

OPATSI₁₆₇₀

Operative Plasterers & Allied Trades Society of Ireland

Biennial Conference 2017



City of Dublin Workingman's Club
Little Strand Street, Dublin 7
17th June 2017

Moving Forward Together

Welcome.



Bro Sean Irwin, President of the Union

Brothers,

Welcome to this year's biennial conference being held in the City of Dublin Workingman's Club where for considerable time, the Dublin branch has held meetings on a quarterly basis. The Union in 2011 held its very first conference where by the ordinary membership were invited to attend. This proved to be a success as it was the very first time in over 10 years that a National Executive Council was elected by conference. You will note during the day that there are rules to comply with and I would ask you to be patient.

We have number of speakers who have kindly given their time to come and talk to conference and these people are the most respected people in their fields. They bring experience that can only benefit us as we move to fight for what is rightly ours, proper terms and conditions of employment with respectable rates of pay.

Your union has been changing constantly since 2009 with corporate governance being most important. We have all been wronged in the past and I am no different than you. We cannot change what has happened but we can change the future for ourselves and that's what's important. You are the most important people of all in that, whatever is decided at conference benefits you as members collectively and if it is of benefit to you collectively than it's not of benefit to the Union. You must realise that this is about you not about who is or is not elected to positions at conference.

We see the construction industry growing over the past few years and we also see Plasterers and Dry Liners struggling to survive. Most recently, members and non-members have approached us in what can only be described corporate theft of their labour. The builder or contractor is well aware that for the most part, Plasters and Dry Liners are not organised and the consequences for them will be limited, if nothing at all. They simply question the work and move on to the next man. This has to stop. When I was serving my time, if the men knew that other craftsmen were unpaid on a job they wouldn't entertain any offer of work from the builder. That's a position that now needs to be realised and auctioned by us all.

Our skill needs to be respected again as do we and we first need to start with ourselves. We need to stop competing with one another and start working with each other to achieve our goals. This will be visible and will change the minds of those who employ us. As the industry now starts to seek over 100,000 extra workers, let us make this a productive time for members that they work together for the benefit of all members and to restore the respect our crafts deserve.

Sean Irwin
President.

Our History.

Plasterers like the Bricklayers have some claim to the Guild of St Bartholomew. Our membership cards carry this claim with the date established as 1670. Ourselves and the Bricklayers albeit two separate unions, joined together within the revived guild of St Bartholomew to assert our rights and test the validity of the Guilds charter by way of a court case of the Queen's Bench Division where on the 12th June 1845 our claim was successful.

Following the judgement Artisans of other trades including tailors and shoemakers as well as ourselves and the Bricklayers initiated proceedings in the names of the various guilds to compel their employers to conform to the guilds regulations¹. However the following year saw much debate within the chamber of commerce where a delegation of businessmen lead by Jonathon Pim where successful in halting the power of the Guilds to a certain extent.

A bill before the houses of Parliament to abolish the privileges of the Guilds were up for decision during 1846 and in August 1846 the bill was passed forever ending the power of the Guilds. Mr Daniel O'Connell was very much in favour of the *laissez-faire* system prevailing at that time. Businesses wanted no interference or regulation from outside bodies including government when deciding on their business matters. This system applies somewhat today in Ireland.

We can claim to be one of the oldest if not the oldest Trade Unions in this country or the British Isles for that matter. In 1839 a William D'Arcy gave evidence at a select committee on the combinations of workmen on behalf of the Society. There was also a William D'Arcy secretary of the Society in the 1890's, this may have been a relation of the previous William D'Arcy. The Regular Operative Plasterers Society came into being in 1893, 124 years ago this year.

The Union became one society representing Plasterers throughout the State in 1953 when branches affiliated to the National Association of Operative Plasterers' an English based union but with members in Ireland, pulled out of Ireland. Two leading figures involved in the negotiations to bring about the national union were Leo Crawford President and Gerry Doyle General Secretary.

Leo Crawford was one of the most influential and prominent people in the trade union movement of his time. He was our President from 1938 to 1969. He was also one of the joint secretaries of the ICTU from 1959 to 1966. He was against the Trade Union Act 1941 and the Wages Standstill orders promulgated under the Emergency Powers Act² Leo Crawford died in 1973.

Gerry Doyle was very prominent within the union. He served as General Secretary from 1928 to 1973 taking over from Thomas Irwin. He was involved in the Easter Rising serving under Cosgrave. He was interned and fought in the war of independence on the republican side. He was imprisoned and upon his release in 1924, he became a member of the Executive Council of the Union. He was able to use his republican connections in setting up branches throughout the country in Arklow, Athlone, Ballinasloe, Carlow & Athy, Castlerea, Clonmel, Cork, Drogheda, Enniscorthy, Galway, Leix, Mallow, Mullingar, Navan, Nenagh, New Ross, Sligo, Tullamore, Waterford, Wexford and Wicklow. Although Doyle was a republican, he was also conservative and favoured Fianna Fail rather than Labour. He died in 1979 after retiring in 1973.

