



STATUTORY INSTRUMENTS.

S.I. No. 703 of 2021



SECTORAL EMPLOYMENT ORDER (ELECTRICAL CONTRACTING
SECTOR) 2021

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WHEREAS I, DAMIEN ENGLISH, Minister of State at the Department of Enterprise, Trade and Employment being in receipt of a recommendation from the Labour Court under section 16 of the Industrial Relations (Amendment) Act 2015 (No. 27 of 2015) and being satisfied, having regard to the report referred to in subsection (3)(b) of that section accompanying the recommendation, that Chapter 3 of Part 2 of that Act has been complied with:

NOW, I, DAMIEN ENGLISH, in exercise of the powers conferred on me by subsection (1) of section 17 of the Industrial Relations (Amendment) Act 2015 (No. 27 of 2015) (as adapted by the Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. 519 of 2020) and the Enterprise, Trade and Employment (Delegation of Ministerial functions) Order 2020 (S.I. 579 of 2020)) hereby make the following order with respect to which, pursuant to subsection (4) of section 17 of that Act, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such house:

1. This Order may be cited as the Sectoral Employment Order (Electrical Contracting Sector) 2021.
2. This Order comes into operation on the 1st day of February, 2022.
3. This Order confirms the terms of the recommendation set out in the Schedule.

**Recommendation of the Court to the Minister, made in accordance with
Section 16(1) of the Industrial relations (Amendment) Act, 2015, for the
introduction a Sectoral Employment Order (SEO) for the Electrical
Contracting Sector of the Economy**

SCHEDULE

Sectoral Employment Order in Respect of the Electrical Contracting Sector

Definition

For the purposes of this Sectoral Employment Order the Electrical Contracting Sector means the sector of the economy comprising the following economic activity: -

The installation, alteration repair, demolition(de-install), Fabrication, & Prefabrication, 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 fuse boards 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 to all control, rheostats, coils and all electrical contracts and connections; wiring of chassis for all vehicles; erection of batteries and switchboards; erection of crossarms, insulators overhead cables (LT and HT); fitting of stay wires, brackets, lightning arrestors, etc and underground mains having regard to any advances in technology and equipment used within the industry.

The Sectoral Employment order will not apply to employees in state and semi-state companies who are engaged in similar activities and are covered by other agreements. Neither will it apply to electricians, and apprentices employed directly by manufacturing companies for the maintenance of those companies' plant.

Definition of a Worker

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

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

Scope

This Sectoral Employment Order applies to the following categories of worker who are directly employed or employed through an employment agency within the meaning of the Employment Agency Act 1971 and or the Protection of Employees (Temporary Agency Work) Act 2012 in the 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.

Pay and Pay Categories

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

A higher hourly rate of pay to apply to qualified Electricians employed in the sector with effect from the commencement of their 3rd year of employment after qualification as an Electrician. (**Category 2**)

A higher hourly rate of pay to apply to qualified Electricians employed in the sector with effect from the commencement of their 6th year of employment after qualification as an Electrician. (**Category 3**)

The following hourly rates of pay will apply in the sector from 1st February 2022 to 31st January 2023.

Electricians

Category 1 €24.14 per hour

First year out of time

Category 2 €24.63 per hour

Third year out of time

Category 3 €25.02 per hour

Sixth year out of time

Apprentice Year 1 – 35% of Category 1 Rate

Year 2 – 45% of Category 1 Rate

Year 3 - 65% of Category 1 Rate

Year 4 - 80% of Category 1 Rate

The following hourly rates of pay will apply in the sector from 1st February 2023.

