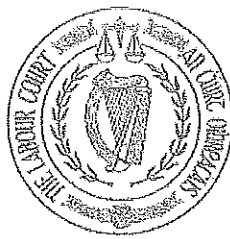


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Labour Court Hearing Regarding

Application for

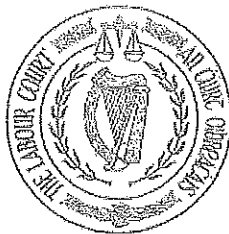
Commercial Archaeologist Sectoral Employment Order

Wednesday September 7 2016

Submissions of Interested Parties

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Submission to the Court

UNITE

Submission to the Labour Court
on behalf of
Unite the Union
in relation to
the Commercial Archaeological sector
under the Industrial Relations (Amendment) Act 2015

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Introduction

Chairman, members of the court, Unite the Union are asking the Court to recommend a Sectoral Employment Order as provided for by the Industrial Relations (Amendment) Act 2015, to be made for archaeologists working within the commercial sector in the Republic of Ireland.

Background

Recent surveys show that despite being a highly qualified graduate profession, archaeologists are paid at unsustainable low levels to allow a highly educated, qualified and experienced archaeological workforce to deal with the rise in development led work.

Pay rates fell substantially during the recession and are not recovering at a rate that provides for a sustainable profession with a decent standard of living and quality of life. The current rates of pay for archaeologists are below those currently paid in the construction sector and well below median rates for graduates and comparator professionals such as engineers and architects.

Archaeologists in the commercial sector do not have any sectoral pension or sick pay scheme and the majority of workers have no entitlements to pension or sick pay other than statutory ones.

Unite is the only trade union representing archaeologists in the commercial sector. We are substantially representative of archaeologists and have attempted to negotiate a collective agreement with employers in the sector. A significant body of employers support the principle of a Sectoral Employment Order, however, in the absence of a SEO there is a significant threat of industrial action due to the disparate nature of employers and the refusal of some of the largest companies to engage.

Our proposed rates are based on recommendations from the Institute of Archaeologists of Ireland (the professional body for archaeologists in Ireland) ratified by their Annual General Meeting in April 2014 (*Appendix 1*).

We therefore have requested the Labour Court to conduct an examination into the terms and conditions relating to the remuneration, sick pay scheme and pension of workers in the Commercial Archaeology Sector under Section 14 of the Industrial Relations (Amendment) Act 2015.

Representation

Unite the Union represents archaeologists working in the commercial sector. Commercial sector archaeologists in Ireland work either independently or as part of private archaeological consultancies.

There are approximately 47 registered companies in the archaeological sector in the Republic of Ireland (*Appendix 2*). The majority of these are sole traders or small

companies with between 1 and 5 permanent employees. The larger companies (3-4 companies) represent those who have undertaken sufficiently large projects in the past to tender for large-scale public and private contracts. These companies typically employ up to 20 people but can expand rapidly taking on significant numbers of temporary staff on short term contracts to deal with field projects. There are three main sources for the numbers employed in Irish commercial archaeology;

- Discovering the Archaeologists of Europe (DISCO) 2008 - http://irserver.ucd.ie/bitstream/handle/10197/4496/DISCO_Ireland_Final_Report_Print.pdf?sequence=1
- Working Group Report on Pay Review, Institute of Archaeologists of Ireland (WGRPR) 2014 (*Appendix 1*).
- Discovering the Archaeologists of Europe (DISCO) 2012-2014 - http://www.discovering-archaeologists.eu/national_reports/2014/IE%20DISCO%202014%20Ireland%20national%20report%20english.pdf

These surveys were snapshots in time as the numbers employed on temporary contracts varies from month to month.

The Discovering the Archaeologists of Europe survey in 2008 (an independent pan-European survey conducted by the Institute of Archaeologists of Ireland as part of the European Association of Archaeologists) found that there were 1512 employed in Irish commercial archaeology at that time (McDermott and La Piscopia 2008, 13).

However, commercial archaeology was heavily hit by the economic recession with a catastrophic collapse in employment. The Working Group Report on Pay Review, Institute of Archaeologists of Ireland (WGRPR) survey in 2014 estimated that in the period 2013-2014 there were at least 170 people employed in the sector on the island of Ireland (both jurisdictions). Although by no means all of these were employed for the whole of that period.

The latest Discovering the Archaeologists of Europe survey in 2012-2014 report found that there were 168 working in the commercial archaeological sector in 2012 (Cleary and McCullagh 2013, 25).

Unite Archaeological Branch currently has 110 members. It is growing rapidly and Unite can therefore be said to be substantially representative of archaeologists employed in the sector in accordance with Section 14 (2) (a) of the 2015 Act.

Industrial Relations

Unite has consistently attempted to engage with the archaeological employers over the last eighteen months to negotiate and agree a collective agreement for the sector. Some of the largest consultancies have failed on several occasions to meet to discuss the terms of such an agreement.

Unite engaged constructively with the Institute of Archaeologists of Ireland who agreed to act as independent chair of meetings between the Union and employers but the employers failed to engage.

There is no cohesive body representing employers and they are not collectively part of a licensed negotiating body such as the Irish Business Employers Confederation (IBEC) or the Construction Industry Federation (CIF). *No longer contact*

Many of the smaller companies are hesitant to negotiate an agreement on an individual basis that would leave them at a competitive disadvantage.

The continuing low levels of pay and low morale and the absence of a sectoral or national agreement will inevitably lead to pay claims being served on an employer by employer basis and the potential ramifications from such a bargaining approach.

A substantial number of companies and employers (22) have supported the need for a Sectoral Employment Order but conclude that they cannot raise rates unless they are minimum rates that are enforceable and applicable to all (*Appendix 3*).

In addition, due to the transient nature of the industry and the proliferation of precarious work, a sectoral bargaining approach is required and it is also the norm in the comparator sectors.

The Commercial Archaeological Sector

Archaeology is undoubtedly a graduate profession. 95% of archaeologists in the commercial sector have primary degrees, while 55% have Masters Degrees or higher (Curtin *et al* 2014). The basic degree is a 3-4 year programme depending on the institution and the awards are between level 7 and level 8 on the HETAC scale, depending on the degree (BA/BSc).

In addition, archaeologists working in the field are required to gain professional experience, may undertake continuing professional development through the Institute of Archaeologists of Ireland (IAI) and if they seek to direct excavations of any scale have to sit and pass an interview with the statutory authorities.

The Institute of Archaeologists of Ireland is a professional body that seeks to represent the interests of archaeologists throughout the island in both jurisdictions on policy issues that affect archaeologists. It is a public limited company whose members, while including

employees in the commercial archaeological sector also includes the vast majority of employers.

Archaeological work to mitigate the impact of developments is frequently required through the planning process and in the Republic of Ireland is defined as a service and therefore contracts are open to tender. The scope of works range from desk based assessments to archaeological monitoring of development works, full-scale archaeological excavation and post excavation reporting. A substantial range of building and infrastructural projects require archaeological work and as the economic recovery takes hold, there will be increased demand for services. Current wage levels make it impossible to retain the skill set and experience needed to deal with major projects arising from the general upturn in construction activity.

Archaeologists on excavations frequently work on construction sites and at entry-level carry out a multitude of tasks, which range from equivalent jobs to craft workers and technical operatives to graduate architects and engineers. At higher levels, they act in a similar way to supervisors, experienced architects and engineers.

The work undertaken by commercial archaeologists is regulated through the National Monuments Acts and European Union Directives by the National Monuments Service and the National Museum of Ireland.

A range of other state agencies including Local Authorities, Transport Infrastructure Ireland and the Forestry Service interpret planning conditions and provide the tendering environment in which commercial archaeologists work.

The archaeologists employed by these State agencies are employed within the public service and as such are subject to the industrial relations agreements within that sector such as the Haddington Road and Lansdowne Road Agreements.

However, the qualifications for an archaeologist in the commercial sector do not differ at all from those for archaeologists in the public sector.

For these reasons, this document compares wage levels in all of these sectors (graduate professionals, public sector & construction).

Grading & Qualifications

There are three grades of archaeologist in common usage in the sector. These are most commonly used in commercial archaeology and bodies such as Transport Infrastructure Ireland detail criteria for each role.

Method statements sent to the Department of Arts, Heritage and the Gaeltacht required for licencing of projects specify how many of each of these grades is to be present on site.

Site/Excavation Director is currently the only role that is subject to national legislative guidelines, where they must pass an interview with the regulatory authorities to be licence eligible.

A major advantage of a Sectoral Employment Order would be to formally define the minimum competencies and qualifications for these three grades of archaeologists.