Jimmy Irwin took over from Doyle in 1973 where he was tasked with rebuilding the Union as it had lost the support of most plasterers for a number of factors. One being the length of time Doyle spent

¹ Workers in Union p.91 (1988)

² Trade Union Records in Dublin Sarah Ward Perkins.

as General Secretary. The union survived and continued to grow and in 1981 Richard (Dick) Kearney became General Secretary where he tried a number of times to nationalise the union. This meant nationalising bank accounts and branches refused to do so. The union remained more of a federation of small branches as opposed to a national union. In 1993 Kearney resigned and N Irwin became General Secretary/Treasurer. He remained General Secretary/Treasurer until 2009 where he resigned in circumstances where Forensic Accountants were engaged at the head office to investigate the head office account along with a further account in Greystones Co Wicklow to which he was a signatory.

National Executive Officers

Bro Sean Irwin
President

Bro Eugene Maloney
Vice President

National Executive Council Members

Bro William Sisk (Cork Branch)

Bro Martin Murphy (Dublin Branch)

Bro Jimmy Morton (Kilkenny Branch)

Bro Joe Daniels (Dublin Branch)

Bro Barry Murphy (Cork Branch)

Bro Martin McHugh (Dublin Branch)

Bro David Houlihan (Mid-West Branch)

Bro Jimmy Murphy (Dublin Branch)

Bro Kevin Mulligan (Dublin Branch)

General Secretary/Treasurer

Billy Wall

CONFERENCE AGENDA.

9.30am Registration

10.00am Conference Opens

Opening address by Bro Brian Campion President ICTU

10.20am Guest Speaker

Ms Paula Thornton. CWPS. Importance of pension.

10.40. Motion 1 Mid West.

Apprenticeships

10.45am Guest Speaker

Bro John Douglas. General Secretary Mandate Trade Union

11.00am Motion 2 Dublin Branch.

Bogus Self Employment.

11.15 Executive Report.

Billy Wall. General Secretary

11.45am Guest Speaker.

Ms Fiona Dunne One Cork.

12.00 Motion 3 Cork Branch

Housing

12.10 Motion 4 Mid-West Branch

Right2Water

12.15pm Speaker

Bro Stevie Nolan Trademark Belfast.

12.45 – 1.30 Lunch.

Afternoon Session

1.30pm Speaker

Mr Anthony Kerr BL

Sectorial Employment Orders & Collective Bargaining

1.50 Motion 5 Cork Branch

Decent Jobs.

2.00pm Speaker

Aidan Kenny. Teachers Union of Ireland. (TUI)

2.30pm Rates of Pay

Discussion on the pay structures in the crafts

Open debate

2.45pm Motion 6 Dublin branch

Register of Craft Workers.

Open debate

4.00pm Conference ends.

Opening Conference:



Bro Brian Campfield: President Irish Congress of Trade Unions.

Brian Campfield has been involved with Trade Unions all his life. He began working for the Northern Ireland Public Service Alliance (NIPSA) in 1978. In the 2000s, Brian became Deputy General Secretary of NIPSA, and in 2009 he won election to the Irish Congress of Trade Unions' (ICTU) Executive Council. He became General Secretary of NIPSA in 2010, remaining in post until his retirement in 2015. He became President of ICTU for a two-year term in 2015 and remains in post until this year's Conference in Belfast. We welcome Brian to our conference.

Ms Paula Thornton CWPS.

Paula will address conference on the benefits of the Construction Workers Pension Scheme and the importance of having a pension. The CWPS is an occupational Pension scheme which has serviced the industry since 2006.

Motion 1.

Apprenticeships .

It is noted by conference that certain local authorities and the OPW have announced apprenticeship programmes whereby they plan to employ small numbers of apprentices over the next year into plumbing and carpentry. These government bodies have also started young school leavers into Stone Cutting. Conference calls upon the Executive Council to explore further the possibility of the employment of young school leavers into our craft as with the exception of Cork City Council no plastering apprentices have been employed.

Mid West Branch



Speaker: John Douglas, General Secretary Mandate Trade Union.

John Douglas is the most recognised face of the Trade Union movement today. He is an advocate of workers' rights and has defended his members in Dunne Stores and more recently Tesco. Mandate is also heavily involved in the Right2Water & Right2Change campaigns where four other unions,

including OPATSI, have been involved for the past three years. John will present on the importance of workers being in Trade Unions.

Motion 2. Bogus Self Employment

Conference calls upon the incoming Executive Council to continue highlighting the issue of Bogus Self-employment. This system whereby employers or those providing work circumvent employment legislation and avoid the payment of employers PRSI must be stopped. Reports from the ICTU band TASC have identified that over €80million in 2015 have been lost because of the revenue commissioners facilitated tax and PRSI avoidance system.

Dublin Branch

Executive Report 2017

Since the Unions previous Conference held in April 2015 in the City of Limerick the Union has moved further away from the old style systems that were prohibitive and irregular and moved to a more open and transparent model. Corporate governance prevails as the Executive feels it necessary for members to have confidence in their union. Members are now free to enquire into any aspect of the Union and any dealings it may have with any other organisation. As per rule, a member may inspect the books of the union upon giving notice of 14 days to the officers.

