership globally. There is grave concern amongst our members that the trade union side is ignoring these very serious challenges in pursuit of substantial increases in pay. The vast majority of contracts, if not all, are awarded on a fixed-price basis. Seeking substantial increases in pay could seriously threaten companies who are locked into fixed-price contracts and who have no recourse to recover increased costs.

ECA, therefore, requests that the Court takes into consideration the rates of pay and increases in remuneration proposed by the Association at page 12.

## PART 2

### ECA SUBMISSION ON CONTENT OF A SECTORAL EMPLOYMENT ORDER

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#### DEFINITION OF ECONOMIC SECTOR

As per the application to the Court (Appendix 1).

All electrical apprentices undergo the same training via the national apprenticeship programme and are awarded the National Craft Certificate on completion of their apprenticeship. These workers are qualified to work in the domestic, commercial and industrial sectors for any sized contractor. Many electricians transfer between these areas as required. Indeed, some electricians set up business on their own account and have the potential to create employment. An SEO that does not have universal application across the entire sector could potentially curtail a worker's ability to move from one segment of the market to another due to different rates applying based on the size of the contractor/the work undertaken. Many electrical contractors operate in both the domestic and commercial/industrial sectors, with some firms having a "small works division". Excluding certain electrical works/size of projects from the scope of an SEO would fragment the sector and cause difficulties for both contractors and electricians. For example, the demarcation line between one project and another may be insignificant for a contractor who operates in both the domestic market and commercial markets. Equally, where the size of a project determines the applicability of the SEO, there is very little difference between a contractor who, for example, takes on a small housing project of 10 units and a contractor who takes on a housing project of 11 units. To fragment the sector into different sub-sectors would result in difficulties for contractors in pricing work, particularly where a contractor operates in more than one area. It would also cause industrial relations difficulties where one electrician potentially receives a different rate of pay to another electrician based purely on the size of the employer or the work undertaken by that employer.

ECA, therefore, respectfully submits that the Labour Court accepts the definition of the sector set out at Appendix 1.

#### DEFINITION OF A WORKER

A 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

ECA respectfully requests that the 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 electrical contracting sector: -

*Qualified electricians and registered apprentice electricians working in the Sector*

## REMUNERATION, PENSIONS, SICK PAY AND DISPUTE RESOLUTION PROCEDURES

### 1. Rates of Pay

s.16(5) of the Industrial Relations (Amendment) Act 2015 provides for rates of pay. An agreement on pay is currently in place between ECA, AECl and Connect Trade Union (see Appendix 2). This agreement provides for a 6 year pay scale for electricians, with apprentices being paid a percentage of the basic electrician's hourly rate. We respectfully request that the Court provide for the following rates of pay:

A basic hourly rate of pay to apply to all newly qualified electricians employed in the sector –

**Category 1 at a rate of €26.17 per hour**

A higher hourly rate of pay to apply to qualified electricians employed in the sector with effect from the commencement of their 3<sup>rd</sup> year out of time after qualification –

**Category 2 at a rate of €26.69 per hour**

A higher hourly rate of pay to apply to qualified electricians employed in the sector with effect from the commencement of their 6<sup>th</sup> year of out of time after qualification –

**Category 3 at a rate of €27.12 per hour**

ECA further submits that provision is made to increase the above hourly rates of pay as follows:

1<sup>st</sup> January 2026            an increase of 2.2%

1<sup>st</sup> January 2027            an increase of 2.0%

Therefore, in accordance with s.16(5)(a) and (b) we submit that the following rates apply:

	<i>On Introduction of SEO</i>	<i>1<sup>st</sup> January 2026</i>	<i>1<sup>st</sup> January 2027</i>
Category 1 Electricians	€26.17	€26.75	€27.29
Category 2 Electricians	€26.69	€27.28	€27.83
Category 3 Electricians	€27.12	€27.72	€28.27

We respectfully request the Court to amend the current percentage relativities between apprentices and electricians. Currently apprentices are entitled to the following percentage of the Category 1 rate above:

1 <sup>st</sup> year	35%
2 <sup>nd</sup> year	45%
3 <sup>rd</sup> year	65%
4 <sup>th</sup> year	80%

We request the Court to amend the above relativities to the following:

1 <sup>st</sup> year	40%
2 <sup>nd</sup> year	50%
3 <sup>rd</sup> year	60%
4 <sup>th</sup> year	70%

Prior to the introduction of S.I. No. 703/2021 Sectoral Employment Order (Electrical Contracting Sector) 2021) first year apprentices were paid 30% of the newly qualified craft rate. In our submission to the Labour Court on that occasion, ECA proposed a re-balancing of the apprentice rates as per our request above. On that occasion the Labour Court recommendation an increase in the first-year rate to 35% only, with all other relativities remaining unchanged.

ECA is now requesting that the first year and second year relativities are increased as above but only on the basis of a reduction in the third- and fourth-year relativities. This will ensure that the sector can compete for new entrants, and a reduction in the 3<sup>rd</sup> and 4<sup>th</sup> year rates will encourage these apprentices to work towards completing exams and being awarded the National Craft Certificate in a timely manner.

ECA submit that any amendment to the relativities proposed above would apply to new entrants into the apprenticeship system from the introduction of a new SEO in the electrical contracting sector.

## **2. Overtime**

Overtime applies where a worker works beyond their normal hours of work i.e. it is time worked in addition to a worker's normal hours. Electrical workers have traditionally been paid time and a half or double time for additional time worked.

In order to clearly determine when overtime applies, and how it is to be paid, it is first of all necessary to set out the normal hours of work. ECA submit that the normal hours of work are as follows:

Normal daily working hours shall consist of 8 hours of work undertaken between the hours of 7am and 5pm Monday to Thursday inclusive, and 7 hours of work undertaken between the hours of 7am and 4pm on Friday.

See table overleaf.

<b>OVERTIME</b> <b>WORK UNDERTAKEN IN ADDITION TO NORMAL HOURS OF WORK</b>	
Hours worked between normal finishing time and midnight Monday to Friday	Time plus a half
Hours worked between midnight and normal starting time Monday to Friday	Double time
The first 4 hours worked on Saturday where work commences any time between 7am and 9am	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

### **3. Unsocial Hours worked**

Where, for specific projects, hours are required to differ from the normal daily hours of work, the following rates should apply:

Where starting time is before 1pm	8 hours at time plus a quarter
Where starting time is after 1pm	8 hours at time plus a third

### **4. Pensions**

ECA is supportive of a scheme on pensions and death-in-service for electrical workers who are aged between 20 and 65. A pension scheme formed part of the previously Registered Employment Agreement and the two SEOs in the sector. ECA submit that both employers and workers should make the following contributions to a pension scheme:

#### ***Pension Contributions***

<i>Employer Contribution</i>	<i>Worker Contribution</i>	<i>Total Combined Employer and Worker Contributions</i>
€6.16 per day to a maximum of €30.82 per week	€4.11 per day to a maximum of €20.57 per week	€10.27 per day to a maximum of €51.39 per week

### ***Death in Service Contributions***

<i>Employer Contribution</i>	<i>Worker Contribution</i>	<i>Total Combined Contribution</i>
€1.17 per day to a maximum of €1.17 per week	€1.17 per day to a maximum of €1.17 per week	€2.34 per day to a maximum of €2.34 per week

ECA submit that pension contributions should increase in line with increases in pay.