Table 1: The most frequently used archaeological grades and their competencies

Grade/Title	Responsibilities	Qualifications
Archaeological Assistant	<p>Responsibility for all tasks assigned to them by site Archaeological Supervisor/Excavation Director. These include excavating archaeological features, recording them on standardised recording sheets, drawing plans, collecting and recording artefacts, Eco facts and samples, assisting with site survey.</p> <p>In office, tasks include work on entering data from excavation, processing data and gathering information for assessments, processing artefacts and samples.</p>	<p>Qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with greater than 6 months postgraduate archaeological field experience.</p>
Archaeological Supervisor	<p>Assist Excavation Director/Post Excavation Manager in proper conduct of excavations or post excavation and the management of archaeological staff. Including; ensuring recording sheets of archaeological features are correctly completed; ensuring drawn plans include all relevant information, ensuring that all artefacts and samples in their area have been correctly recorded. Provide reports and updates to the Site Director.</p> <p>Monitor construction machinery in consultation with a licensed site director and make decisions on recording features of archaeological significance during monitoring in consultation with them. In offices, they work on archaeological reporting, writing narratives based on information inputted by Archaeological Assistants. Ensure that artefacts and samples are correctly boxed, stored and described and supervise the processing of samples. Conduct desk-based research for archaeological impact assessments, field walking and inspection of monuments and seek records from National and local libraries, the National Museum of Ireland and the National Monuments Service.</p>	<p>Fully qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with minimum two years postgraduate field experience. This is also the minimum grade for those involved in archaeological impact assessments.</p>

Grade/Title	Responsibilities	Qualifications
Site/Excavation Director	<p>Legally responsible for carrying out excavation in accordance with agreed methodology in the licence granted by the Department of Arts, Heritage & the Gaeltacht and good professional practice, managing excavation staff, liaising with Archaeological Supervisors overseeing post-excavation, managing health and safety on-site.</p> <p>Responsible for the monitoring of construction machinery and for halting groundworks if archaeological features are uncovered. They uncover, assess and record features in co-ordination with their team following consultation with statutory authorities, the client and company management.</p> <p>Overall responsibility for the production of site reports. Responsible for preparing the site archive. Obligated to produce published summaries of excavations and work towards full publication of significant excavations. Complete archaeological impact assessments.</p>	<p>Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; fully qualified archaeologist eligible to receive a licence from Department of Arts, Heritage & the Gaeltacht; they have at least 5 years postgraduate field experience.</p>

Current Pay Levels

There are three main sources of independent information for levels of pay in commercial archaeology over time.

- The independent Discovering the Archaeologists of Europe (DISCO) 2008 report provided figures at the peak of the economic cycle. http://irserver.ucd.ie/bitstream/handle/10197/4496/DISCO_Ireland_Final_Report_Print.pdf?sequence=1
- The Institute of Archaeologists of Ireland (WGRPR) report 2013-2014 established that pay rates were very low and that commercial archaeology was 'unsustainable' as a profession (*Appendix 1*).
- The latest DISCO report 2012-2014 did not receive wage information for temporary staff and produced an average salary for all archaeologists (public & commercial) which the report acknowledges bears no relation to salaries in the commercial sector. http://www.discovering-archaeologists.eu/national_reports/2014/IE%20DISCO%202014%20Ireland%20national%20report%20english.pdf

In addition, Unite have polled archaeologists using the Survey Monkey survey facility every 6 months to gauge current pay levels in the sector. This survey included union members and non-union members and the responses received represented a good sample of employees in the profession. These polls show that despite the uplift in economic activity there have been low levels of wage growth (*Appendix 4*).

When viewing this table it is important to note that in 2007; 97% of the employees polled worked on a year round basis, while in recent years the majority of employees worked sporadically (58.3%).

Table 2: Hourly rates of pay from 5 recent surveys of archaeological pay in the private sector 2007-2015.

Grade	DISCO 2007	WGRPR IAI Working Group 2013-2014	Unite Wage Tracker 1 Dec 2014	Unite Wage Tracker 2 June 2015	Unite Wage Tracker 3 Dec 2015 (Latest available figures)
Archaeological Assistant	€13.80	€9.00	€10.55	€11.50	€11.50
Archaeological Supervisor	€15.52	€10.97	€11.80	€11.62	€13.16
Site/Excavation Director	€20.40	€17.90	€16.87	€16.93	€16.64

Based on the average hourly rates from these surveys and annual equivalents based on a 37.5 hour week, the following should be noted:

In 2007 Archaeological Assistants were paid €26,910 per annum

In 2015 Archaeological Assistants were paid €22,327 per annum (17% less)

In 2007 Archaeological Supervisors were paid €30,264 per annum

In 2015 Archaeological Supervisors were paid €25,662 per annum (15% less)

In 2007 Site/Excavation Directors were paid €39,780 per annum

In 2015 Site/Excavation Directors were paid €32,448 per annum (18% less)

These reductions in wages are despite having to travel further for work and often working on temporary contracts for relatively short periods of time and frequently with no subsistence payments.

Unlike the Construction Workers Pension Scheme (CWPS), there is currently no industry scheme within the commercial archaeological sector for sick pay and pensions. A small number of individual companies have pension schemes that they operate for their

permanent staff, however the vast majority of archaeologists operate on precarious contracts and move between companies and are therefore not covered.

Economic Analysis and Comparators

There are few accurate estimates of the value of the commercial archaeological sector and there are no peer reviewed figures on the size of turnover and profits.

While the downturn clearly impacted greatly on the sector, it is likely that as construction activity and infrastructural projects increase so will archaeological activity with a corresponding rise in turnover and profits.

There is relatively little information on the global cost of archaeological work as a percentage of development work in Ireland. Archaeological works are cited as 2% of National Road Authority schemes (Barry 2006). Reforms to fixed price tender systems and changes in the scale of works mean that typical archaeological projects now make up a smaller percentage of the overall project cost. Archaeological work on major infrastructural schemes in the City of London typically makes up 1-3% of the cost of the overall project - <http://www.cityoflondon.gov.uk/business/economic-research-and-information/research-publications/Documents/2007-2000/The-Impact-of-Archaeology-on-Property-Development.pdf>

The 2015-2021 Capital spending plan envisages spending €10 billion on capital projects such as the N5 Westport to Turlough, 35,000 social housing units, energy infrastructure, upgrading of water pipelines and Metro North.

Major projects in the UK such as High Speed Rail which have enormous archaeological impacts will mean that few if any staff from the UK will be likely to travel to Ireland and attractive remuneration packages may mean that archaeologists from the Republic will travel to the UK.

There is therefore a need for a sustainable supply of qualified and experienced archaeologists in Ireland who can complete the contracts satisfying Irish planning and EU Directives on environmental impacts.

To do this pay rates need to be at a level to retain graduate staff and to provide enough income to adequately compensate archaeologists who have to move from their home base to service projects.

The Institute of Archaeologists of Ireland established a working group on pay in 2013, which included representatives of employees and employers in the commercial sector.

The working group considered the levels of pay in the commercial sector and looked at pay rates for archaeologists in the public sector and in comparable professions.

It produced recommended rates of pay based on the previous rates for grades from its predecessor, the Irish Association for Professional Archaeologists, devised in 1998 and benchmarked to local authority engineering grades. The working group then adjusted these rates for inflation in the intervening years.

These recommended rates of pay were ratified by the Institute of Archaeologists of Ireland, a body that includes all of the employers, at their Annual General Meeting in Limerick in 2014.

The report from the Institute noted that while recommending these rates of pay, it could not legally enforce them and that they could only be achieved by collective bargaining.

Table 3; Rates of pay recommended by the Institute of Archaeologists of Ireland in 2014

Grade	Recommended Hourly Rate	Annual Equivalent
Archaeological Assistant Grade I	€12.85	€25,057
Archaeological Assistant Grade II	€17.50	€34,125
Site Archaeological Supervisor	€22.20	€43,290
Site/Excavation Director	€26.85	€52,357

Please note; that as the 2015 Act only provides for a minimum hourly rate of basic pay and not more than 2 higher hourly rates of basic pay, we have proposed to merge Archaeological Assistant Grade I with Archaeological Assistant Grade II to have a single Archaeological Assistant Grade.

Comparable Graduate Rates of Pay

According to the 2015 edition of GradIreland (the official survey of graduate starting salaries and recruitment trends), the median starting salary for graduates in Ireland in 2015 was €27,953 per annum (€14.34 per hour).

"Median graduate salary bracket predicted for 2014/15 = €24,000-€25,999. Actual median starting salary paid to graduates hired in 2014/15 = €27,953. Predicted median starting salary for graduate hires in 2015/16: €28,332"

<http://cdn.thejournal.ie/media/2015/06/salary-survey-2015-0406.pdf>

Comparable Public Sector Rates of Pay

Table 4; Rates for archaeologists in the public service in the Republic of Ireland were calculated on the three grades of Engineers in the Public Service

Grade	Bands (NOTE: incremental rates with minimum specified time periods spent at certain rates before reaching maximum)	Hourly Rate
Engineer grade III	€30,738 - €59,604	€15.15 - €29.39
Engineer grade II	€58,765 - €68,647	€28.97 - €33.84
Engineer grade I	€65,000 - €80,140	€32.05 - €39.51

Comparable Construction Sector Rates of Pay

All archaeological salaries in the commercial sector fall far short of the €19.19 hourly average earnings for the construction sector in 2015 (*Appendix 5*).

Archaeologists, particularly Archaeological Assistants, work most frequently alongside construction workers. The current agreed rates for specialist construction workers such as mechanical craft workers, electrical craft workers and non-mechanical and non-electrical craft workers are clearly well in excess of those paid to Archaeological Assistants or Archaeological Supervisors.

While the qualification structure differs radically with vocational training for apprentice craft workers of up to 3 years and academic training for archaeologists, the latter have already served at least 3 years at undergraduate level and will have gained at least 6 months on site experience to qualify for entry level Archaeological Assistant grades.

The 1st year after apprenticeship hourly rates for Mechanical Craft Workers (€20.63), Electrical Craft Workers (€20.74) and Technical Operatives who are Non-Mechanical or Non-Electrical Craft Workers (€18.04) contrast very sharply with the current pay level of €11.50 for Archaeological Assistants (*Appendix 6*).

These sharp disparities continue between pay rates for Archaeological Supervisors and Site/Excavation Directors and the pay for grades of craft workers who are qualified for more than 1 year out of time.

Archaeologists in the commercial sector are frequently required to travel extensively for work and have to find accommodation close to their temporary workplace. This often involves the payment of double rent and the majority of companies do not pay accommodation or subsistence expenses to their temporary staff.

Comparable UK Rates of Pay

Projects in the commercial archaeological sector, unlike other traded services in the construction sector, while open to competition within the EU are rarely subject to external competition. This is perhaps due to the unique nature of cultural heritage in each member state, the differences in national legislation governing archaeological heritage and the low value of tenders for archaeological projects in Ireland. In other EU countries the archaeological requirements related to development work is undertaken by the state or a mix of state and private consultants.