The National Executive Council:

The National Executive Council meets on a monthly basis with the exception of July and receives reports from the Officers, the General Secretary, Branch Secretary's and Branch Chairmen. The Council decided not to elect a Resident Executive Council following the 2015 Conference as in doing so would relinquish the decision making functions away from the Executive Council. The Union has since 2009, witnessed much change and one most notable is the importance of an all inclusive decision making authority that includes all member and branches from around the country. The Council is open and transparent and its reporting structures ensure that all financial decisions are made by the Executive Council and not employees which was the case pre2009. The problems that arose where members were refused information from those officials and officers who ran the Union prior to 2009, is no longer tolerated. The Union structures are firmly pointed at the betterment of members and their daily struggle to better pay and terms and conditions of employment.

Since our last conference the Union has continued to involve itself with Right2Water and Right2Change campaign. Only a small number of members have supported these very important campaigns one of which has seen the suspension of water charges in Ireland after the report by the Water Commission headed up by Kevin Duffy ex General Secretary of BATU. The Union has closely

worked with CPSU, CWU, Mandate and Unite in the campaigns and it is the intention of the union to continue to do so into the future.

The Union is represented on a number of national and local committees that negotiate with a number of employers. These committees with the exception of the Public Service Committee are made up of all the craft unions which also include, SIPTU and Unite the Union. Both these general Unions represent different grades of workers within the construction sector.

Construction Industry Committee

The Construction Industry Committee (CIC) negotiates with the CIF regarding the Construction Sector. The CIC has been negotiating to secure a better deal for members in the sector since December 2015. With the fall of the legislation supporting Registered Employment Agreements, members have witnessed a race to the bottom in pay and terms and conditions. The CIF and CIC have been trying to negotiate a new Registered Employment Agreement under the new legislation introduced on the July 18th 2015. The Unions have engaged positively and a number of common positions have been identified. A number of issues remain outstanding and it is hard to see how the Unions can overcome the problems that have been raised since the negotiations commenced. One of the main issues is that the agreement will apply only to CIF members and not all contractors working on CIF member sites. The mere fact that the main contractor is a member of the CIF which would bring them under the provisions of the agreement does not create a level playing field for all. After a final document was presented to the Executive Council for their consideration, it was rejected for a number of reasons. The issue of a Registered Employment Agreement remains outstanding for the time being. The CIC is open to meet with the CIF in an effort to come to some agreed position.

In January 2016 the builders requested the Labour Court to carry out an examination of the construction sector, which is now currently under review. The Unions will go before the Labour Court on the 26th June next. The CIC returned a submission setting out the various issues of, pay, sick pay and pensions that should be contained within the order. An advertisement was placed in a national newspaper outlining that those parties having an interest or wishing to make a submission regarding such an examination of the sector should do so before the 6th April of 2017. The rate submitted to the court was €18.96. This does not include travel time which the unions supported as a vital part of a craft workers pay. This when included in the pay element brings a Plasterers & Dry Liners hourly rate to €21.93 which still falls short of an Electrician or a Plumber working in the same sector as seen by the table below.³

³ Supplied by the Construction Industry Committee (ICTU) (3rd April 2017)

RATES	04/02/2011	01/07/2016	01/01/2017	01/10/2017	01/03/2018
		2.40%	2.50%	2.40%	2.50%
1 st Year out of time	€20.63	€21.13	€21.65	€22.17	€22.73
2 nd Year out of time	€20.92	€21.42	€21.96	€22.48	€23.05
3 rd Year out of time	€21.06	€21.57	€22.10	€22.64	€23.20
4 th Year out of time	€21.18	€21.69	€22.23	€22.76	€23.33
5 th Year out of time	€21.31	€21.82	€22.37	€22.91	€23.48
6 th Year out of time	€21.42	€21.93	€22.48	€23.02	€23.60

Before going to press, no recommendation has been made by the Labour Court to the Minister in relation to a SEO for those grades working in the construction sector.

There have been zero disputes in the construction where the Unions members are affected. The Union have not served any strike notice in the past two years. The majority of disputes in this sector have been settled at local level. However matters have been referred to the Union whereby a sub-contractor has refused to pay members wages owing for a considerable time and it may well be that notice may be served if a satisfactory outcome is not met.

There is a number of committees that the General Secretary has been elected to represent Congress. The Construction Workers Pension Scheme (CWPS) Trustee Board meets on a monthly basis with the exception of July and December. The Union receives a fee for the time the General Secretary spends attending meetings and representing the Pension scheme.

He is also a Trustee of the Construction Workers Health Trust. Again, meetings are held on a monthly basis and the Union receives a fee for the time spent at board meetings and other matters for the Trust.

The delegates to this committee.

Sean Irwin

Barry Murphy

David Houlihan

Billy Wall

National Craft Group.

The National craft group meet now on a quarterly basis and are tasked with the role of negotiating with local authorities and the HSE on terms and conditions of employment for those members working in the public sector. There are roughly 60 members working in this sector. We have had

many requests from others working within this sector to join our union but our spheres of influence do not allow us take into membership other grades represented by other unions.