ECA's submission on the terms of a pension and death in service scheme are attached at Appendix 3.

### **5. Sick Pay Scheme**

ECA is supportive of a scheme that provides a benefit to workers aged between 20 and 65 who are absent from work due to illness or injury. A sick pay scheme formed part of the previously Registered Employment Agreement and the two SEOs in the sector. ECA submit that both employers and workers make the following contributions to a sick pay scheme:

<i>Employer Contribution</i>	<i>Worker Contribution</i>	<i>Total Combined Contribution</i>
€2.37 per day to a maximum of €2.37 per week	€0.63 per day to a maximum of €0.63 per week	€3.00 per day to a maximum of €3.00 per week

ECA's submission on the terms of a sick pay scheme are attached at Appendix 4.

### **6. Dispute Resolution Procedures**

ECA respectfully submit that the following dispute resolution procedures should apply:

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 the 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.

## **7. Travel Allowance**

ECA is opposed to the inclusion of travel allowances in an SEO for the following reasons:

- Travel allowances were not provided for in any SEO introduced since 2017, namely:
  - o The first SEO in the construction sector, introduced in 2017
  - o The SEO in the mechanical sector, introduced in 2018
  - o The second SEO in the construction sector, introduced in 2019
  - o The first SEO in the electrical sector, introduced in 2019
  - o The second SEO in the electrical sector, introduced in 2021
  - o The third SEO in the construction sector, introduced in 2021
  - o The fourth SEO in the construction sector, introduced in 2023
- The mechanical and electrical sectors are closely linked, and many electrical contractors also operate in the mechanical sector. To include travel allowances in a new SEO in the electrical sector would undoubtedly lead to knock-on claims in the mechanical sector.
- The provision of a travel allowance in an SEO in the electrical sector would also lead to knock-on claims in the general construction sector, which in turn could lead to industrial unrest.
- To introduce sector-wide travelling allowances now would result in significant costs and place an undue financial burden on electrical companies, particularly firms who are not in membership of the ECA.
- While many ECA members currently pay a travel allowance, with the first hour incorporated into the rate, the current practice in the industry is that many contractors pay a subsistence allowance/country money to workers who are transferred to sites that are over 20 miles from the contractor's base. This payment is €182 approx. (tax free) per week and is made in accordance with Revenue Commissioner Guidelines.

## **Conclusion**

ECA is supportive of an SEO in the electrical contracting sector. An SEO will ensure that contractors can tender on a level playing field with regard to labour costs; it will also ensure that electrical workers receive good terms and conditions of employment commensurate with their skills and training. An SEO that sets realistic and sustainable rates of pay and terms and conditions of employment will ensure that the sector can attract new workers. Where the cost of labour is taken out of competition, electrical contractors will continue to invest in training and new technologies to ensure a competitive edge.

It is essential, however, that remuneration is set at sustainable levels. Increasing remuneration to unsustainable levels will lead to inflationary pressures at a time when inflation is stabilising. While projections for the sector are positive, ECA is cognisant of serious challenges which could have negative economic effects. The vast majority of projects, if not all, are awarded on a fixed price basis and, therefore, increases in costs cannot be recovered. ECA firmly believe that the increases in pay proposed in this submission are realistic and in line with other craft workers in the general construction industry.

ECA respectfully requests the Court to make a recommendation to the Minister for the introduction of a new SEO in the electrical contracting sector. We have set out in this submission what ECA members believe are fair terms and conditions of employment to meet the needs of the sector.

END

## APPENDIX 1

ECA APPLICATION UNDER SECTION 14 OF THE INDUSTRIAL RELATIONS  
(AMENDMENT) ACT 2015



Representing the best in electrical  
engineering and building services



Mr Kevin Foley  
Chairman  
The Labour Court  
Lansdowne House  
Lansdowne Road  
Dublin 4

7 May 2024

Re : **Section 14 of the Industrial Relations (Amendment) Act 2015**  
Joint application by the Electrical Contractors Association (ECA) and the  
Association of Electrical Contractors of Ireland (AECI) for a request to examine  
the terms and conditions of employment for electricians, electrical apprentices,  
chargehands and foremen in the electrical contracting sector

Dear Mr Foley

Please find attached application forms from the ECA and AECI for a request to examine the terms and conditions of employment for electricians, electrical apprentices, chargehands and foremen in the electrical contracting sector. ECA is a constituent Association of the Construction Industry Federation.

Also attached are two Statutory Declaration Forms in accordance with the Statutory Declarations Act 1938, together with an independent report supporting number (6) on the Statutory Declaration forms.

This application is being made jointly by ECA and AECI as the employer representative bodies on the Electrical National Joint Industrial Council (ENJIC). Connect Trade Union, who represent electrical workers on the ENJIC, is also part of this joint application. Connect Trade Union has completed a separate application form and Statutory Declaration.

ECA and AECI are making this application on behalf of our respective members. A further submission will be made in accordance with the legislation at a later date. However, if you require any further information, please feel free to contact the undersigned.

Yours sincerely

Jean Winters  
Director  
CIF / ECA

Chris Lundy  
Executive Secretary  
AECI



## 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:	ELECTRICAL CONTRACTORS ASSOCIATION (ECA)
Address:	CONSTRUCTION HOUSE, CANAL RD, DUBLIN 6
Contact Number:	01-4066000
Email Address:	jwinters@cif.ie
Sector:	ELECTRICAL CONTRACTING (APPENDIX 1)
Class, type or group of workers to which the request relates:	ELECTRICIANS AND ELECTRICAL APPRENTICES (APPENDIX 2)
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:	RATES OF PAY, PENSIONS, SICK PAY AND CONDITIONS OF EMPLOYMENT ARE DETERMINED AT THE ELECTRICAL NATIONAL JOINT INDUSTRIAL COUNCIL (ENJIC)
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:	
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:-	