The closest comparison with the use of archaeology as a private sector service is within our nearest neighbour. It is difficult to find accurate data related to wages in the UK in the commercial archaeological sector. The majority of archaeological jobs in the UK are paid according to a set of minimum rates linked to bands.

A survey using the number of positions advertised along with their wage bands (unlike in the Republic of Ireland, the UK advertises banded rates of pay for archaeological posts).

Table 5; British Archaeological Jobs Resource banded rates of pay.

Grade	Annual Salary (Sterling)	Annual Salary (Euro Equivalent)	Hourly Rate (Euro Equivalent)
Technician G1–G3 (Archaeological Assistant)	£17,000 - £19,000	€23,170 - €25,895	€11.88 - €13.27
Archaeological Supervisor	£19,000 - £21,106	€25,895 - €28,767	€13.27 - €14.75
Project Officer (Site/Excavation Director)	£22,463 - £25,738	€30,616 - €35,079	€15.70 - €17.98

In addition, there is however a substantial difference between the UK and Ireland in terms of remuneration for archaeologists.

A 2011 survey in the UK reported that 90% of archaeologists were provided with accommodation on 'away' projects (Howard *et al.* 2012) while 82% were paid nightly or daily subsistence rates in addition to their salary. In 2012-13, 51% of UK companies paid subsistence allowances. They were typically said to cover the expenses of work away from home -

https://www.academia.edu/4245329/Diggers_Forum_report_on_away_work_and_travel_in_UK_commercial_archaeology_2011

Subsistence rates are paid on a much more adhoc basis in Irish commercial archaeology and are often restricted to permanent staff rather than those on temporary or fixed-term contracts.

In conclusion, our nearest neighbours receive significantly higher salaries even before the system of expenses and accommodation allowances are taken into account.

They also benefit from a lower cost of living (except in the London area where a considerable weighting allowance is paid to staff) and different income tax and social insurance contribution regimes meaning that their net pay is considerably higher and therefore they enjoy increased purchasing power.

Whichever comparator is chosen; the recommended rates of the IAI, the rates of pay for public sector archaeologists or the rates of pay for construction craft workers, archaeologists in the commercial sector are not paid in a fair and sustainable way for their work or commensurate with their skills, qualifications and experience. They should have comparable minimum pay rates.

Proposed Minimum Hourly Rates of Pay

We have seen that rates of pay in the Commercial Archaeological Sector are unsustainable and decreased radically since 2007.

We have seen that there is a demand for qualified and experienced archaeologists in an expanding sector.

We have seen that the majority of employees and many employers would like to see decent minimum rates of pay commensurate with qualifications and experience but can only do so in the context of a Sectoral Employment Order.

We have also seen that many archaeologists in the commercial sector work on temporary contracts for relatively short periods often with no compensation in terms of subsistence payments.

Therefore based on the level of training in a graduate profession, comparative entry rates in the construction sector and comparable professions along with the recommendations of the Institute of Archaeologists of Ireland, Unite proposes the following minimum rates;

Table 6; Proposed Minimum Rates and Competencies

Grade/Job Category	Proposed Minimum SEO Rate	Qualifications
Archaeological Assistant	€15.85 (equivalent annual salary €30,907)	Qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with greater than 6 months postgraduate archaeological field experience

Grade/Job Category	Proposed Minimum SEO Rate	Qualifications
Archaeological Supervisor	€19.00 (equivalent annual salary €37,050)	Fully qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with minimum two years postgraduate field experience. This is also the minimum grade for those involved in archaeological impact assessments.
Site/Excavation Director	€26.85 (equivalent annual salary €52,357)	Fully qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; fully qualified archaeologist eligible to receive a licence from Dept of Arts, Heritage and the Gaeltacht; at least 5 years postgraduate field experience

Unite would ask that the minimum rates be set as follows:

Archaeological Assistant - €15.85 per hour

Archaeological Supervisor - €19.00 per hour

Site/Excavation Director - €26.85 per hour

This would implement the minimum rates as recommended by the Institute of Archaeologists of Ireland.

Conclusion

Unite would ask that the Court recommend minimum hourly rates of basic pay as above.

Unite would ask that the Court recommend that any pay in excess of basic pay in respect of shift work be at time and a third.

Unite would ask that the Court recommend that overtime shall be at the rate of time and a half after the first 8 hours worked in a day until midnight, and at double time thereafter.

Unite would ask that the Court recommend that overtime on a Saturday be at a rate of time and a half for the first four hours and at double time thereafter.

Unite would ask that the Court recommend that overtime on a Sunday be at a rate of double time.

Unite would ask that the Court recommend that travelling time (when working away from base) would be calculated in line with the industry norm.

Unite would ask that the Court recommend mandatory membership of the Construction Workers Pension Scheme (CWPS) for archaeological workers and employers, in order to provide for pension, assurance and sick pay in the commercial archaeological sector.

Unite ask that the Court recommend the above in the context of a Sectoral Employment Order for commercial archaeologists, for the following reasons;

- It will ensure decent minimum rates of pay in a poorly paid but highly qualified sector without endangering the viability of archaeological consultancies
- It will promote harmonious industrial relations and help to avoid industrial unrest
- It will promote and preserve high standards of training and qualification
- It will ensure fair and sustainable rates of remuneration
- It will create a level playing field for enterprise
- It will give employers certainty and the ability to plan

Appendix 1

Final report of the Working Group for the Review of Pay Rates (WGRPR)

By

Marése Curtin, Graham Hull, Cia McConway, Cara Murray, Franc Myles,
Jean O'Dowd, Eileen Reilly, Matthew Seaver & Michael Stanley

Commissioned by

The Institute of Archaeologists of Ireland

March 2014



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Executive summary

The Institute of Archaeologists of Ireland (IAI) set up a Working Group for the Review of Pay Rates (WGRPR) in Irish commercial archaeology in March 2013. The group commissioned three surveys, which asked employees, archaeological consultancies and archaeological specialists a range of questions about employment and levels of pay over the period July 2012 to July 2013.

There were 185 responses to the employee survey, 16 responses to the company survey and 38 responses to the specialist survey. These surveys found that there were *at least* 170 archaeologists working in archaeological consultancies in the survey period. Very few Archaeological Assistants and Archaeological Supervisors worked all year round with only Site Directors employed for substantial periods. There was no growth in temporary employees in archaeology over the period. The survey showed that the term General Operative was generally no longer used in archaeological consultancies with experienced archaeologists hired in all roles. When asked about wages, Archaeological Assistants were paid on average €9.50 an hour or £7.50 in Northern Ireland. Archaeological Supervisors were paid €12 per hour or £9.12 per hour in Northern Ireland. The average weekly wage among specialists was €550. Thirteen companies had lost significant amounts of money as a result of clients going into liquidation.

Significant numbers of Archaeological Assistants have amassed years of experience but have not managed to rise above that grade. They perform a range of tasks equivalent to Archaeological Supervisory grades in comparable grading systems both in Ireland, the UK and Holland.

The analysis shows that there are 82% less archaeologists than recorded by the DISCO survey of the Irish Republic in 2007. When compared with this survey Archaeological Assistants are today earning 32% less, Archaeological Supervisors 23% less and Site Directors 6.2% less. This is not the case in other industries that have suffered equally during the downturn, such as construction, where weekly pay levels are now within 3.5% of 2009 levels. These annual earnings figures were extrapolated from average hourly rates and belie the fact that many archaeologists, particularly Archaeological Assistants, only work for relatively short periods. Competitive tendering for a diminishing pool of work has meant a steep decline in tender prices from companies.

The low rates of pay in the survey and the excess costs incurred by staff in moving to new places of work for short periods means that commercial archaeological work is unsustainable in its current form.

In proposing new recommended pay rates across the commercial sector, the report looks at the previous IAPA 1998/9 recommended rates (Irish Association of Professional Archaeologists, which became the IAI). These rates were arrived at before the height of the economic boom and were carefully calibrated against other professions at this time. Adjusted for the true rate of annual inflation in each successive year until 2014, and broken down on the basis of a 40 hour week, these rates form the basis of the IAI's new recommended hourly rates. The rates are also recommended in Northern Ireland but adjusted for the cost of living differential between North and South.

The report explored a number of mechanisms for raising levels of pay. The new rates should become part of benchmarks for the tendering of new public contracts. A local agreement could be negotiated between employers and employees although this may be difficult to enforce. Another option would be an agreement between a trade union(s) and an organisation representing employers under the new revamped Joint Labour Contracts now to be decided on by the Labour Court.

An interim report was issued to all IAI members for consultation following an open discussion at the 2013 IAI AGM in Limerick. The report findings were overwhelmingly accepted by those attending and a period was given for public consultation. The resulting comments are appended to this report and covered a range of issues but mainly focussed on the need for a new entrant grade for those beginning work in archaeological companies. Debate focussed on whether all those working in the sector should have a third level qualification in archaeology or whether there was any room for those with different skill sets to enter and contribute to commercial archaeological practice. Comments also crucially addressed the issue of when and how companies could implement the recommended rates without losing competitiveness.

The report recommends that the institution insert key phrases into its revised code of conduct regarding the recommended rates of pay and the right of all members and the employees of members to engage freely in collective bargaining to achieve decent pay and conditions.

In terms of key issues to be tackled next, it is recommended that an agreed system of subsistence rates be implemented for all archaeologists depending on distance from place of work and costs incurred. The report emphasised the need to have an agreed universal system of grading and definition of archaeological roles, in partnership with the licensing sections of the National Monuments Service (Republic of Ireland) and the Northern Ireland Environmental Agency (Northern Ireland), which would better acknowledge levels of experience in all field grades.

