

18<sup>th</sup> September 2014

Deputy Jan O'Sullivan  
Minister for Education and Skills  
Office of the Minister for Education and Skills  
Marlborough Street  
Dublin 1.

REF: 40528

RE: Clondalkin Area Committee Meeting of South Dublin County Council held on 17<sup>th</sup> September 2014

Dear Minister,

At the meeting of the Clondalkin Area Committee held on the 17<sup>th</sup> September 2014 the following motion was passed by the Members:

*"That this area committee writes to the Dept of Education asking for clarification on contractual obligations with the developer to the School building programme in relation to pay and conditions of craft workers who are employed directly or indirectly by the developer as part of the school building programme."*

I would be obliged for your comments and response as soon as possible to enable me to revert to the Committee.

Yours sincerely,

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Edel Colgan  
Senior Staff Officer



**Oifig an Aire Oideachais agus Scileanna**  
**Office of the Minister for Education and Skills**

Ms Edel Colgan  
Senior Staff Officer  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24



**PLEASE QUOTE OUR REF NUMBER ON ALL CORRESPONDENCE**  
Our Ref. 1405135/SR

104

November 2014

Dear Ms. Colgan

I refer to your letter dated 18<sup>th</sup> September 2014 to the Minister for Education and Skills, Ms Jan O'Sullivan T.D. regarding contractual obligations placed on contractors delivering schools buildings under the Department's School Building Programme and the delay in replying is regretted.

School building projects which are funded from public monies, are required to use the forms of contract provided under the Capital Works Management Framework which includes a suite of public works contracts, standard conditions of engagement, model forms, suitability assessment questionnaires and guidance notes published by the Office of Government Procurement (OGP). The OGP is an office within the Department of Public Expenditure & Reform which has been tasked with centralising public sector procurement arrangements for common goods and services. Copies of these contracts may be downloaded from the following website  
<http://constructionprocurement.gov.ie>

As you be aware in April 2013 the Department appointed Contractors Administration Services (CAS), to conduct random audits on school building projects. Should irregularities be uncovered in terms of non-compliance with relevant employment law, enforcement and prosecution falls under the remit of NERA and the Department will report any discrepancies found to it.

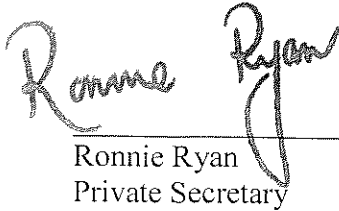
If the audit uncovers any other matters of concern regarding tax compliance or social welfare fraud, such matters will be referred to either the Revenue Commissioners and/or the Department of Social Protection as appropriate.

Also the Government recently approved the drafting of the legislation to provide for a revised legislative framework to replace REAs. This follows a judgement by the Supreme Court (McGowan and others v the Labour Court, Ireland and the Attorney General) which effectively made the registration of employment agreements invalid.

The new legislation will allow unions and employers to apply to the Labour Court to undertake a review of pay/pensions/sick pay in terms of workers in a particular sector and make recommendations to the Minister for the making of an order in these areas. It will also provide for flexibility in response to changing economic circumstances or changes in the make-up of a sector.

I hope this clarifies the matter for you.

Yours sincerely

  
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Ronnie Ryan  
Private Secretary