Over the past two years the committee have dealt with the implement of the Public service agreements. The Lansdowne Road agreement came into operation on the 1st July of 2016 following Haddington Road. This has seen a restoration of €1000 of basic pay to member's wages since April 1st 2017.

The Public Sector Committee of the ICTU are currently in negotiations with government to negotiate a successor to the Lansdowne Road Agreement. No details are available whilst this document was going to press so no information can be provided. A handout on the day may be available if the negotiations have concluded and the unions can agree.

The secretary of this group is Bro Sean Heading of the TEEU and the Chairman is Bro Jimmy Coughlan SIPTU.

Delegates to this Group.

Joe Daniels

Billy Wall

Barry Murphy

Dublin City Craft Group

This group as suggested by its name, represents those members working for Dublin City Council (DCC). It meets on a monthly basis and has a convenor to conduct business with the Council on behalf of the group. It has a wide agenda dealing with matters relating to pay Terms and Conditions to matters relating to the Public Service Agreements. The group have lobbied DCC in the recent past for a number of apprentices to be taken on and this is now happening. The group is also engaged on the issue of outsourcing of our members work to contractors. This has raised number of issues in that contractors are paying their workers at levels far below those rates paid in the public sector, bogus self-employment and the black economy is rife on these sites and no apprenticeships are in existence. No union members are employed by these companies and only those with issues come to the union seeking advice.

Delegates to this committee

Martin Murphy

Billy Wall

One Cork

At Congress BDC 2009, it was agreed to establish a Trade Union Commission to undertake a review of the Irish Trade Union movement and make recommendations on how it might be restructured to better assist and ensure it could meet all future challenges. Over the following six years, two reports were commissioned and adopted by subsequent Conferences (2011 & 2013) following which a Strategic Organising Committee identified work streams as priorities which included

- a) identifying actions to increase capacity to organise and represent more effectively
- b) finalise a strategic communications policy
- c) survey resources for collaborative use based on cost efficiencies and
- d) establish a worker's college.

The ONE Cork initiative was established to address recommendation a) and in part recommendation c) during implementation where it was envisaged a range of collaborative actions and partnerships would be established. During 2014 a number of research projects were commissioned which included qualitative and quantitative data on workers and their conditions in Cork, their perception and awareness of the movement along with separate research conducted with students. All of this information was analysed and informs the key recommendations, subsequent work programme and aims for the project team.

The key strategic aims of the initiative includes

- To centralise resources and work collaboratively in Cork in order to develop and test innovative approaches to build trade union power and influence, learn from those experiences for future developments and to put in place an effective infrastructure, systems, processes and working methods for a 'One Trade Union Centre' approach;
- Reconfigure and consolidate Trade Union activity within Cork county in order to increase its effectiveness and influence on the workplace and working conditions by facilitating the better organisation and participation of workers in unions;
- Embrace and combine existing local activities including Trades Councils, Congress centres, local training initiatives, the Youth Connect education and engagement programme, Union Connect, the retired members' networks, Young Workers Network etc.

It was formally launched in January 2016 following which the project team agreed an annual work programme which is regularly reviewed.

ONE Cork primarily focusses on engaging unions operating in the Cork area, to collaboratively organise, share good practice experiences and develop sustainable relations. With this aim five collaborative working groups were established which identify areas of commonality, profile sites within specific sectors and agree key actions encouraging deeper engagement and increasing membership.

Groups are established in *Health Sector, Retail and associated trades, Construction and Public Procurement, Education, with Public and Private sector contract services* being the most recently established.

The procedural approach adopted has been similar across all groups with relevant unions invited to engage, terms of reference and scope agreed, sites profiled, cross-union workplace representatives invited to discuss key priorities following which local multi-union sustainable networks are established (such as inter-union groups) to progress issues.

This process helps to engage and empower local members thus providing a permanent central point of union engagement in that area.

It also assists with building local capacity to ensure continuity and confidence into the long-term and therefore, access to education and training has been provided through the *Educate to Organise* programme on a multi-union basis throughout 2015, 2016 into 2017.

Although the project team is the key forum for information flows and oversight, prioritising communications and developing a strategy was deemed vital to its success and therefore a *media/communications group* was established. Their role includes using multiple channels to disseminate the progress, learning and outcomes from the project to the broader movement, through www.onemovement.work and social media channels, along with traditional engagement via national executive committees, branch AGMs and conferences.

Campaigns, which are a key priority action, provide opportunities to consult and engage with local communities and organisations thus assisting in increasing the accessibility, visibility and relevance of the trade union movement locally. Two separate campaigns are currently part of the initiative – Housing and Living Wage Campaign, the former of which is more developed following the publication of a set of proposals *Housing Our Communities*. The genesis of these proposals came from the Construction working group. The publication is now the basis of a lobbying and information campaign and has gained a good level of political engagement. Key activities have included; its endorsement by the Congress Executive Council, meetings with Minister Coveney and separately with his advisors, presentation to Labour Party Housing Seminar and a meeting with Fianna Fail Leader Micheál Martin. The Cork City and County councils have also welcomed presentations on the proposals to them, with the latter piloting some of these proposals at county level. The group continue to work towards the implementation of their proposals at local and national level.