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:-

CONNECT TRADE UNION  
6 GARDINER ROW  
DUBLIN 1

Signature of Applicant: feapwinters Date: 10/5/2024

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

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

1. I, Jean Winters, do solemnly and sincerely declare that I make this Statutory Declaration in relation to a request to the Labour Court to examine the terms and conditions relating to the remuneration, sick pay and pensions of workers in the electrical contracting sector, made pursuant to Section 14(1) of the Industrial Relations Act, 2015 by the Electrical Contractors Association.
2. I am authorized by the Electrical Contractors Association to make this Statutory Declaration on their behalf.
3. I am Director of Industrial Relations and Employment Services with the Construction Industry Federation. The Electrical Contractors Association is a constituent Association of the Construction Industry Federation.
4. The address of the Electrical Contractors Association is Construction House, Canal Road, Dublin 6.
5. The number of Electricians and Electrical Apprentices who are employed by members of the Electrical Contractors Association is 4,500.
6. The number of Electricians and Electrical Apprentices to which the request relates who are normally employed in the electrical contracting sector is 12,883.
7. My knowledge as to the number of Electricians and Electrical Apprentices referred to at (5) above derives from a survey of members of the Electrical Contractors Association.
8. My knowledge as to the number of Electricians and Electrical Apprentices referred to at (6) above derives from independent research conducted by Ernst & Young, Building Advisory Services, Harcourt Centre, Harcourt Street, Dublin.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

**DECLARED** by the said **JEAN WINTERS**

on this the 10<sup>th</sup> day of May 2024  
at 8 Clare St  
in the County of Dublin

Before me a Practising Solicitor and

(a) the Declarant is personally known to me or;

(b) the Declarant has been identified to me by *ROE*  
who is personally

~~known to me or;~~

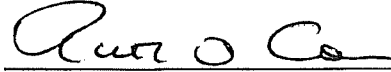
*Jean Winters*

(c) the identity of the Declarant has been established by reference to a relevant document containing a photograph

Document Type: Passport

Issue/Reference No: PV 786 0847

**Ruth O'Connor**  
Solicitor  
O'Connor LLP  
8 Clare Street  
Dublin D02 E021



**COMMISSIONER FOR OATHS/  
PRACTISING SOLICITOR**

I,

certify that I know the Declarant

---



## DEFINITION OF THE ELECTRICAL CONTRACTING SECTOR

### Sector Definition:

The application for a request to the Labour Court to examine the terms and conditions of employment in a sector relates to all electricians and electrical apprentices, and their employers and all electrical contractors engaged in the industry.

An electrical contractor is defined as the proprietor of a business whose main activity is the performance of electrical work on a contract or sub-contract basis for any third party.

The work carried out within the electrical contracting industry is defined as:

“The installation, repair, commissioning or maintenance of electrical and electronic equipment, including the marking off and preparing for the wiring (whether temporary or permanent) of all electrical and/or electronic appliances and apparatus, fitting and erecting all controllers, switches, junction section distribution and other fuseboards, and all electrical communications, bells, telephone, radio, telegraph, x-ray, computer and data cabling, instrumentation, fibre optics, and kindred installations; fitting and fixing of metallic and other conduits, perforated cable tray and casing for protection of cables, cutting away of walls, floors and ceilings, etc, for same, erection, care and maintenance of all electrical plant, including generators, motors, oil burners, cranes, lifts, fans, refrigerators and hoists, adjustments of all controls, rheostats, coils and all electrical contacts and connections, wiring of chassis for all vehicles, erection of batteries and switchboards, erection of crossarms, insulators, overhead cables (LT and HT), fitting of staywires, brackets, lightning arrestors, etc, and underground mains having regard to any advances in technology and equipment used within the industry”.

This application for an SEO will not apply to:

- State employees and semi-state employees who are engaged in similar activities and are covered by other agreements.
- Electricians and apprentices who are employed directly by manufacturing companies for the maintenance of those companies' plants only.

## **DEFINITION OF CLASS, TYPE OR GROUP OF WORKES TO WHICH THE REQUEST RELATES**

The work in the electrical contracting sector is carried out by highly skilled Electricians and Apprentices who are trained to standards which are governed by the minimum educational qualifications associated with the Statutory Apprenticeship system.

### **1. Electricians**

An electrician must have successfully completed the Statutory apprenticeship and, therefore, hold a National Craft Certificate (or equivalent).

These qualifications may be required in order for an employer to establish his/her status as an "Electrical Contractor".

Qualified electricians who are employed as chargehands and foremen should also come within the scope of the Order. For the avoidance of doubt, a chargehand is an electrician who is in charge of two but not more than six electricians, and a foreman is an electrician on site who is in charge of more than six electricians.

### **2. Apprentice Electricians**

The apprentice must be registered with Solas within two weeks of commencing employment as an apprentice and must complete 7 phases of training (on the job and academic studies combined) over a minimum period of 4 years in training. Upon successful completion of the apprenticeship training the individual will receive the national Craft Certificate or equivalent.

# Electrical Contracting Sector Employment assessment

4 April 2024

Final Report

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# 1. Introduction

The Association of Electrical Contractors of Ireland (AECI), the Electrical Contractors Association (ECA), and Connect Trade Union wish to apply for a Sectoral Employment Order (SEO) for electricians, apprentices, electrical chargehands and electrical foremen working in the electrical contracting sector. The ECA is a constituent Association of the Construction Industry Federation. In accordance with the Industrial Relations (Amendment) Act 2015 the applicants for an SEO are required to demonstrate that they are “substantially representative” in the sector to which the Order is to apply.

Accordingly, the AECI, ECA and the Connect Trade Union, wish to make a joint application for a SEO and have asked EY to prepare a report which sets out the following:

1. A definition of the electrical contracting sector
2. The number of electricians employed in the sector, based on publicly available data sources
3. The number of electricians (and apprentices) who are members of the above two employer groups and the Connect Trade Union
4. Separate estimates for the number of electricians employed in the State, semi-state (including local authorities) and manufacturing sectors, which are to be excluded from the figures derived under (2) above.

## 1.1 Electrical Contracting Sector in Ireland

The electrical contracting sector installs various electrical systems in buildings and civil structures, including lighting, alarms, and wiring for power and communication. As was the case with many industries, Covid-19 had a significant impact on the sector, especially due to its work in the construction industry. The Covid-19 pandemic led to increased costs and reduced profitability for the sector due to supply chain problems and lockdown measures. However, a high demand for these services due to a boost in residential and non-residential construction, post Covid, has seen a strong demand for electricians across the board.

## 2. Background

### 2.1 Sectoral Employment Order

A Registered Employment Agreement (REA) was previously in place for employees of Electrical Contractors until Part 3 of the Industrial Relations Act, 1946 was found to be unconstitutional by the Supreme Court in May 2013. The ECA, AECl and the Connect Trade Union now wish to apply to the Labour Court for a Sectoral Employment Order (SEO), which will apply to all electricians and electrical apprentices who are engaged in the general electrical contracting industry.