1 Background

The collapse of the global economy and the disastrous consequences for the employment, pay and conditions of archaeologists struggling to work in the contract sector on the island of Ireland has been lamented and discussed widely in various fora in recent years. The Institute of Archaeologists of Ireland (IAI) conducted a survey on *Employment Levels in Irish Archaeology*, which confirmed the drastic decline in employment in the sector between 2008 and 2009, particularly when compared to the findings from the *Discovering the Archaeologists of Europe* (DISCO) survey conducted in 2007 (Eogan and O'Sullivan 2009; McDermott and la Piscopia 2008).

One of the outcomes of such discussions was the establishment of an open Facebook group—Representation for Irish Archaeologists—in January 2013 that spearheaded a campaign to have the IAI address these issues. In March 2013 the IAI Board decided that a Working Group should be established to review the current rates of pay within the contracting sector North and South of the Border and to make appropriate recommendations on how best to remedy the decline in pay rates precipitated by the current recession. The brief of the Working Group was also to include the potential for establishing a new scheme of IAI-recommended pay rates. The outcomes of the review were to include:

1. A comprehensive survey of current pay scales within the archaeological profession and how this compares to other similar professionals.
2. A detailed assessment of whether any new pay rates can be successfully implemented.
3. Proposals for new rates/bands for different grades of professionals both North and South of the Border.

Voluntary expressions of interest were sought from members and non-members to join the proposed Working Group, which was intended to reflect the profession profile in terms of age, gender, sector and jurisdiction. In May the IAI Board appointed Marése Curtin (non-member), Graham Hull, Cia McConway, Cara Murray, Franc Myles, Eileen Reilly, Matthew Seaver and Michael Stanley to the Working Group, while Jean O'Dowd (non-member) was co-opted in June. An interim report was released through the IAI on 12 March 2014 and was subsequently discussed at a special session during the AGM at Limerick on April 5th 2014 (See Appendix VI). Written submissions by interested parties were invited and received (V) and issues raised were incorporated within the report in appropriate sections.

Phase 1 of Review

The Terms of Reference of the working group were as follows:

- To undertake a review of current pay rates in the contract sector north and south of the border.
- To review the appropriateness of the current system of grading and qualifications of archaeological staff.

- To examine the pay rates/schedules of cognate professions.
- To determine the appropriateness of recommending exact pay rates versus pay bands.
- To review the mechanisms by which any new pay rates scheme could be effectively implemented.
- To produce an interim report for the IAI membership, reviewing the above and providing a series of options.

2 Survey results

2.1 Survey format

One of the first tasks undertaken by the Working Group for the Review of Pay Rates (hereafter called WGRPR) was the design of three surveys to assess the current pay and working conditions in private sector archaeology. For anonymity and ease of compilation the surveys were undertaken using the online Survey Monkey facility. The surveys targeted a short period i.e. July 2012 to July 2013 (see Appendix IV for list of questions in each survey). Within this chapter they are referred to as S1, S2 and S3 respectively. A general survey with 21 questions aimed to capture information about pay and conditions from both temporary and permanent employees (S1). A second survey with 27 questions was tailored towards specialists who had worked in the sector over the same period (S2). A third survey, with 28 questions, was designed to capture information and views from archaeological consultancies/companies (S3).

2.2 Respondents

Survey 1 had the greatest number of responses (see Table 2.1). Due to the shifting of archaeologists between self-employed, temporary employment contracts and those employed full time by consultancies there was some ambiguity over which survey was most appropriate to which individuals. Despite this the surveys did capture a substantial cohort of those working in the sector. For the purposes of Survey 2 'specialist' was taken to be an individual undertaking specialist analysis: human bone, wood technology, palaeoenvironmental work, conservators, lithics, ceramics but also included computer graphics, geophysical survey etc. These individuals could be self-employed or 'in-house' (five companies employed ten specialists).

Table 2.1 Number of responses to S1, S2 and S3

	Target	Responses
Survey 1	Employees of Archaeological Consultancies	185
Survey 2	Specialists	38
Survey 3	Archaeological Consultancies	16

2.3 Responses

2.3.1 How many people were working in the archaeological consultancy sector in Ireland July 2012- July 2013?

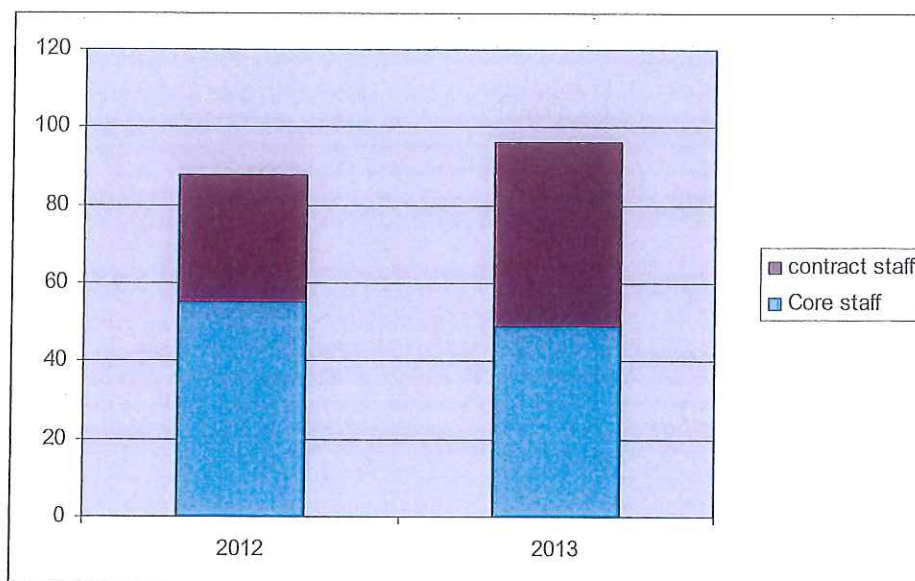


Figure 2.1 Total numbers of temporary contract staff and core staff at two periods July-December 2012 and January-July 2013 based on sixteen responses from sixteen companies (S3).

The sixteen responses to the Company survey make it possible to gauge how many people were working both as core company staff and temporary contract staff at two separate periods over the year July 2012-July 2013 (S3, Q1, Q24). There were a total of 135 people employed under temporary contracts by the sixteen respondents to the company survey from July 2012-July 2013 (Fig. 2.1).

Core staff employment overall was slightly reduced by July 2013, from July 2012, indicating redundancies (S3, Q25) and there was an expansion in the employment of temporary contract staff.

This does not include all of those working on a self-employed basis. There are a number of complications with this data but it suggests that there is at least a further 32 people working on this basis (Q3, S3) in the year surveyed indicating that companies employed a minimum of 116 workers at any one period over the year.

The overall numbers of staff in the Republic of Ireland and Northern Ireland can also be charted through Survey 1 and 2. They responded to a question based on the number of weeks worked in the different jurisdictions between July 2012 and July 2013 (Fig. 2.2). This indicated 140 staff of all kinds in the Republic of Ireland and 48 in Northern Ireland (including specialists). There were at least 22 people who worked in both jurisdictions during that year. The survey did not include responses from all employees of companies from England, Scotland or Wales who worked temporarily on roads projects such as the A5 in Northern Ireland.

KEY FINDING: At least 166 individuals were employed in commercial archaeology on the island of Ireland over the period July 2012-July 2013.

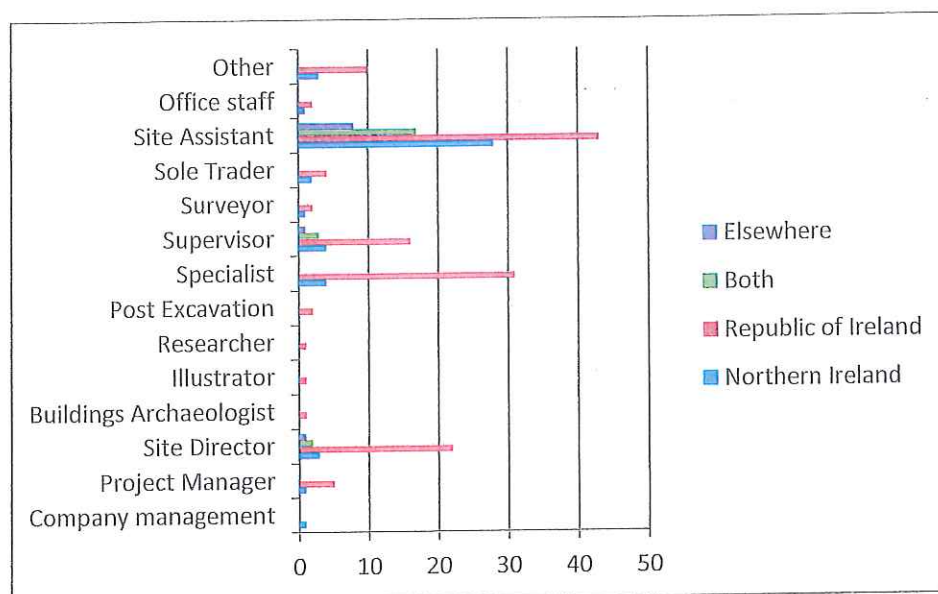


Figure 2.2 Temporary and core staff in archaeological consultancies in both jurisdictions on the island of Ireland July 2012-July 2013 (based on total of 223 responses, S1 & S2).

2.3.2 Salaries for Employees of Archaeological Consultancies

Archaeologists in Survey 1 were asked to give their gross hourly rate of pay (Q13). Although some office staff, project managers and surveyors responded to the survey there were insufficient responses to make these data statistically valid. As field staff frequently move between companies they were asked to give the lowest and highest hourly rates they were paid over that period (Q14) (Table 2.2).