Joint Industrial Council State Employees

The NJIC for the OPW and State employees meets on a bi-monthly basis. The JIC deal with every issue from holidays to policy changes within the employments. A new Dignity at Work policy is currently under review and may be ratified within the year. The construction unions meet with various managers within various departments including the OPW, Department of Defence and the Department of Public Expenditure and Reform.

Delegates to this Council

Billy Wall.

Health and Safety Committee ICTU.

For the very first time the Union is represented on this committee within Congress. Meetings are held monthly and are attended by a member of the Executive Council to which reports are made to

the Executive Council. This committee has recently developed an initiative to train union members as safety Representatives for building sites. It is necessary as companies tend to appoint members of management as opposed to workers to these positions. The reasons for this are unknown but the Congress felt it necessary to revive the training.

Delegates to this Committee
Bro Martin Murphy

Film Industry.

This sector has seen major growth in the past two years with members experiencing near full employment. Vikings has been a major source of work for our members and further series of the production may return. Other productions have been shot here however plasters on those productions have become lapsed from membership.

The industry has seen the development of what is now known as the Irish Film Workers Association (IFWA). This breakaway group have now gone into the GMB which we believe includes some of our members. The Union along with BATU & SIPTU made a complaint to ICTU under Article 46 of the ICTU Constitution and the decision is at the back of this brochure. Our members have informed us that they will be remaining members of our Union but must take up membership with the GMB to gain employment in the industry. The Executive has not finalised its position on this matter.

Other Unions.

It has become well known the TEEU and UCATT have now amalgamated into one union representing a large number of craft workers. This all took place on the 1st January 2017. UCATT in Britain amalgamated into Unite the Union becoming the largest trade union in Britain representing construction workers. This move is has now brought the Unions representing construction workers in the Republic of Ireland to five. When considering when the Registered Employment Agreement was signed in the late sixties it involved 17 Unions all representing different grades of worker in the sector.

We have been approached by the TEEU and we have engaged with them regarding a transfer of undertakings into their Union. A number of meetings have taken place with two General Secretaries. Discussions have taken place but nothing concrete has been established.

The GMB and Unite also indicated their interest in looking at a possible transfer however the Executive Council found no basis to further any meaningful discussions.

This all being said, matters relating to any transfer or amalgamation with another union, will ultimately rest with the members themselves as the Executive Council holds no power in questions such as these.

BATU and SIPTU have been engaged in negotiations for some time on a possible amalgamation between both unions. As of yet both unions remain engaged.

Our Union have rebuilt relationships with other unions over the last number of years because of the previous regime and the Executive would confirm that the union have better working relationships with all the Unions involved in construction.

Legal Matters.

It is no secret that the Union have been involved in litigation on a number of fronts with certain matters being referred to An Garda Síochána. Those criminal matters have been rested we believe with the exception of one. The Criminal matter relating to the opening of an account without the authority or sanction of the Union by the previous General Secretary Niall Irwin and Aiden Doyle is no longer being pursued because of the death of Aiden Doyle.

Matters referred to An Garda Síochána in Clare were never investigated as we are aware. The Executive Council wrote to the superintendent at the time to express their disappointment in the decision not to investigate our complaint against the now dissolved branch officers of Clare. The civil case remains ongoing.

The Union have also had to defend certain matters in the High Court one of which was settled somewhat last October 2016. An agreement has been put in place and the outcome has yet to be finalised. The case involved two members who it is alleged were denied their constitutional right to work. They took an action against the Union and two branch officers in the now dissolved Limerick Branch⁴. It must be said that the two plasterers are still members of the Union albeit lapsed.

There are no other legal matters that remain outstanding at present.



Speaker: Fiona Dunne ICTU.

Fiona is a Programme Manager on the Cork Project, Union Connect and Youth Connect for the Irish Congress of Trades Unions. Fiona will present to conference on the One Cork project currently underway which is proving to be a useful tool to the 18 unions involved in the project. The Project was set up in December 2015 and so far has enabled unions in Cork have a more enriched working relationship.

Motion 3 Housing.

Conference calls the Executive Council to further lobby the Minister for Housing and the Environment to fully implement the ICTU document⁴ "Housing our Communities" which would return

⁴ 2007/877 P O'Brien & Anor V Operative Plasterers Slaters and Allied Trades & Ors

the supply of Public Housing to the local authorities. Since the 1980,s successive governments have favoured the model of privatising the supply of Public Housing .This policy has been an absolute failure with 100,000 on waiting lists and record numbers of people homeless including 3,000 children who are spending their childhoods in Hotel rooms living as virtual prisoners. With the spiralling cost of rents many working people find themselves in fear of becoming Homeless and the ICTU document would see an end to the all or nothing system that exists today.

Implementation of the ICTU policy, which was co written by our official Bro Barry Murphy, would also ensure the creation of hundreds of well paid construction jobs nationwide plus the opportunities of apprenticeship for some of the 60,000 students who will be sitting their leaving cert this year and for whom Third Level Education is not, for whatever, reason an option. This would also help with what is widely recognised as a lack of fully qualified Trades people which is a problem that will affect our industry in the coming years.