SEOs are Sectoral Employment Orders made by Minister for Enterprise, Trade and Employment on the recommendation of the Labour Court and may set out minimum pay rates as well as pension and sick pay schemes for an economic sector, and are approved by resolution of both Houses of the Oireachtas. SEOs set out the minimum rates of remuneration and the minimum pension and sick pay entitlements of workers of a particular class, type or group within a specified economic sector.

In order to show that the applicants for an SEO are substantially representative of the workers and employers in the electrical contracting sector, it is necessary to establish the number of workers employed by members of the AECl and ECA in the class, type or group to which the SEO is to apply, and the number of members of the Connect Trade Union in the class, type or group to which the SEO is to apply.

The economic sector which is the subject of the application is the electrical contracting sector. This sector can be defined as:

*'the installation, repair, commissioning or maintenance of electrical and electronic equipment, including the marking off and preparing for the wiring (whether temporary or permanent) of all electrical and/or electronic appliances and apparatus, fitting and erecting all controllers, switches, junction section distribution and other fuseboards, and all electrical communications, bells, telephone, radio, telegraph, x-ray, computer and data cabling, instrumentation, fibre optics, and kindred installations; fitting and fixing of metallic and other conduits, perforated cable tray and casing for protection of cables, cutting away of walls, floors and ceilings etc., for same; erection, care and maintenance of all electrical plant, including generators, motors, oil burners, cranes, lifts, fans, refrigerators and hoists; adjustments of all controls, rheostats, coils and all electrical contacts and connections; wiring of chassis for all vehicles; erection of batteries and switchboards; erection of crossarms, insulators, overhead cables (LT and HT); fitting of staywires, brackets, lighting arrestors etc. and underground mains having regard to any advances in technology and equipment used within the industry.'*

The SEO will apply to:

- ✓ Electricians
- ✓ Electrical Foreman
- ✓ Chargehands, and
- ✓ Apprentices

The SEO will not apply to

- Employees in state and semi-state companies who are engaged in similar activities and are covered by other agreements (e.g., ESB)
- Electricians and apprentices employed directly by manufacturing companies for the maintenance of those companies' plants only.

In recognition of these exclusions, it is therefore necessary to ascertain the size of the sector to which the SEO will apply. This is addressed in the next Section.

#### 2.1.1 Definition of a Worker

In the 1990 Industrial Relations Amendment Act, "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.

#### 2.1.2 Scope

It is intended that the SEO 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 electrical contracting sector:

- Workers employed as qualified electricians and registered apprentice electricians working in the sector.

Qualified electricians who are employed as chargehands and foremen should also come within the scope of the Order. For the avoidance of doubt, a chargehand is an electrician who is in charge of two but not more than six electricians and a foreman is an electrician on site who is in charge of more than six electricians.

### 3. Size of the electrical contracting sector

We ascertain the numbers of electricians, electrical apprentices, electrical chargehands and foremen employed by electrical contractors to establish the representative nature of the ECA, the AECl, and Connect Trade Union. To do this it is necessary to first establish the overall size of the electrical contracting sector. Specifically, there is no published data which accurately measures employment in the sector. As such, a number of sources (presented below) have been consulted to ascertain reasonable estimates. Some published figures provide data on the whole industry, including many workers which would not be covered by the SEO but are presented in any case to provide additional transparency to the estimate.

#### 3.1 Census of Population

The Census of Population provides data on the occupational breakdown of the Irish labour force. The occupations of relevance are the following:

- Electrical and electronics technicians
- Electricians and electrical fitters
- Electrical and electronic trades (not elsewhere classified)

The above occupations are assumed to represent the number of persons working as electricians across the whole economy. The total workforce in the above three occupations was 30,321 in the 2022 Census. Of this total, 29,256 were in work, implying that 1,065 were unemployed. A further breakdown shows that there were 24,344 employees and 4,912 self-employed, of which 2,738 (56%) had no employees.

It is noteworthy that the total labour force of electricians rose sharply over the six years by 6,584 or by 27.7%. Unemployment amongst electricians also fell sharply over the same period by nearly 50%. When looking at construction specifically, the number of electricians rose by over 30% or 3,048.

When looking at the number of self-employed, the number with paid employees (2,174) increased by 31% over the six years, while the number without paid employees (2,738) declined by 19% over the same period.



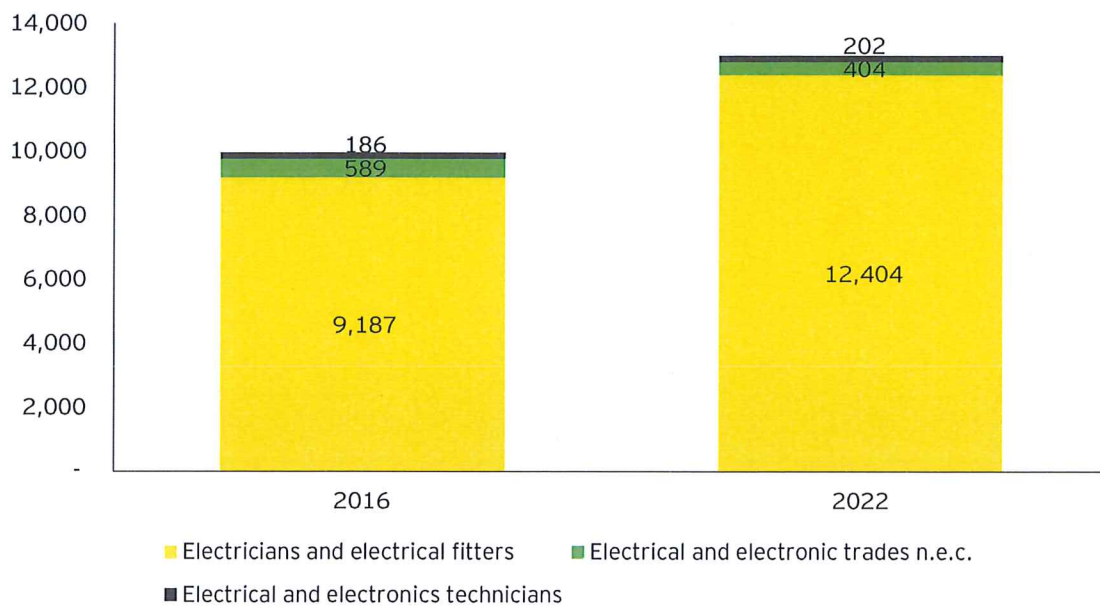
**Table 1: Total Workforce and Employment by Occupation across Whole Economy**