Table 2.2 Average highest and lowest hourly wages for different grades of field staff in Ireland (north and south) i.e. Archaeological Assistants (78 responses ROI, 34 responses NI), Site Directors (23 ROI, 3 NI), Archaeological Supervisors (17 ROI, 3 NI). Based on Q14, S1

Grade	Average lowest hourly wage ROI	Average highest hourly wage ROI	Average lowest hourly wage NI	Average highest hourly wage NI
Site Director	€17.90	€20.74	£15.00	£15.00
Archaeological Supervisor	€10.97	€13.09	£8.50	£9.75
Archaeological Assistant	€9.00	€9.70	£7.22	£7.80

Archaeologists in Survey 1 were also asked to give their actual earnings from archaeology during the survey period (Q13, S1). These fluctuated considerably depending on the length of employment (Table 2.3 and see section 2.3.7 below). For that reason the average figure is given in three bands depending on time worked. Due to low responses from Site Directors

and Archaeological Supervisors in Northern Ireland only the figures for Archaeological Assistants were valid here. There were considerable fluctuations among archaeologists with the same job title and the same duration of employment, for example, within the range of 40-52 weeks Site Directors were paid between €20,000 and €41,000.

Table 2.3 Average actual earnings based on figures provided by employees (Q13, S1). R= numbers of respondents.

	R	1-20 wks	R	20-40 wks	R	40-52 wks
Site Director ROI	4	€10,127	5	€14,400	13	€30,917
Site Director NI	0	n/a	0	n/a	1	£22,500
Archaeological Supervisor ROI	3	€5,060	3	€14,625	6	€21,119
Archaeological Supervisor NI	1	£1,200	1	n/a	1	£10,000
Archaeological Assistant ROI	22	€3,835	11	€8,785	3	€17,433
Archaeological Assistant NI	5	£3,120	4	£10,732	7	£15,100

KEY FINDINGS:

- Average Archaeological Assistant hourly rates, North and South, are only marginally above the National Minimum wage rates of €8.65 (ROI) and £6.31 (NI) per hour.
- The majority of archaeologists who responded to the survey at all grades do not work full time or earn a full time income from their work.
- 45% felt that they had to seek work outside the sector to make ends meet in 2013.

2.3.3 Pay rates for specialists

Table 2.4 Total earnings from specialist work (all fields). No. respondents 35, ROI = 31, NI = 4

No. of respondents (ROI)	Pay bands ROI (euro)	No. of respondents (NI)	Pay bands NI (sterling)
3	30-35,000	0	25-30,000
3	25-30,000	0	20-25,000
1	20-25,000	2	15-20,000
4	15-20,000	1	10-15,000
7	10-15,000	0	5-10,000
1	5-10,000	1	0-5,000
12	0-5,000	0	N/A

KEY FINDING: The majority of specialists who responded to the survey averaged less than €5,000 from their work (Table 2.4). No question was asked about the amount of earnings from other employment engaged in by specialists. The average number of weeks worked by specialists in the Republic of Ireland was 23 and the average weekly wage based on the number of weeks specifically engaged in specialist work was €550, which equates to €13.75 per hour. The median figure is €12.50 (Fig. 2.3). In Northern Ireland, there were only 4 responses for which figures were provided. Here, average weeks worked amounted to 34, with an average weekly wage of £326, equating to £8 per hour.

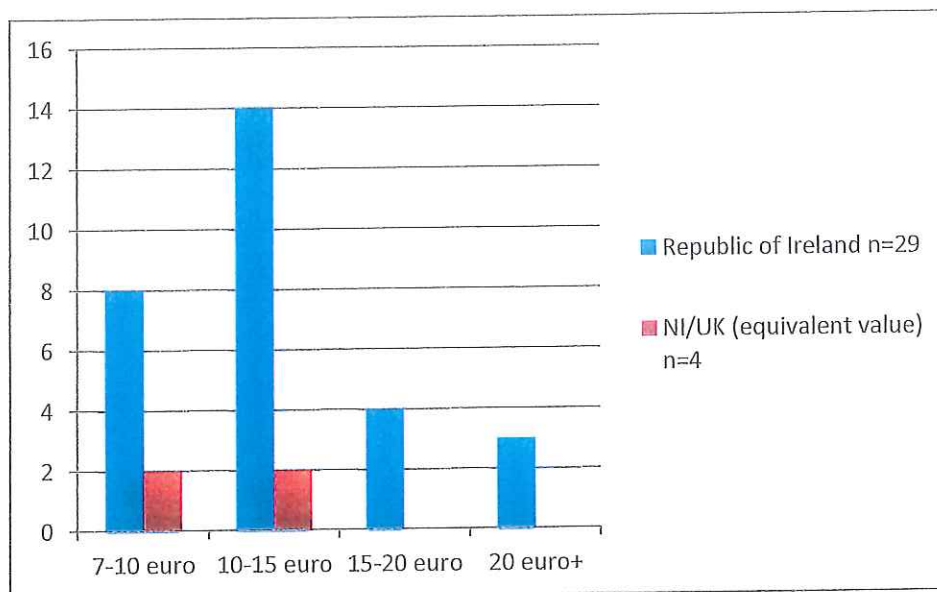


Figure 2.3 Hourly rates in bands for specialist work in the Republic of Ireland/Northern Ireland (one UK respondent included in these figures) n=33

2.3.4 Financial situation in Irish archaeological consultancies

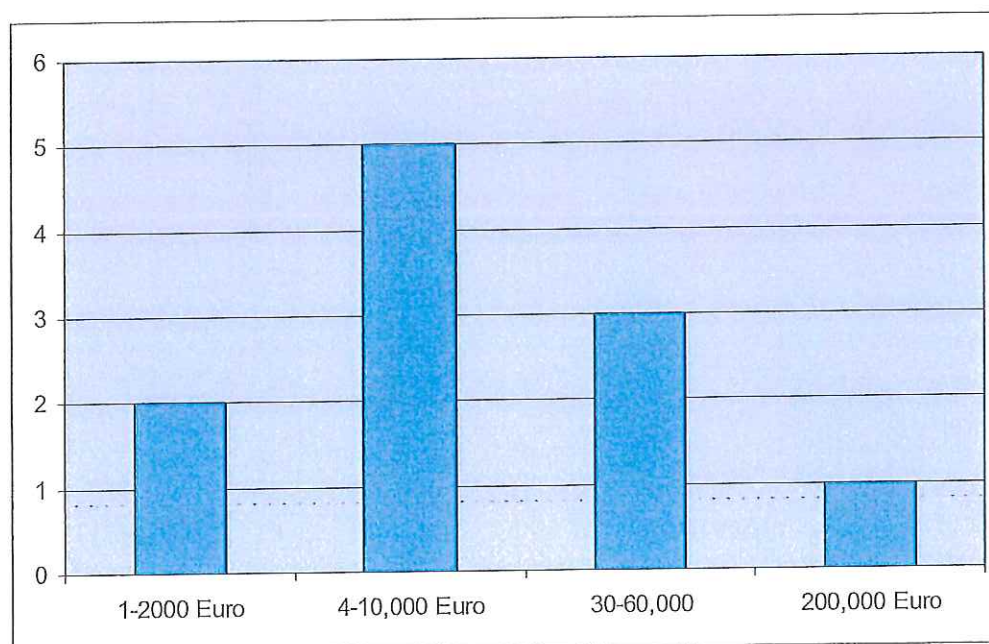


Figure 2.4 Amounts of money reported to have been lost by companies due to clients going bankrupt/ceasing trading (S3, Q21)

KEY FINDING: Thirteen companies lost substantial sums of money through client companies going into liquidation (Fig. 2.4). Twelve indicated that terms and conditions of a contract had not been honoured by clients. When asked who these contracts were with, two said state contractors, one semi-state and eight private sector companies. All except one found difficulty in getting payment for onsite works while twelve experience the same problems getting money from clients to complete post excavation work.

2.3.5 Financial situation for self-employed specialists

Table 2.5 The length of time it takes for invoices to be paid after completion of a piece of specialist work. Total no. respondents n = 36 (not broken down by region)

Payment post submission of invoice	Total responses	100%	50-100%	0-50%	N/A*
Within 1 month	14	6	3	4	1
Within 2 months	19	7	1	10	1
2-6 months	13	0	9	3	1
6-12 months	11	0	3	7	1
Remain unpaid after 1 yr	12	0	0	11	1

*person working full time for company

KEY FINDING: 60% of specialists work outside archaeology in order to supplement their income (Q5, S2). On payment or non-payment of invoices, Q6 asked how long it took for invoices to be paid after a piece of work was completed. Only 6 out of 36 respondents reported 100% payment after 1 month, while 7 reported 100% payment after 2 months. 11 of 36 respondents reported that up 50% of invoices remained unpaid after 1 year (Table 2.5).

2.3.6 What is the age profile and qualification level of archaeologists in the private sector?

KEY FINDINGS: The majority of respondents were aged between 25-45 and there were slightly more females than males (Q1, S1). The majority hold Masters degree or higher (55%). Only 5% did not hold a third level primary degree. 45% of those surveyed were eligible to apply for a license to excavate (Q4, S1). 63% of those surveyed had been working in archaeology greater than five years (Q3, S1).

The specialist survey indicated a much greater percentage of females working (64%) in this sector and here 29% held PhDs and 55% Masters degrees (Q1, S3). 42% of these were eligible to hold licenses to excavate.

2.3.7 Where, how long and for whom?

Archaeologists in survey 1 were asked a series of questions about the duration of their employment in each jurisdiction. Based on the number of responses (140 in total), the data

is most applicable to the three key grades of field workers – Archaeological Assistant, Site Archaeological Supervisor and Site Director but data is poorer for Northern Ireland compared to the Republic of Ireland. Just under half, 46.3%, of the 101 archaeologists who responded to this question from the ROI worked for most of the year (40-52 weeks). Archaeological Assistants worked for the shortest duration with 66% of those in the ROI and 54% in NI working for less than 20 weeks (Fig. 2.5). Site Directors were the most consistently employed with 77% of those in the ROI employed between 40-52 weeks of the year. A much smaller number of Archaeological Supervisors were employed for a comparable length of time.