Category 1	€24.81 per hour
First year out of time	
Category 2	€25.31 per hour
Third year out of time	
Category 3	€25.72 per hour
Sixth year out of time	
Apprentice	Year 1 – 35% of Category 1 Rate
	Year 2 - 45% of Category 1 Rate
	Year 3 - 65% of Category 1 Rate
	Year 4 - 80% of Category 1 Rate

Normal Working Time and Unsocial Hours Payments

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

Normal Working Week

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

Normal Daily Working Hours

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

Other Hours Worked

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

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

Pensions

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

*Pension Contribution from 1st February 2022 Employer daily rate
- €5.73 (weekly - €28.65)*

*Worker daily rate - €3.82
(weekly €19.10)*

*Total contribution daily into the scheme per worker -
€9.55 (weekly €47.75)*

*Pension Contribution from 1st February 2023 Employer daily rate
- €5.84 (weekly - €29.22)*

*Worker daily rate - €3.90
(weekly €19.50)*

*Total contribution daily into the scheme per worker -
€9.74 (weekly €48.70)*

Death in Service

The following contribution rates in respect of a death in service scheme will apply:

Employer €1.17 per week

Worker €1.17 per week

Total €2.34 per week

Sick Pay Scheme

The following contribution rates in respect of a sick pay scheme will apply:

Employer €1.27 per week

Worker €0.63 per week

Total €1.90 per week

For ease of reference the terms and benefits of the Pension Sick Pay Scheme are attached at **Appendix 1**.

Dispute Resolution Procedure

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

If a dispute occurs between workers to whom the SEO relates and their employers no strike or lock-out, or other form of industrial action shall take place until the following procedures have been complied with. All sides are obliged to fully comply with the terms of the disputes procedure.

Individual Dispute

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

Collective Dispute

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

Appendix 1

- Employers shall be required to contribute to an occupational pension scheme established under trust and regulated by the Pensions Authority.
- Any scheme shall enable workers to maintain a single pension account that will travel with them from employer to employer and from job to job during the course of their career within the sector.
- Where a worker leaves the service of an employer, the contributions which have been paid by both the worker and the employer in respect of the employee shall vest under the scheme and be retained to provide pension benefits.
- Workers shall be required to contribute to any pension scheme.
- The scheme shall be required to disclose minimum information about the scheme's charges and who bears them. The total annual charges borne by members shall be disclosed and must include all administration costs, fund management costs, actuarial, accounting, legal and auditing fees and all other charges incurred by the scheme.
- Workers in the sector shall be entitled to death in service benefits of a reasonably substantial minimum size, separate from and in addition to minimum pension benefits. These benefits shall be provided without any restrictive eligibility conditions or any medical underwriting requirements, or reference to previous medical conditions.
- Death in service benefits shall be payable in the event of a member dying at any time while he is employed by an employer in the sector.
- Once any initial eligibility condition is satisfied, the worker shall remain fully covered on any transfer to a new employer and shall not have to repeat any eligibility condition or period.
- If a member has met the requirements for the full lump sum death in service benefit, but then leaves service and dies within a specified time of doing so without being re-employed in the Sector, the SEO pension scheme shall provide a modified lump sum benefit in addition to the value of their pension account.

Sick Pay scheme

- Employers shall be required to contribute to an independently administered and managed sick pay scheme (which can be either part of or separate to the pension scheme) to cover all their workers in the electrical contracting sector.
- Workers shall be able to remain covered for sick pay benefits as they transition between employers, to reflect the flexible nature of employment within the sector.
- Sick pay benefits shall be provided without any restrictive eligibility conditions or any medical underwriting requirements, or reference to previous medical conditions.

- Benefits shall be in addition to any sickness, illness or invalidity benefits payable by the State through the social insurance system.
- Once any initial eligibility condition is satisfied, the employee shall remain fully covered on any transfer to a new employer and shall not have to repeat any eligibility condition or period.
- Benefits shall be provided on absence from work due to illness or injury. An adequate sick pay benefit shall be provided for a specified duration and the benefit and duration shall be disclosed to participating employers and members.
- The scheme will not impose any restrictions, such as only accepting employers with minimum staff numbers or earnings.

GIVEN under my hand,
15 December 2021

DAMIEN ENGLISH,
Minister of State at the Department of Enterprise, Trade and
Employment.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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