	2016	2022	% change	2016-2022 Change
Total Occupations in Labour Force	2,304,037	2,531,099	9.9	227,062
<i>of which</i>				
Electrical and electronics technicians	2,334	3,141		
Electricians and electrical fitters	17,295	23,187		
Electrical and electronic trades n.e.c.	4,108	3,993		
<b>Sub-total</b>	<b>23,737</b>	<b>30,321</b>	<b>27.7</b>	<b>6,584</b>
Total Occupations at Work	2,006,641	2,320,297	15.6	313,656
<i>of which</i>				
Electrical and electronics technicians	2,150	3,051		
Electricians and electrical fitters	15,560	22,327		
Electrical and electronic trades n.e.c.	3,920	3,878		
<b>Sub-total</b>	<b>21,630</b>	<b>29,256</b>	<b>35.3</b>	<b>7,626</b>
Total Occupations in Construction	101,849	134,482	32.0	32,633
<i>of which</i>				
Electrical and electronics technicians	186	202		
Electricians and electrical fitters	9,187	12,404		
Electrical and electronic trades n.e.c.	589	404		
<b>Sub-total</b>	<b>9,962</b>	<b>13,010</b>	<b>30.6</b>	<b>3,048</b>
Total Unemployed by Occupation	297,396	210,802	-29.1	-86,594
<i>of which</i>				
Electrical and electronics technicians	184	90		
Electricians and electrical fitters	1,735	860		
Electrical and electronic trades n.e.c.	188	115		
<b>Sub-total</b>	<b>2,107</b>	<b>1,065</b>	<b>-49.5</b>	<b>-1,042</b>
Total Occupations at Work - employee	1,688,549	2,008,774	19.0	320,225
<i>of which</i>				
Electrical and electronics technicians	1,977	2,902		
Electricians and electrical fitters	11,375	18,202		
Electrical and electronic trades n.e.c.	3,212	3,230		
<b>Sub-total</b>	<b>16,564</b>	<b>24,334</b>	<b>46.9</b>	<b>7,770</b>
Total Occupations at Work - self-employed, without paid employees	200,000	190,326	-4.8	-9,674
<i>of which</i>				
Electrical and electronics technicians	125	105		
Electricians and electrical fitters	2,763	2,227		
Electrical and electronic trades n.e.c.	503	406		
<b>Sub-total</b>	<b>3,391</b>	<b>2,738</b>	<b>-19.3</b>	<b>- 653</b>
Total Occupations at Work - self-employed, with paid employees	113,404	118,349	4.4	4,945
<i>of which</i>				
Electrical and electronics technicians	48	44		
Electricians and electrical fitters	1,409	1,889		
Electrical and electronic trades n.e.c.	205	241		
<b>Sub-total</b>	<b>1,662</b>	<b>2,174</b>	<b>30.8</b>	<b>512</b>

Source 2016 and 2022 Censuses of Population, CSO. n.e.c. = not elsewhere classified

The CSO provides more detailed information for the population at work by broad industrial group for the same occupations set out above. Thus, the total number of persons at work in the above three occupations in the Construction sector is available. Of the 29,256 electricians employed across the whole economy in 2022, 13,010 or 44% were working in the Construction sector. This is up from 9,962 or by 30.6% since 2016.

Figure 1: Population of Electricians at Work in 2016 and 2022



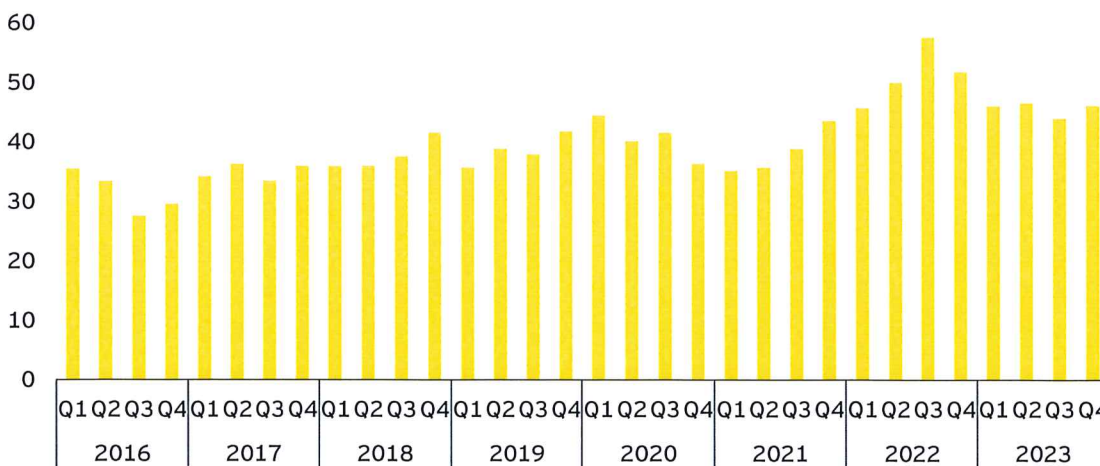
Source: 2016 and 2022 Censuses of Population.

There is a separate classification available from the Census which provides labour force data by detailed industrial group. One such group is Electrical Installations, which had a workforce of 17,399 in 2022, up by 31.4% on the corresponding 2016 Census figure. It is important to note that these persons would not just work in Construction.

### 3.2 Labour Force Survey

More up to date data is available from the CSO's Labour Force Survey (LFS) which is published on a quarterly basis. It provides a breakdown by occupational groups in the labour force. The occupation group of interest is "Electrical and Electronic Trades". The data below captures the total employed in this occupation group in the economy as a whole.

Figure 2: Numbers in Occupational Group - Electrical and Electronic Trades - in Economy (000's)