KEY FINDING: Field work is currently only sustainable on a year round basis for Site Directors and very small numbers of Archaeological Supervisors and Archaeological Assistants.

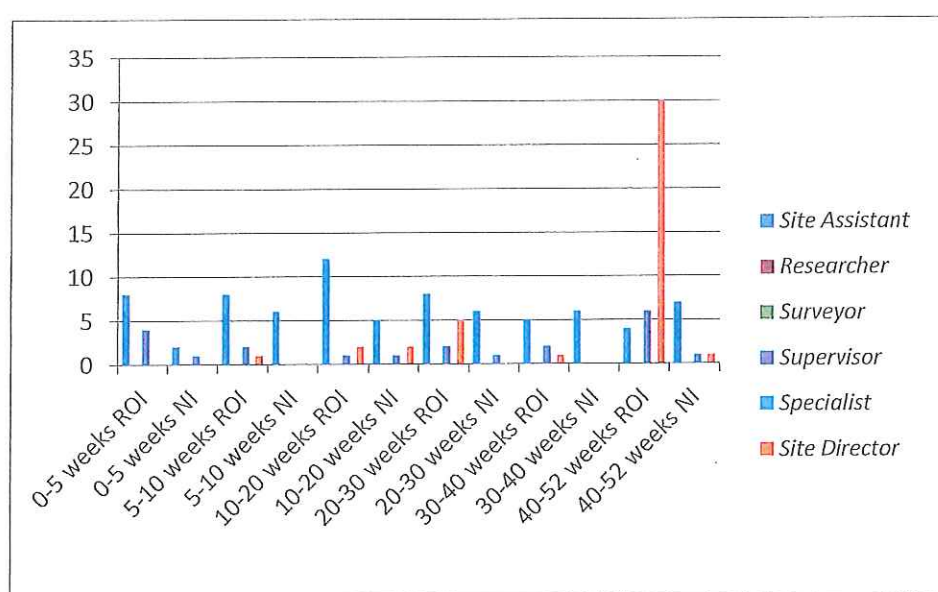


Figure 2.5 Numbers of weeks worked during 2012-2013 by respondents from Survey 1 in different jurisdictions based on 140 responses to Q8, S1. 22 people worked in both jurisdictions

2.3.8 Self-employment in Irish archaeological consultancies

KEY FINDINGS: Thirteen out of the sixteen companies surveyed contracted field work to 32 self-employed individuals over this time period (S3, Q3). This was confirmed by the employee survey which noted that 38 people were asked to take work on a self-employed basis and 3 declined (S1, Q12). One company used 20 self-employed fieldwork staff on its projects, according to the temporary contract question (S3, Q4). Four companies, who did not employ any PAYE temporary contract workers, took on 15 self-employed archaeologists during the period. These were small companies undertaking short term work.

Seven companies indicated that self-employment status was at the request of the self-employed individual while three companies said it was a condition of taking the work (Fig. 2.6). This was confirmed by a respondent in the additional comments in Survey 1, which noted that they were offered two jobs where self-employment was a condition of taking the

work. The three companies which took on the most people (18 in total) on this basis stated that it was by mutual agreement.

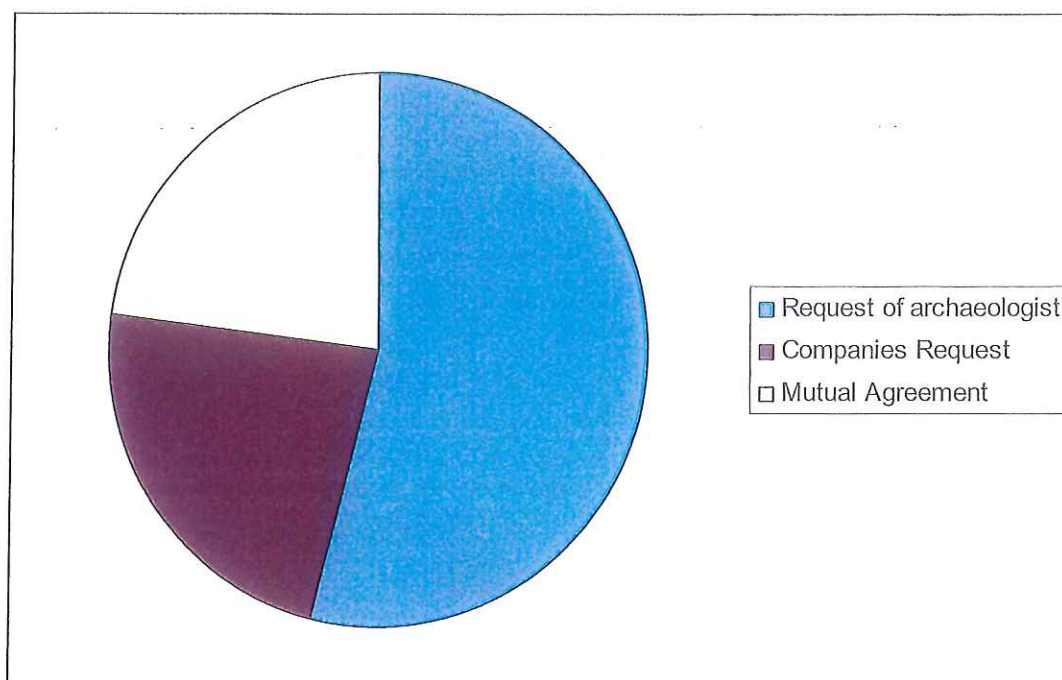


Figure 2.6 Chart showing responses to requests for employees to be self-employed based on ten responses from companies to Q4, S3.

2.3.9 Employment grading, contracts and training

KEY FINDINGS: Ten companies used the term 'Assistant' or 'Archaeological Assistant' as their base field work grade while two used the term 'Archaeologist' (S6, Q3). No company that responded gave an indication of any internal sub-division within this grade based on experience.

Fourteen companies indicated that the 'General Operative (GO)' or 'Archaeological Worker' grade was no longer in use (Q6, S3). The term 'Project Manager' seems to be used very occasionally with only six people responding with this job title. It is likely that Site Directors carry out many aspects of this role today. While all companies implemented practice to promote core staff only three companies surveyed had a system for the promotion of temporary contract staff.

Seven companies issue written temporary contracts detailing terms and conditions and responsibilities of employer and employees to their staff. Nine companies noted that they issued job descriptions indicating responsibilities of the employer. Irish companies are required by law to issue written statements of employment to workers within two months of the commencement of employment. This suggests that most employees were employed for less than 2 months duration.

Twelve companies noted that they paid staff to attend Continuous Professional Development (CPD), Manual Handling and Safe Pass courses. This question did not ask whether this applied to all staff or only to core staff.

2.3.10 Allowances and subsistence

Thirteen companies replied to five questions dealing with the payment of allowances for movement, accommodation and subsistence (Fig 2.7). Data here is patchy, however, as many replies were left blank, either because companies do not pay that particular expense or chose not to answer the question. It is also unclear whether these expenses were paid only to core staff or to all staff, including temporary contract employees. Responses were cross-referenced with the employee survey (S1), which shows that Site Directors and Senior Archaeologists receive the most assistance, particularly with accommodation costs (Fig. 2.8). Archaeological Assistants are poorly represented in most categories with travel in company vehicles the only assistance available to many.

Key Finding: It would appear that the larger the company the less expenses provided. Smaller to medium-sized companies with small numbers of employees are most likely to have the full range of expenses.

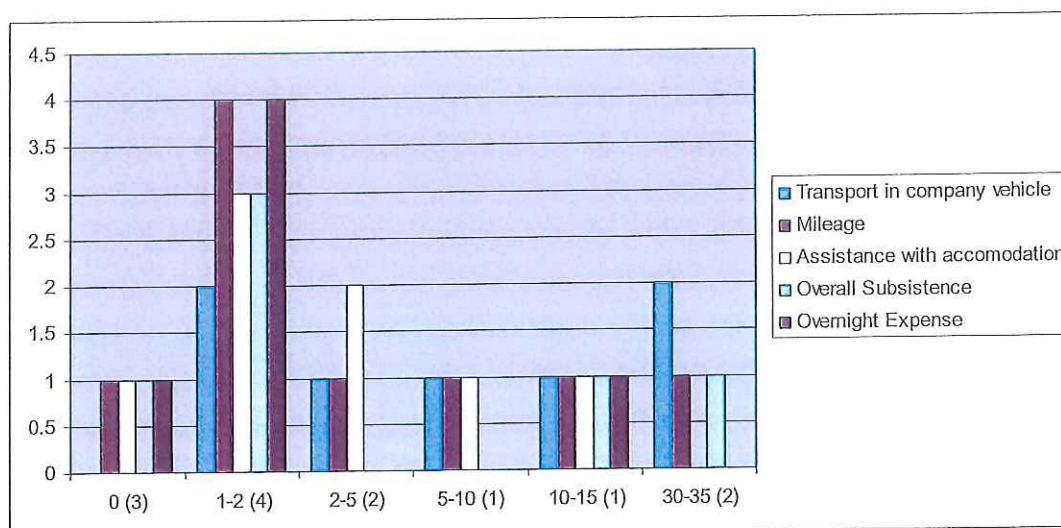


Figure 2.7 Expenses paid for accommodation, travel and subsistence compiled by companies based on the numbers of employees (S3, Q9) (13 responses). The number in brackets indicates the total number of companies with that number of employees.

