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Labour Court Hearing

At the recent sitting of the Labour Court on the Registered Employment Agreement for the Electrical Industry two Proposals were up for consideration.

1. Proposal to vary the Electrical REA to give an increase of €1.05 to the hourly rate of pay for Electricians
2. Proposal to cancel the Registered Employment Agreement for the Electrical Industry.

The position of the AECI has been clearly set out before the Labour Court as follows.

1. AECI has called for a full rejection of the variation; this is as a result of a ballot taken of AECI Members.
2. AECI are in favour of a proper structure for controlling wages and keeping stability within the Electrical Industry. This can only be achieved if the format for calculating wages and conditions is fair and equitable. The REA in its current format is not capable doing this and needs to be completely restructured.

Over the last number of years AECI have tried valiantly to get the REA restructured. This led to all party agreement to renegotiate the conditions of the REA and to have a new structure in place for the March 2009 variation. The High Court and Labour Court challenge meant that this did not materialise.

The AECI position on the REA has been misrepresented, whether in error or by design, in both print media and on websites over the last few months. Our position has remained constant despite insinuations to the contrary. In early 2009 AECI reluctantly agreed to €1.05 increase in the basic rate of pay for electricians, but refused to ratify this increase when it became clear that the economy of the country had gone into decline and this is the policy that we put before the Labour Court.

Last Monday the Labour Court handed down its decisions on the two issues before it which vindicated the AECI position. AECI are worried that an article in the Irish Independent of the 4th of March might give the impression that a pay increase has been approved for Electricians, this could not be further from the truth as can be seen from the extracts from the Labour Court decisions below.

The following is relevant section of the Labour Court decision.

”1.1 The Court has considered the application to vary the Employment Agreement for the Electrical Contracting Industry so as to give effect to adjustments agreed in the hourly rates prescribed by the Agreement. The application is supported by the TEEU and it is opposed by the Electrical Contractors Association and the Association of Electrical Contractors Ireland, all of which bodies are parties to the said Agreement. The application is further opposed by a body described as the National Electrical Contractors Ireland and a group of unaligned individuals who applied to the Court to be heard on the application.

1.2 Conclusion

In the circumstances in which the application to vary the agreement does not have support from the employer bodies which are party to the Agreement the Court does not consider it appropriate to make an order varying the Agreement. Accordingly the application is refused.”

Proposal to cancel the REA of the Electrical Industry

“Conclusion

35.1 Having regard to all the circumstances of this case the Court has come to the view that the changes in the electrical contracting industry since the registration of the REA have not made it undesirable to maintain its registration. Accordingly the Court does not propose to cancel the registration of the Agreement.

Recommendations

While the case was at hearing the Court indicated that it might consider it desirable to make recommendation on how certain matters of an industrial relations nature, which were raised in the course of the hearings, could usefully be addressed. None of the parties objected this approach. What follows are recommendations intended to be for the guidance and assistance of the parties. They do not form part of the Court’s decisions on either of the applications before it.

Rates of Pay

The Court recommends that the parties to the Agreement resume negotiation at the NJIC on rates of pay, having regard to all relevant considerations, including the terms of the pay agreement associated with Towards 2016 Transitional Agreement 2008-2009, the provisions of the REA itself and the current economic circumstances of the Industry.

Review of the REA

It is noted that in the course of the hearing all parties to the REA expressed a willingness to review its terms in light of changed circumstances. The Court recommends that such a review should be undertaken as a matter of urgency. Should any issues arise in the course of the review upon which agreement cannot be reached they should be referred to the Court for investigation and recommendation.

Clarification of the terms of the Agreement

As part of the review of the REA referred to above, the parties should specify with greater clarity than at present the precise circumstances in which travel and subsistence payments fall due. Any difference on this point should be referred to the Court for interpretation under s. 33 of the Industrial Relations Act 1946.”

Meeting between the 3 recognised Bodies (AECI, ECA, TEEU)

Prior to Labour Court Hearing and subsequently, the AECI have been in contact with both the TEEU and the ECA with a view to arrange a date and venue to begin the task of restructuring the R.E.A. Finally a date and venue has now been agreed and confirmed for Tuesday, the 10th March 2009 in Portlaoise.

Reminder

Our AGM takes place on Saturday 7th March 2009 at Maldron Hotel (Midway Complex) in Portlaoise and we look forward to seeing you there.