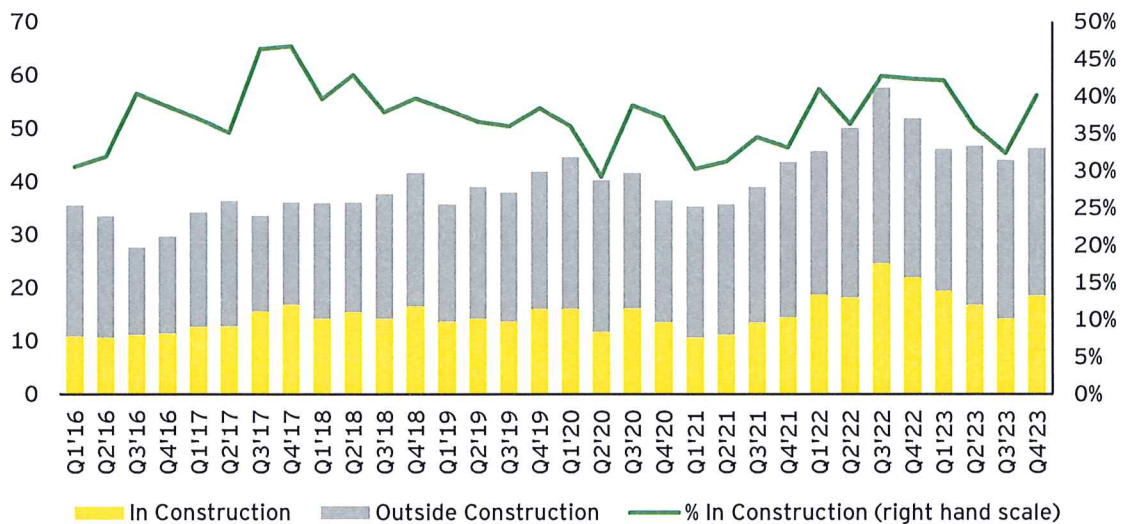


Source: CSO

The 2022 Census figure of 29,256 Electricians working in the whole economy compares with the corresponding LFS figure for Q2 2022 (to account for the Census taking place in April 2022) of 50,100 for Electrical and Electronic Trade workers, suggests there were an additional 20,844 Electronic Trade workers classified in Q2 2022 using the LFS definition. This is a substantial difference between the Census figure and the LFS figure for the number of Electronic Trade workers in the whole economy, which has proved difficult to explain, following consultations with a number of sources.

As with the Census data, the CSO data separately provides the numbers employed in Construction. The number of Electrical and Electronic Trade workers in the Construction sector had been steadily growing since Q1 2016 before dropping during Covid and slowly increasing again (Figure 3). According to the Labour Force Survey, the number of Electrical and Electronic Trade workers in the Construction sector peaked in Q3 2022 at 24,700, which corresponded to 42.8% of the total employed in that occupational group across the economy as a whole (57,700). Of note is the consistent decline since Q3 2022 in the number of Electrical and Electronic Trade workers in the Construction sector to 14,300 in Q3 2023, albeit the number recovered in Q4 2023 to 18,600, or 40% of the total employed in that occupational group across the economy as a whole.

Figure 3: Electrical and Electronic Trade Workers in Construction (000s)

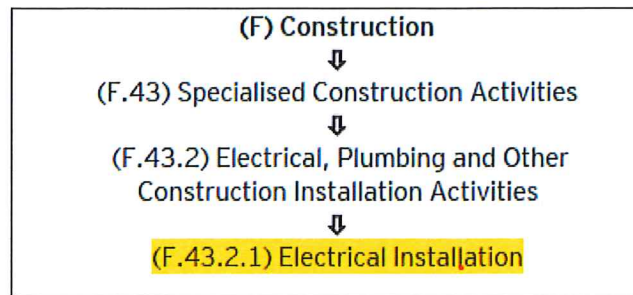


Source: CSO

### 3.3 Building and Construction Inquiry

The Building and Construction Inquiry (BCI) is a third CSO data source which captures persons employed according to a classification of enterprises. The survey captures a range of data about enterprises in the construction sector with 10 or more persons engaged, whilst also covering a sample of private firms with less than 10 persons engaged.

The data is published according to NACE Rev 2 Codes. NACE is a business classification of enterprises across the economy and covers around 13 broad business sectors that can be broken down further into subcategories. Electrical contractors fall under the code for Construction (NACE Code 43: Section F) which can be broken down as follows:



Source: NACE Rev.2 Codes.

The main enterprises captured under Electrical Installation are as follows:

*“Aerial erection (domestic) , Aerials and residential antennas installation of, Burglar alarm systems installation of, Electric products manufacture sign erection and maintenance, Electrical contractor (construction), Electrical wiring (buildings), Electrician, Fence contractor (not on agricultural sites), Fire alarms installation of, Installation of illumination and signalling systems for airports and harbours, Installation of illumination and signalling systems for roads and railways, Lightning conductor installation, Local authority street lighting, Telecommunications wiring, Telephone line installations, Electrical wiring and fittings installation of, Satellite dishes installation of, Lighting systems installation of, Street lighting and electrical signals construction of, Airport runway lighting installation of, Computer network and cable television wiring, including fibre optic installation of,”*  
<http://www.cso.ie/px/u/NACECoder/NACEItems/4321.asp>

The following table sets out the data from the most recent BCI which is for 2021. As of 2021, there were 70,459 construction enterprises, up 12.4% from the year before.

**Table 2: Construction and Electrical Installation Enterprises and Numbers Employed**

	2016	2017	2018	2019	2020	2021
<b>Construction</b>						
Construction Enterprises	51,568	57,255	57,626	59,175	62,664	70,459
Persons Engaged	120,341	137,239	144,521	158,227	157,349	170,446
Employees	84,956	97,902	106,047	118,924	115,911	122,754
<i>of which</i>						
<b>Electrical Installation</b>						
Persons Engaged	17,653	20,612	21,798	24,100	23,989	26,851

Source: CSO, Building and Construction Inquiry, 2021.

The BCI provides figures on the number of persons engaged which include all full-time and part-time employees. It also includes proprietors, partners and family members who work for an enterprise. It excludes agency workers. A total of 26,851 persons were engaged by Electrical Installation enterprises in 2021, according to the BCI.

### 3.4 Employer Groups

Data is also available from membership of the main employer groups, which comprise the following:

- ▶ The Electrical Contracting Association (ECA) is a constituent Association of the CIF. It is a trade association representing the interests of contractors who design, install, inspect, test and maintain electrical and electronic equipment and services. The Association has 40 member firms that employ 4,500 electricians, apprentices and electrical chargehands and foreman.

- ▶ The Association of Electrical Contractors of Ireland (AECI) which is an unincorporated body of electrical contractors, currently has 209 members and approximately 2,648 employees. The AECI is made up mainly of smaller and medium sized employers.

### 3.5 Connect Trade Union

The Connect Trade Union, which is an amalgamation of the Technical, Engineering and Electrical Union (TEEU) and the Union of Construction, Allied Trades and Technicians, was formally launched in January 2018. It represents 10,806 workers (Electricians & Apprentices) to whom the Sectoral Employment Order would apply. It is important to note that the figures provided by the Connect Trade Union include electricians in the construction industry only and excludes those electricians and apprentices that are not covered by the SEO as outlined at Section 3.7 below.

### 3.6 Apprenticeships

The SEO also covers apprentices employed by electrical contractors. The apprentice must be registered with Solas within two weeks of commencing employment as an apprentice and must complete seven phases of training over a minimum period of four years in training. The current electrical craft apprenticeship programme is of four years duration, distributed over seven phases of "on the job" and "off the job" training, with phases 2, 4 and 6 acting as "off-the-job" while phases 1, 3, 5 and 7 are "on-the-job" with an employer.