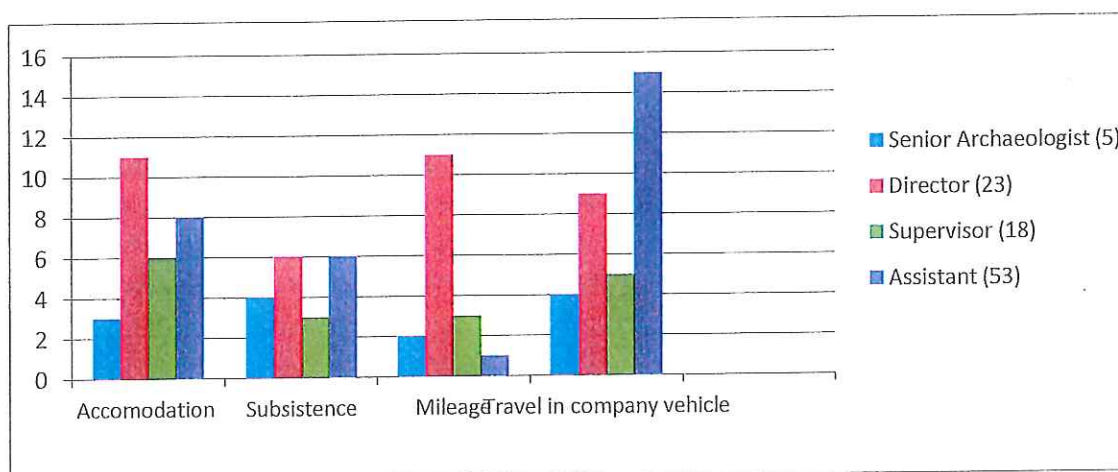


Figure 2.8 Expenses paid to main grades of site archaeologists according to Q11, S1. Numbers in brackets refer to overall total of contributors stating their grade in Survey 1.

2.3.10 JobBridge and Internships

Nine respondents were on Internships while eleven had been part of JobBridge during this time period (Survey 1). Nine of these rated the training they received very highly (a score of 4-5). Eight were far less satisfied (a score of 1-3). One internship resulted in a paid position while three JobBridge positions resulted in paid positions.

KEY FINDING: It would appear that there is a low rate of translation into full-time work from these schemes.

2.4 Additional Comments

2.4.1 Can the situation improve? – key points from Irish archaeological consultancies

- Twelve out of sixteen companies felt that pay and conditions could be improved for all employees in a way that maintained profitability (Q10, S3). Seven companies felt that this should be through a general agreement on recommended minimum rates of pay with one suggesting that this could be achieved through a Joint Labour Agreement.
- Another employer suggested that grading in archaeological companies, in addition to site directors, should be formalised and regulated by the heritage authorities.
- Three respondents felt that there was inadequate inspection and scrutiny of archaeological consultancy work by State Authorities. They felt that this was linked to under-pricing where there is no policing of the tendering process and where unrealistic quotes are given to undertake work.
- Some commented that there is no enforcement of the requirement to fulfil the commitments given in method statements and licence applications. One response noted that ‘...if we want to maintain standards we have to cut wages to enable us to finish the work within the budget’.
- Suggestions included operating a Registered Company Index as maintained by the IfA (Institute for Archaeologists, UK) to ensure minimum standards, operating a bond system to ensure that post excavation is paid for and ensuring that clients are issuing tenders which are not based on price alone.
- Fourteen companies expressed a willingness to meet to discuss the current situation regarding pay and conditions.

2.4.2 Can the situation improve? – key points from employees

- Respondents indicated that they really enjoyed working in archaeology; however, a considerable number expressed a desire to leave in order to take up dependable work with better pay and conditions.
- Several comments derided the current emphasis on voluntary work.
- Core staff within consultancies felt that they had to work harder for less in order to make up on jobs where less staff was hired to fulfil tender requirements.

- Many of those working at Archaeological Assistant level felt that it was important that they be reimbursed for petrol, accommodation and subsistence while on site. This would prevent them falling into the situation of paying double rent and essentially making less money than if they had remained on Social Welfare, if employed for short periods of time.
- Several people also complained that they were taken on for specified periods of time, which was then cut short with only statutory notice given.
- A repeated comment was that there should be an agreed set of sub-divisions within the Archaeological Assistant grade to acknowledge experience.

2.5 Summary

Employment levels have clearly plummeted in Ireland since the mid-2000s. c. 170 staff were recorded by this survey during the period July 2012-July 2013 compared with 974 staff employed in this sector in 2007 (McDermott and Piscopia 2008, 25). In the latter survey the 24 organisations surveyed had 274 full-time and 684 temporary contract staff. This present figure represents a decline of 82% in the numbers of archaeologists employed since 2007, a figure almost identical to the original IAI survey in 2009 (Eogan and O'Sullivan 2009).

The survey responses indicate that archaeological companies have responded to the economic downturn by implementing redundancies, pay cuts or shortened hours among core staff, while pay rate cuts and changes in Terms and Conditions have also been implemented for temporary contract employees.

Table 2.6 Comparison of DISCO 2007 average salaries with WGRPR 2012-13 average salaries

Grade	2007 DISCO Valid replies	2007 DISCO average salaries	WGRPR Valid replies ROI	WGRPR average salary ROI
Archaeological Assistant	368	€26,910	41	€18,232
Archaeological Supervisor	98	€30,268	17	€23,376
Site Director	56	€39,788	21	€37,391

The reduction in work available is inevitably accompanied by significant drops in remuneration. The average annual minimum and maximum levels of salaries for different grades could be calculated using the hourly rates provided from respondents. This allows comparison to be made with the 2007 DISCO Ireland Survey with the caveat that it looked at the entire profession rather than a sector within it and is only valid for the Republic of Ireland. This indicates a striking drop of 30% in Archaeological Assistant salaries, 22.7% drop in Archaeological Supervisor salaries and a 6% drop in Site Director salaries (Table 2.6). This is particularly striking when compared to the construction industry figures from 2009 to 2013, where average weekly earnings have returned to 3.5% below 2009 levels after dipping

considerably in the intervening years -

(http://www.cso.ie/en/media/csoie/releasespublications/documents/earnings/2013/earnlabcosts_q22013.pdf).

It is perhaps unsurprising therefore that 45% of employee respondents to the survey felt that they had to seek work outside of archaeology to make ends meet.

In Northern Ireland, there is no available comparison with 2007 wage rates. However, the October 2013 Monthly Labour Market Report, issued by the Northern Ireland Statistics and Research Agency, records in their Annual Survey of Hours and Earnings (ASHE) that the median gross weekly earnings in the *private* sector (full time) was £397.70, which equates to £20,680.40/year (Table 2.7). This translates as Archaeological Assistants and Site Archaeological Supervisors earning c. 21% and 14% less respectively than the NI median wage, while a Site Director earns 40% more.

Table 2.7 The average earnings based on the 2012/13 WGRPR survey with % below/above median gross weekly earning in NI in the private sector 2013 (ASHE)

Grade	Valid replies NI	2012-13 average NI	2013/ASHE Difference as percentage
Archaeological Assistant	21	£16,313	-21.12%
Archaeological Supervisor	3	£17,794	-13.96%
Site Director	3	£28,943	+40%

In the Republic of Ireland, it is clear that Archaeological Assistants have suffered serious wage deflation and labour at this grade is significantly undervalued. The average salary at this grade is marginally above the National Minimum Wage (€8.65 per hour or €17,992 annually). In Northern Ireland, the Archaeological Assistant rate is above minimum wage (£6.31 per hour or £13,125 annually) but wage differential between 'Assistant' and 'Archaeological Supervisor' grades is marginal. As noted above, both are significantly below the median industrial wage in Northern Ireland. The situation is further exacerbated by lack of continuous employment and the reduction in or complete absence of subsistence being paid for moving from contract post to contract post.

While there are indications of a stabilisation in the general economic situation in Ireland, so far, this does not appear to be manifesting itself in sustained increased employment in Irish archaeology. Despite rising levels of archaeological licences being issued in the Republic of Ireland (see Mount 2013) the survey showed that numbers in employment were not rising significantly (Fig. 2.9). This suggests that contracts are being carried out by smaller numbers of staff.

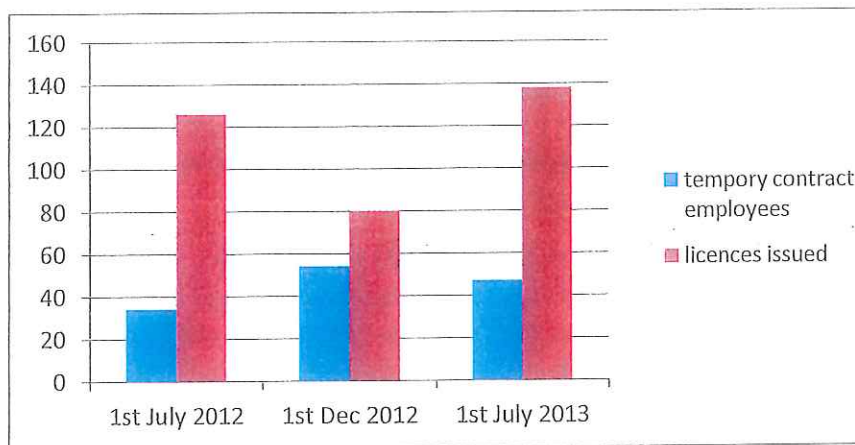


Figure 2.9 Temporary employment contracts issued (after Q8, S3) and archaeological excavation licences issued for the corresponding period (after Mount 2013)

3 Review of current grading and qualifications

3.1. Introduction

Pre-2008, the archaeological commercial sector, both North and South, generally employed field staff, including contract staff, on a multi-graded system, ranging from General Operative (GO), Archaeologist, Archaeological Assistant grades 1 and 2 (or junior and senior), Archaeological Supervisor (grades 1 and 2), Assistant Director and Site Director (often graded according to relevant experience). This allowed staff, especially non-core staff, to be promoted on merit, progressing through the various grades with the ultimate goal of becoming an archaeological Site Director. With each promotion, the archaeologist took on more responsibility on site and rates of pay increased.

