

FAX

19/5/2004

To: All Human Resource Directors in DATH's / Voluntary hospitals

Re: Contractors Agreement

Dear Colleague,

Please note that the above issue has been raised by Voluntary Hospitals Craft Group of Unions.

I attach for your information and attention a copy of the Agreement, which formed part of the 1997 Analogue, no amendments have been made to same during the course of the recent parallel benchmarking agreement.

Should you have any queries regarding it's application please contact me.

Yours sincerely,

Se O' Connor
Industrial Relations Executive

PROCEDURAL AGREEMENT BETWEEN MANAGEMENT AND THE TRADE UNIONS FOR USE OF CONTRACTORS BY LOCAL AUTHORITY AND HEALTH SERVICE MANAGEMENT

1. It is the ongoing responsibility of Local Authority and Health Service Management to provide services as economically, efficiently and effectively as possible for the public which they serve, subject at all times to financial resources and in compliance with our statutory obligations.
2. It is accepted that Local Authority and Health Service Management has traditionally provided services by a combination of direct labour and contract work. Local Authority and Health Service Management will use competitive direct labour to the greatest possible advantage.
3. It is a condition for the award of contracts following public tender that the successful tenderer produces a valid Tax Clearance Certificate or C2 Certificate for the Revenue Commissioners. Non-resident tenderers, are required to produce a statement of suitability on tax grounds from the Irish Revenue Commissioners. Tenderers are also required to submit a Safety Statement prepared in accordance with the Safety, Health and Welfare at Work Act, 1989.
4. Contractors are required to implement the minimum standard conditions and pay rates of the Construction Industry or whichever other industry the Contractors and/or Sub-Contractors are so involved.
5. Contractors are obliged to confirm their compliance with the appropriate registered agreement registered in the Register of Employment Agreements including the CIF Pension Fund/Sick Pay Scheme and any other Pension Fund/Sick Pay Scheme relevant to whichever industry the Contractors and/or Sub-Contractors are so involved.

Contractors are obliged to confirm their compliance with the statutory requirements in respect of payment of PAYE, P.R.S.I. contributions.

- 6. The trade unions which are party to this agreement recognise and acknowledge these aims and work procedures and in order to ensure that they operate to the satisfaction of both sides agree to the adoption of the following principles in respect of the engagement of contractors by Local Authority and Health Service Management.**
- 7. The decision as to whether any services are to be carried out by direct labour or contract work is the sole prerogative of Local Authority and Health Service Management. Pending the making of that decision, the seeking, reception and examination of tender/quotations will proceed.**
- 8. Where Local Authority or Health Service Management advertise on a public basis inviting applications from contractors, details regarding the successful tenderer will be forwarded to nominated personnel representing the trade unions who are party to this agreement.**
- 9. When a contract is awarded the name of the Contractor and any Sub-Contractor together with a description of the work to be undertaken will be forwarded to nominated personnel representing the trade unions who are party to this agreement.**
- 10. Objections to any Contractor, which must be factually documented in written form, should be submitted by the union(s) within one month of receipt of the notification from Local Authority or Health Service Management.**
- 11. Local Authority and Health Service Management are prepared to discuss reasonable grounds of objection with the trade unions(s) in order to resolve difficulties pertaining to a particular Contractor.**
- 12. This agreement may be reviewed from time to time.**