OPATSI calls on the Government to take the profits out of supplying Homes for the most in need in our society.

Cork Branch.

Motion 4. Right2Water & Right2Change Campaigns.

Conference calls upon the incoming Executive Council to remain within the Right2Water and Right2Change campaigns. Trade Unions, Politicians and more importantly community groups have unified into one action group with the resolve of pushing back policies of right a wing government which is detrimental to the health and well being of our members, members of the movement and citizens of the state.

Mid West Branch

Guest Speaker.



Stevie Nolan, Trademark Belfast.

Stevie works with trademark Belfast who have been successful in discussions with paramilitary organisations on the importance of working people acting as one unit. Stevie is actively involved in the Right2Water & Right2Change movements and has played a very important role in developing the ideas of both campaigns. Stevie will present on inequality, Social Justice and capitalism.

LUNCH

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The Construction Workers' Pension Scheme (CWPS) is an occupational Pension Scheme designed specifically to meet the needs of employees in the construction and related industries. CWPS offers retirement benefits and low cost protection cover to construction workers and their families.

Retirement benefits built up for members by contributions paid by both members and their employers and a 100% of pension contributions paid are allocated to member's Pension Account. Funds remain in the member's own Pension Account until retirement age which can be anytime between the ages of 60 and 70. Normal retirement age is 65.

Members can save Additional Voluntary Contributions (AVC) to increase their income in retirement and Tax Free Lump sum. AVCs saved with CWPS are commission free and 100% is allocated to the member's Pension Account.

As a member of CWPS, Sick Pay Benefit of €38.11 per day is payable to members who are out sick due to illness or injury. Benefit is paid up to a maximum of 50 days in a year. This benefit is provided at a very low weekly cost to members and employers and is in addition to any benefits payable from the Department of Social Protection.

A Death in Service Benefit of €100,000, plus the value of the member's Pension Account is payable to a member's next of kin if the member dies while an active member of CWPS. An additional €3,175 is also payable for each eligible child of the deceased member. This benefit is provided at a very low weekly cost of €1.11 each to members and employers and is included in the weekly contribution rate.

Guest Speaker.



Anthony Kerr Barrister at Law.

Tony is a practicing Barrister and is highly regarded in the movement as one of the most prominent Barristers in the area of Employment Law. Tony also teaches in University College Dublin (UCD) and has kindly offered to present to conference on the Industrial Relations (Amendment) Act 2015. The Act contains a chapter on Sectorial Employment Orders which have been introduced to replace the old system of Registered Employment Agreements. Since the striking down of Part III of the Industrial Relations Act 1946 in May 2013, members have seen a race to the bottom ensue in the construction sector.

Motion Decent Construction Jobs.

Conference calls upon the Executive Council to lobby local authorities throughout the country to begin hiring fully qualified construction workers across all grades to keep the refurbishment of social housing in house. This will stop the relentless race to the bottom on outsourced contracts with little or no policing by the local authorities, as is their obligation under the Public Service Agreements, to the terms and conditions of workers on these projects as well as a blatant disregard for Health and Safety of both workers and the general public.

Furthermore on any projects that are outsourced preferences being given to companies who can show that they employ fully registered apprentices on an ongoing basis.

Cork Branch.

Guest Speaker:



Bro Aidan Kenny, Teachers Union of Ireland.

Aidan started out life as an apprentice plasterer serving his time to the craft. He advanced and then completed a doctorate on the craft. Aidan thought in DIT and then moved on to where he currently works in the Teachers Union, he was also once a member of OPATSI. Aidan has been a supporter of the craft for many years and an advocate of Plasterers seeking qualifications. Aidan will speak on the craft and where it is going in Ireland today.

Motion 6. Rates of Pay.

Conference calls upon the incoming Executive Council to provide a schedule of minimum rates of pay applicable to members of the Union. This will act as a guideline for members to refer to when conducting work. This was always available to members and it should benefit them going forward. Conference further calls upon the Executive Council if they feel it necessary to form a sub-committee of the members from different regions to meet and discuss and agree on those rates.

Mid-West Branch.

Motion 6. Register

Conference notes the work and effort of all those involved in the creation of a craft register for those within our crafts. It has been identified that that a large number of very experienced and capable Plasterers & Dry Liners are working and plying their craft throughout the State without the possession of a craft certificate. This does not in any way reflect the skill and competence they have without a qualification. After consultation with members from around the country it has been agreed to present a register of Plasterers & Dry Liners for approval by conference. This will be viewed as a positive for the craft as it will provide the public and the various industries in which our members work with experienced and skill operatives to not only carry out work but to stand over it.

Dublin Branch

Right2Water. Right2Change

The Union has played a part in the abolishment of water charges. The biggest part of the campaign was implemented by the community groups which it is felt are the most important part of the three pillars associated with the movement. The third pillar being the political pillar were made up of independents, Sinn Fein and the Socialist parties. The first march took place on the 11th October 2014 which reported 100,000 citizens attending. It was reported as the largest march in years seen in the capital.