### 3.7 Electricians not covered by the SEO

The SEO does not apply to the following:

1. Electricians and apprentices employed in the State, semi-state (including local authorities) and manufacturing sectors, or
2. Self-employed electricians who have no employees

In calculating an estimate for the number of electricians, it is important to exclude the above. The census figure of 13,010 for the number of electricians in the construction sector in 2022 already excludes these workers. Based on consultations with the electrical contracting industry, we have excluded all of those classified as electrical and electronic technicians and half of those classified as electrical and electronic trades not elsewhere classified, to calculate a closer estimate of the total number of electricians in the construction sector. The adjusted figure is 12,606. Applying the percentage change between Q2 2022 (to account for the Census taking place in April 2022) and Q4 2023 of 2.2% to the Census figure, results in an estimate for the total number of electricians employed in Construction of 12,883 in Q4 2023. This compares with the LFS survey figure for Q4 2023 of 18,600 Electrical and Electronic Trade workers working in construction.

### 3.8 Representation of the Sector

The following Table summarises the data gathered above regarding the size of the electrical contracting sector.

**Table 3: Summary of Employed Workers in the Electrical Contracting Industry**

	2016	2018	2020	2021	2022	2023
<b>Census of Population - Total Labour Force - Whole Economy (Industrial Grouping data)</b>						
Electrical Installation Industry	13,242				17,399	
<b>Census of Population Employment - Whole Economy (Occupation data)</b>						
<i>of which</i>						
Electrical and electronics technicians	2,150				3,051	
Electricians and electrical fitters	15,560				22,327	
Electrical and electronic trades n.e.c.	3,920				3,878	
<b>Total</b>	<b>21,630</b>				<b>29,256</b>	
<i>of which</i>						
Self-employed, without paid employees	3,391				2,738	
<b>Census of Population Employment - Construction</b>						
Electrical and electronics technicians	186				202	
Electricians and electrical fitters	9,187				12,404	
Electrical and electronic trades n.e.c.	589				404	
<b>Total Occupations in Construction</b>	<b>9,962</b>				<b>13,010</b>	
<i>of which</i>						
Electricians Only*	9,482*	13,745**			12,606*	12,883***
<b>Labour Force Survey - Employment Electrical and Electronic Trades in Q4</b>						
Whole Economy	29,700	41,700	36,500	43,700	51,900	46,300
Construction	11,500	16,600	13,600	14,500	22,000	18,600
<b>Building and Construction Inquiry - Electrical Installations</b>						
Construction Enterprises	51,568	57,626	62,664	70,459	N/A	N/A
Persons Engaged	17,653	21,798	23,989	26,851	N/A	N/A
<b>Employer Groups - no. of employees</b>						
ECA		4,044				4,500
AECI		2,250				2,648
Connect Trade Union - no. of members		9,871				10,806
<b>Market Share</b>						
ECA and AECI Combined		46%				55%
Connect Trade Union		72%				84%

Source: CSO, Employer Groups and Connect Trade Union.

\* Excluding half of the Electrical and Electronic trades (not elsewhere classified) and all of the Electrical and Electronic technicians, as these would not be subject to an SEO.

\*\*Previous 2018 report estimates

\*\*\*Estimated by applying the percentage change as in the Labour Force Survey between Q2 2022 (Census quarter) and Q4 2023 of +2.2%.

The purpose of what follows is to use the above data to estimate the actual number of electricians, electrical foreman, chargehands and apprentices working in the Construction sector and employed by electrical contractors in Ireland.

### 3.9 Conclusions

We base the analysis on the Census 2022 adjusted estimate of 12,606 Electricians working in the Construction sector. It is assumed that this figure excludes electrical workers employed by the ESB in electrical power supply and distribution and in other semi-state and manufacturing companies. Applying the change in the Labour Force Survey between Q2 2022 and Q4 2023 of 2.2% would result in an estimate for the total number of electricians employed in Construction in Q4 2023 of 12,883 (12,606 \*1.022).

Therefore, based on this methodology and the figure of 12,883 as representative of the total supply of electricians, the ECA and the AECl combined membership of 7,148 represents 55% of the total persons working in construction in the electrical contracting sector.

Using the same base figures, the Connect Trade Union, with 10,806 members working in the construction sector, represents 84% of the total persons working in construction in the electrical contracting sector.

Based on these figures, it can be concluded that the ECA, the AECl, and Connect Trade Union are substantially representative<sup>1</sup> of the workers in the economic sector to which the Sectoral Order is to apply.

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<sup>1</sup> It should be noted that as Connect is a trade union, and ECA and AECl are employer bodies, it is possible that someone could be a member of Connect and either of ECA/AECl. As a result there is the potential for a double count, however based on our discussions with the 3 bodies, and the results of our analysis, it would not appear that this issue could substantively change the conclusion of our analysis.

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## **APPENDIX 2**

**Agreement Between ECA, AECl and Connect Trade Union**

**On Rates of Pay for Electricians and Apprentices**

**HOURLY RATES**

<b>ELECTRICIANS</b>	<b>01-02-2023 +2.8%</b>	<b>01-10-2023 +2.7%</b>	<b>01-06-2024 +2.7%</b>
1st year out of time	€24.81	€25.48	€26.17
2nd year out of time	€25.16	€25.84	€26.54
3rd year out of time	€25.31	€25.99	€26.69
4th year out of time	€25.43	€26.12	€26.83
5th year out of time	€25.60	€26.29	€27.00
6th year out of time	€25.72	€26.41	€27.12
<b>APPRENTICES</b>			
Apprentice Year 1 (35%)	€8.68	€8.92	€9.16
Apprentice Year 2 (45%)	€11.16	€11.47	€11.78
Apprentice Year 3 (65%)	€16.13	€16.56	€17.01
Apprentice Year 4 (80%)	€19.85	€20.38	€20.94

## **APPENDIX 3**

### **Proposed Terms on Pensions and Death in Service**

# Pensions and Sick Pay

## Pensions and Death in Service

CIF is seeking the inclusion of a pension and sick pay scheme for electricians and apprentices who are aged between 20 and 65. We are also seeking the option to calculate contributions on a daily or weekly basis. Our submission relating to pensions and sick pay is set out hereunder.

Every employer to whom the SEO applies shall participate in an SEO pension scheme that meets the pensions' requirements of the SEO.

## Pension Scheme Structure

The pension scheme to which the SEO applies ("SEO pension scheme") should include the following features and benefits:

1. An SEO pension scheme should be an Occupational Pension Scheme which is registered with and regulated by the Pensions Authority.
2. Recognising the flexible nature of employment across employers within the construction sector and related industries (the Sector), an SEO pension scheme should be established as a multi-employer scheme open to all employers in the Sector.
3. Whilst a member remains employed within the Sector, members should be able to have a single individual pension account within the SEO pension scheme thereby enabling successive employers of the member to contribute to the member's account provided the employer has joined itself to the SEO pension scheme.
4. Where an employee member leaves service of an employer, the contributions which have been paid by the employee and the employer in respect of the member will be retained in full within the SEO pension scheme in the individual account of that member.