OPATSI members turned out in large numbers from all over the country to support the campaign. The campaign has grown since its birth and can be attributed by a number of factors, the interaction of community groups up and down the country has led to a network of activists who have similar opinions on social, political and economic issues. And secondly, Trade Unions involved mainly the CWU, Mandate Unite and the CPSU have funded the education of those activists in branches throughout the country.

Education has been provided by Trademark Belfast, who, have been instrumental in the provision of support and education within the campaign. Bro Stiofán Ó Nualláin (Steve Nolan) Bro Sean Byers and Bro Mel Corry have provided what can only be labelled as essential education for members and activists. Our members have benefited throughout the country and the Dublin Branch had the privilege of this during 2015 when Bro Nolan presented to members at a quarterly meeting. This education is still being delivered by Trademark Belfast. The Executive Council strongly encourages this.

It must also be noted that two influential people, both Trade Union officials, who have been central to the movement and pivotal in the success of it were, Bro Dave Gibney of the Mandate Trade Union and Bro Brendan Ogle of the Unite Trade Union. Bro Ogle has been the face of the campaign for the past three years and Bro Gibney has been working endlessly in the background correlating and gathering information for the campaign to use when dealing with politicians from the right and others who have not favoured our way of thinking

The Union remains within the group of unions affiliated to the Right2Water campaign. We urge more member to get active in this area through your union as this campaign is far from over.

Bogus Self Employment.

This issue has been around for some considerable time with it initially being introduced in the 1970's by George Colley from Fianna Fail. It was first introduced within the construction forestry and meat industries. An employer would be issued with a C2 tax clearance certificate and he would operate on a 0% tax rate. If for some reason they fell behind with tax, PRSI or other tax/VAT payments the revenue commissioners would inform their clients to stop 35% tax and remit it directly to Revenue.

This has now been transformed down through the years and successive governments have adapted the system to suit employer's needs as opposed to workers needs. Following the election of the Fine Gael Labour Government in 2011 Minister for Finance changed the Revenue system to an electronic system whereby employers can now designate workers as self employed workers without their consent. This system is referred to as the eRCT system and has become the default position when seeking or gaining employment.

The establishment of self-employment as opposed to direct employment has now firmly taken hold in the construction sector. When workers take a stand against what has now been termed as "bogus self-employment", a number of tests apply where the courts have established. The number of tests applies, one being a control test. This would determine who's control a worker would be under or if they were under no control.

Other tests have been introduced over the years such as the "in business test" and "the integration test". These all play a part in deciding as to whether or not a person is an employee or a self employed person. The most important element of the relationship that needs to be present, is what's known as "Mutuality of Obligation", meaning an employer offers work and the worker accepts to perform the work.

Members are advised when offered work to take it no matter what arrangements are offered or forced upon members by way of paying their tax. It is not a matter for an employer to decide that a worker is to be designated as a self employed worker, this is a matter for workers themselves. Even deciding to work as a self employed worker does not mean the employment relationship is truly that of a self employed relationship. That could be considered to be a sham contract as the contract does not reflect the true relationship at play.

Two reports have recently established the loss to the economy and to workers because of bogus self-employment. Both reports arrive at the same loss using different figures. Below is a table which shows a weekly pay packet and how the different deductions are calculated. The TASC report is using a figure of €49.90 to calculate the loss whilst the ICTU are using the figure of €64.14 to calculate the loss. Industry figures in the TASC report are taken from the CSO's QHNS figures produced each quarter whilst ICTU are using figures supplied by Parliamentary questions (PQ's). The loss of hard fought employment rights by Trade unions and ordinary members are now being eroded by unscrupulous employers who have no respect for our craft or any other craft. We are going backwards quite quickly and we are standing still watching it happen. The question must be asked, What are we leaving for the next generation?

Figure 1

	<u>TASC</u>	<u>ICTU</u>
Hourly Rate	€17.21	€17.21
Weekly wage	€671.19	€671.19
Employer (PRSI Class A)		
PRSI up to 356 @8.5%	€30.26	€30.26
PRSI @ 10.75%	€33.88	€33.88
Total Employer	€64.14	€64.14
Employee (PRSI Class A)		
PRSI up to €356 @ 0%	0.00	
PRSI on remaining @ 4%	€12.61	
Total employee	€12.61	
Employer & Employee	€76.75	
Self Employed (PRSI Class S)		
PRSI on all income @ 4%	€26.85	
Difference in Employee\Self Employed is €49.90		

Figure 2 shows the estimated loss due to bogus self employment since 2006 and includes an estimated figure for 2020 considering the figures produced by the Construction Industry Federation recently. The percentage used is based upon an average from 2013 to 2015 working as bogus self employed.

Figure 2

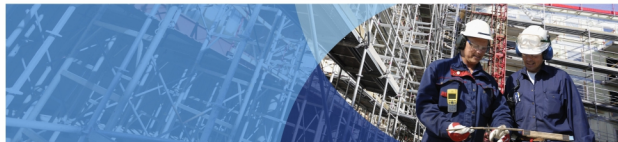
YEAR	EMPLOYED	BSE @27%	TASC Weekly loss	TASC yearly loss	ICTU Weekly loss	ICTU Yearly loss
2006	247,000	66,690	€ 3,343,849	€ 157,160,898	€ 4,277,497	€ 192,487,347
2007	270,400	73,008	€ 3,643,099	€ 171,225,662	€ 4,682,733	€ 210,722,990
2008	255,800	69,066	€ 3,446,393	€ 161,980,490	€ 4,429,893	€ 199,345,196
2009	182,800	49,356	€ 2,462,864	€ 115,754,627	€ 3,165,694	€ 142,456,223
2010	130,600	35,262	€ 1,759,574	€ 82,699,969	€ 2,261,705	€ 101,776,711
2011	108,500	29,295	€ 1,461,821	€ 68,705,564	€ 1,878,981	€ 84,554,159
2012	103,300	27,891	€ 1,391,761	€ 65,412,762	€ 1,788,929	€ 80,501,793
2013	96,300	26,001	€ 1,297,450	€ 60,980,145	€ 1,667,704	€ 75,046,686
2014	102,300	27,621	€ 1,378,288	€ 64,779,531	€ 1,771,611	€ 79,722,492
2015	121,800	32,886	€ 1,641,011	€ 77,127,536	€ 2,109,308	€ 94,918,862
2016	136,000	36,720	€ 1,832,328	€ 86,119,416	€ 2,355,221	€ 105,984,936
2020	235,000	63,450	€ 3,166,155	€ 148,809,285	€ 4,069,683	€ 183,135,735

The total estimated loss to the tax payer from 2006 to 2016 is €1,367,517,395 billion. How many houses would that build giving jobs to construction workers in the last 8 years. How many hospital beds would have been made available? How many nurses could have been employed at proper rates of pay⁵. This avoidance of tax and PRSI cannot be allowed to continue in light of the present state of the public finances. The state has a debt of €204billion and employers are allowed to line their pockets by forcing workers to operate within this system.

⁵ A nurse is paid far less than a craft worker according to the pay scales provided by the INMO.



Since 2004 our nurses have provided health checks for more than 75,000 Irish construction workers at their own workplaces. Our Health Teams have visited 400 workplaces throughout the country. The CWHT uses the most up to date portable diagnostic equipment supplied by our partners Healthcare Screening Ireland. All of our test results are given to the worker on the spot. Every worker also receives a copy of our Good Health Booklet which gives an explanation of all test results.



Quality over Quantity

E. Keenan (BTech)

Starting out as an apprentice plasterer in the 80's, I was taught to buy the best tools I could afford and to take my time doing my work. It is better to have a small bit of work done correctly than a lot of work done badly. Using cheap tools would show up my own workmanship and would require replacement on an ongoing basis.

All the trades took great pride in their work and their tools. Carpenters would always examine a piece of timber before using it, a plumber used copper instead of qualpex, plasterers plastered most block walls instead of plaster boarding everywhere. The work of course took longer than now days but the client received value for money. Today companies want to make money as quickly as possible with the least production cost and maximum profit. Lower quality work produced quickly tends to be more profitable and less expensive for the consumer. But at what cost, we have become a throwaway society which has a negative impact on the environment showing the next generation the "we don't care" attitude.

During 1997 to 2007 the construction industry was booming. We built 30 years of work in 10 years and the shoddy workmanship is starting to show with a range of problems that have put families in financial ruin and without homes. Maybe if the work was spread out over more years and registered Tradesmen were only accepted to do the work they were trained to do, rather than banks and developers dictating how the work should be done and at what speed, we would not have the problems we have now. Basing work performance on the fastest and cheapest person was and is a mistake. It might seem impossible to slow down to give quality these days but many companies already do which the construction industry could learn from. BMW and Fiat both make a range of cars that go from A to B comfortably but you will see more older BMW's on the road than Fiat's McDonald's and TGI Friday's both will provide a tasty meal but the nutrition content in TGI Friday's meal would be more beneficial than McDonald's. Apple computers are more expensive than Microsoft but most computer viruses are wrote to infect Microsoft. Apple prides itself on its security and longevity of its products. The Hilti corporate culture is founded on four key ideas—teamwork, integrity, courage and commitment—along with self-responsibility, respect for others and tolerance. Black and Decker goal has been simple: provide tools and solutions that make life easier. Black and Decker is associated with "DIY" But Hilti is associated with construction. Emirates airline' mission is to deliver the highest standards of service quality to support business in the air transportation industry and to achieve complete customer satisfaction through innovation and refinement of Service.

If you mention the word Germany, people think of Quality. If you mention the word Taiwan, people think of cheap copies. Ireland had a name for quality construction but not anymore. Irish tradesmen do very well abroad due to the fact that their knowledge is appreciated and they are allowed to work for quality rather than quantity.

So **Moving Forward Together** we should take what we did best in the past and add it to what is best now and get our reputation back.



O.P.A.T.S.I.

**OPERATIVE PLASTERERS'
& ALLIED TRADES'
SOCIETY OF IRELAND**

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