5. The rules of an SEO pension scheme should not permit a member to take a refund of their own contributions prior to reaching retirement age.
6. Bodies that are representative of both employers and unions involved in the Sector must appoint the members of the SEO pension scheme trustee. The constitution of the Trustee Board should also include representatives of both employers and employees in the Sector.
7. In addition to providing pension benefits, an SEO pension scheme must also provide an additional Death in Service benefit with members covered for this benefit upon joining the scheme.
8. An existing pension scheme at the time the SEO comes into force may qualify as an SEO pension scheme provided it complies with the terms of the SEO or is adapted to so comply.
9. An SEO pension scheme must disclose and publicise information about the pension scheme's charges and who bears them. There must be full transparency of charges and this information should be disclosed in the scheme's Trustee Annual Report as well as provided to each member when joining. The total annual charges borne by members should be disclosed and must include all administration costs, Trustee costs, distribution costs, fund management costs, actuarial, accounting, legal and auditing fees and all other charges incurred by the SEO pension scheme.

## 10. Scheme Design

The terms and conditions applying under an SEO pension scheme and benefits to be provided must be at least as great as that described below.

### 10.1. Eligibility

An SEO pension scheme must at least provide for an employee of a participating employer in the Sector to be eligible for membership of the scheme provided they have attained age 20 but not yet attained age 65.

### 10.2. Relevant Pension Contributions

Employers and their employees working in the electrical sector (the Sector) must contribute to an SEO pension scheme.

Contributions should be remitted by employers to an SEO pension scheme in accordance with all relevant pension and other legislative requirements.

### 10.3 Pension Benefits

- a) Members' pension benefits within an SEO pension scheme should be based on the full value of their individual pension funds and there should be no deductions from the contributions paid or when the funds are drawn down.
- b) The Trustees of the Scheme will invest each member's pension contributions and these along with the investment returns declared, net of charges, will determine the value of the member's pension fund.

### 10.4 Retirement

Normal Retirement Age shall be age 65. However, a member may be permitted to retire from age 60 (at the discretion of the scheme trustee). When a member retires, he or she should be able to choose from a range of options based on their entire fund value in line with applicable pension and tax legislation. One of the options which must be available is the provision of a pension for life for the member.

### 10.5 Death in Service Benefits

- a) Every employer to whom the SEO applies must participate in an SEO pension scheme that provides a death in service benefit for the deceased member's dependants. The death in service benefit should be in addition to the benefits provided for the dependants based on the full value of the member's pension fund.
- b) Provided the employee has completed a once-off initial qualifying contribution period, inclusion for death in service benefits shall be automatic on becoming a member of the SEO pension scheme, without medical underwriting or by reference to any previous medical conditions of the member. In the event of the member moving to another participating employer within the Sector, the member should not

be required to complete any further qualifying period in order to be covered for death in service benefits.

- c) Death in Service Contributions will form part of the overall contribution rate of an SEO pension scheme with a portion payable by both the member and employer in addition to the pension contributions.
- d) Contributions should be remitted by employers to an SEO pension scheme in accordance with all relevant pension and other legislative requirements.
- e) If a member had met the requirements for the full lump sum death in service benefit, but then leaves service and dies within four weeks of doing so without being reemployed in the Sector, the SEO pension scheme should provide a modified lump sum benefit in addition to the value of their pension account.
- f) Death in Service benefits should be payable regardless of cause or timing of death, so long as the member meets the qualification conditions for inclusion for Death in Service benefits as set out above.

## **APPENDIX 4**

### **Proposed Terms on a Sick Pay Scheme**



## Sick Pay

Every employer to whom the SEO applies must have in place a provision for Sick Pay benefits for each employee covered in the SEO.

### Sick Pay Scheme Structure

The sick pay scheme to which the SEO applies ("SEO Sick Pay Scheme") should include the following features and benefits.

### Sick Pay Scheme Structure

1. An SEO Sick Pay Scheme should be a funded arrangement with contributions held in Trust and independently administered and managed. An SEO Sick Pay Scheme should facilitate participation by multiple employers to reflect the flexible nature of employment within the Sector.
2. The main purpose of an SEO Sick Pay Scheme is the provision of benefits for every worker for periods of illness or injury while in the employment of employers to whom this SEO applies.
3. The Sick Pay Benefit should be paid to each employee without the need for underwriting or reference to previous medical conditions. Entitlement to Sick Pay Benefits should be unaffected and uninterrupted as employees transfer from one employer to another within the Sector.
4. The Sick Pay Benefits provided by an SEO Sick Pay Scheme should be in addition to any sickness, illness or invalidity benefits payable by the State through the social insurance system.

### Conditions & Benefits

#### 5. Eligibility

Inclusion for Sick Pay Benefits will be automatic on becoming a member of an SEO Sick Pay Scheme. No charges should be incurred by either employers or members for Sick Pay benefit provision, other than the relevant contributions required to provide the benefits.

## 6. Sick Pay Contributions

- a) An SEO Sick Pay Scheme should be a contributory sick pay scheme with contributions payable by both employers and employees.
- b) A member shall not lose accrued Sick Pay Benefit rights or entitlements as a result of changing employment within the Sector as accrued service will transfer to the next employer to whom the SEO applies.
- c) Employers who fail or neglect to make the authorised deduction shall be liable for the total contribution required to ensure that the worker's Sick Pay Benefits are maintained in full for the period of service with them.

## 7. Relevant Benefits

- a) An SEO Sick Pay Scheme shall provide for the payment of a standard Sick Pay Benefit for a specified duration and the benefit and duration should be disclosed to participating employers and members.
- b) An SEO Sick Pay Scheme may include a waiting period during which a member would not be entitled to any benefit from the scheme whilst initially absent due to illness or injury. This waiting period should not exceed the first five working days of disability.
- c) An SEO Sick Pay Scheme should facilitate continuity of Sick Pay Benefit from the Scheme from the first working day of disability where a claimant has returned to work for a period of two working days or less. This is provided that the sick pay entitlement from the scheme has not been exhausted by reference to the duration limitations referenced earlier.
- d) An SEO Scheme should facilitate provision of a Supplementary Sick Pay Benefit if the claimant has no entitlement to Social Welfare benefit due to inadequate number of Social Welfare contributions.
- e) An SEO Sick Pay Scheme may set appropriate limitations on the maximum duration for which a Sick Pay Benefit may be payable. These must be clearly documented and disclosed to participating employers and members. The maximum duration under an SEO Sick Pay Scheme

should not be any lower than a period of 10 weeks in any calendar year, whether for a single claim or in aggregate in a scheme year.