Before and during the boom, there was no formal agreement amongst companies as to what constituted the minimum requirements of an Archaeological Assistant or Archaeological Supervisor, but it was generally accepted that the more experience an archaeologist accrued, the higher the position they could expect to be employed at and the more they might expect to be paid. This was especially true of Archaeological Assistants. A graduate archaeologist could expect to work for six months as an 'archaeological worker', non-archaeological (or related discipline) graduates/staff would work as General Operatives for up to 12 months, and on successful completion of this both would be promoted to the ranks of junior Archaeological Assistant or Grade 1. Here the archaeologist would accrue another 6–12 months' experience before being moved up to senior Archaeological Assistant or Grade 2. After another 12 months at this senior level, most archaeologists, assuming they had proven their competency in the field, could reasonably expect to move into Archaeological Supervisory roles where available.

Since 2008 and the reduction in construction activity, the commercial archaeological sector in general now employs three grades as standard – Archaeological Assistant, Site Archaeological Supervisor and Site Director, none of which are banded. The survey results would appear to concur with this. Due to the shortage of longer term contracts, an archaeologist starting out on their career finds it increasingly difficult to secure that all important first job. Commercial companies as a rule run rescue, not research, excavations and are unlikely to give a paid position to an inexperienced archaeologist when deadlines and budgets are tight. Companies prefer to fill whatever vacancies they have from an ever decreasing pool of experienced archaeologists, rather than take on inexperienced staff.

The WGRPR Survey 1 notes that two archaeologists were employed as GOs¹, 62 as archaeological Archaeological Assistants, 20 as Site Archaeological Supervisors and 24 as Site Directors. At first reading, Archaeological Assistants making up just over a third of the responses seems reasonable. However, on further investigation it is noted that these assistants have amassed vast archaeological experience – eight had 3–5 years, twenty had 5–10 years and three had over 10 years in the field (Fig. 3.1). In addition to this, three archaeologists noted that they were licence eligible. Seventeen responses were from Site Archaeological Supervisors, one of whom had 1–3 years' experience, five had 5–10 years' and eleven had more than 10 years' experience. Again, seven archaeologists currently

¹ Within the 12 month study period, one was actually employed as an unpaid volunteer for 3 weeks, the other worked in post-excavation for 1 week.

employed as Archaeological Supervisors, noted they were licence eligible. The only grade where experience appeared to reflect their current position was the twenty one Site Directors - all bar one had more than 10 years' experience, the exception having 5–10 years' experience.

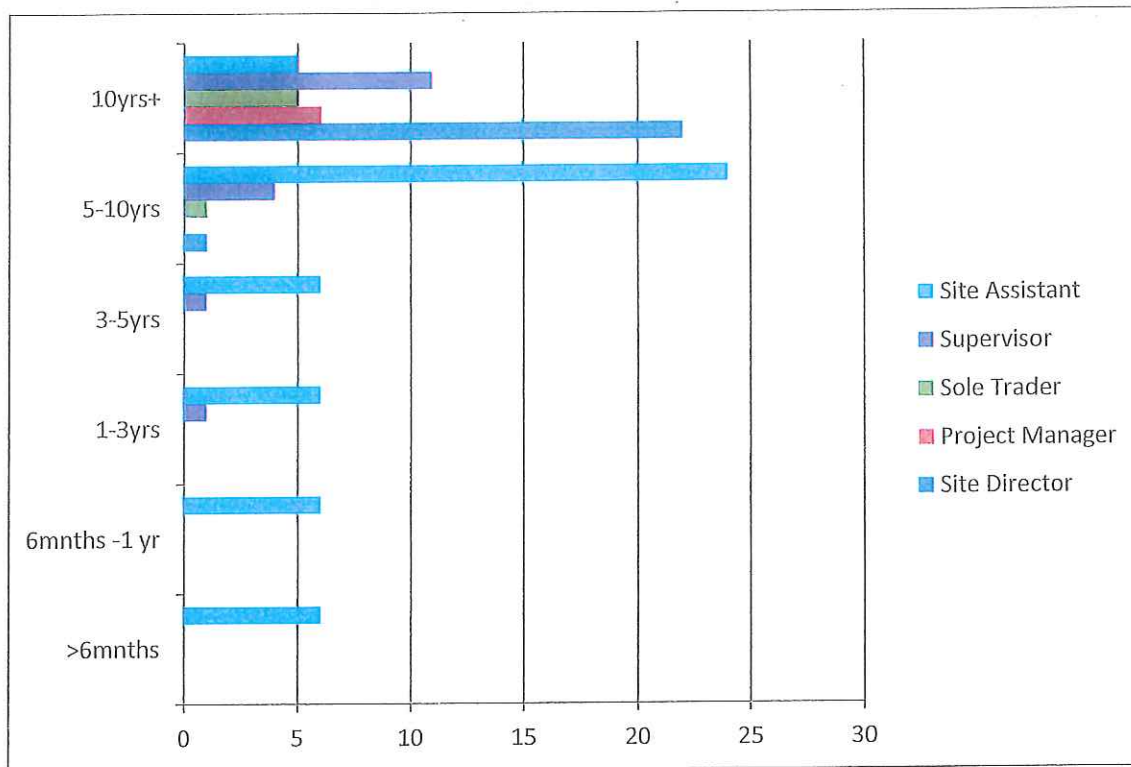


Figure 3.1 Accumulated experience by grade for a range of respondents (n=105). Based on Q3, S1

3.2 Defining field archaeology roles: current situation

Archaeological companies currently employ Archaeological Assistants who, pre-2008, could reasonably expect to have gained employment as Site Archaeological Supervisors by now, even as Directors, and Site Archaeological Supervisors, who previously could expect to be employed as Site Directors by now. A consequence of this is that the role and responsibilities of, in particular, a Archaeological Assistant has increased dramatically as companies take understandable advantage of the hugely experienced workforce available to them. Few current job descriptions for Archaeological Assistants were made available to the WGRPR, indeed one company noted that it does not issue job descriptions with their contracts. However, those that were available note that the duties include:

- The supervision of junior staff
- Ensuring their section of the site is completed on schedule
- Ensuring the site archive associated with their section of the site is complete and maintained to the highest possible standard
- Ability to work on own initiative with minimal supervision
- To undertake archaeological monitoring

Given the years of experience the current Archaeological Assistants have amassed, carrying out the duties of a Archaeological Assistant should be straightforward, even those duties noted above. But expecting staff to supervise junior staff, to be responsible for compiling and maintaining the site archive, to work with minimal supervision and undertake archaeological monitoring, suggests that the role of Archaeological Assistant is becoming conflated with that of a Site Archaeological Supervisor, and possibly even Site Director.

3.3 Archaeological grades: alternative models

The WGRPR looked at current banding that British Archaeological Jobs and Resources (BAJR) advocate on their forum (www.bajr.org). Here, 10 bands are represented, ranging from Grade 1 Training (comparable to GO/Archaeological worker grade), through to Grade 7, Directorial and Senior Management (Table 3.1, see overleaf). While this model does not exactly fit the Irish model (which has remained comparable North and South), it is perhaps instructive to focus on the lower grades, that of Archaeological Assistants and Archaeological Supervisors, their tasks and responsibilities.

The BAJR banding is reminiscent of the pre-2008 Irish model, where staff progressed through the ranks (albeit through a smaller number of grades) where, on proving their competence with increased responsibilities, they were rewarded with a higher grade and remuneration (see Chapter 4).

Other bodies, for example, the National Roads Authority (NRA), categorise archaeological grades and the responsibilities associated with them for the purposes of their contract documents (Table 3.2, see overleaf).

Beyond Ireland and the UK, the system of grading staff in the Netherlands came out of the Dutch Archaeological Quality Standard (KNA) process expected to be adhered to by archaeological practitioners and ostensibly 'enforced' by the governing authority there i.e. the equivalent of the National Monuments Service (Willems and Brandt 2004, 18-20; Table 3.3, see overleaf). Due to 'statutory' backing for this process, an emphasis is placed here on membership of professional bodies, adherence to recognised codes of ethics/practice and training/experience.

Table 3.1 BAJR Archaeological jobs grades/bands

Job description	Decision making and influence	Freedom to act	Previous experience
Grade 2 – Basic Archaeological Assistant: General knowledge of work required, should be able to carry out work with instruction from Archaeological Supervisor or a senior field worker.	Expected to work on short-term targets through an established procedure.	Only with the advice and guidance of more senior colleagues.	Some relevant experience, 3-6 months
Grade 3 - Archaeological Assistant 2: Experienced in most aspects of the work, though will receive supervision and further instruction from higher levels. Ability to learn and mentor G2 staff.	Expected to work on short-term targets through an established procedure	Guidance of more senior colleagues.	Demonstrable relevant experience - around two to three years
Grade 3/4 - Senior Archaeological Assistant: Experienced in all aspects of the work, and although they may receive supervision and further instruction from higher levels are capable of basic G4 tasks and responsibilities. May be responsible for small projects.	May occasionally play a Archaeological Supervisory role	Work within set procedures and standards and reports to more senior colleagues.	Demonstrable relevant experience - around two to three years
Grade 4 - Archaeological Supervisor: Expected to be competent in chosen field and able to instruct others in the basics as well as take responsibility at a low level. Will supervise others to required tasks, but will receive instructions from higher level. Will be responsible for small projects and discreet areas of larger projects	Will play a Archaeological Supervisory role	Work within set procedures and standards and reports to more senior colleagues.	Demonstrable relevant experience - over three years
Grade 4/5 - Archaeological Supervisor/Junior Project Officer: Expected to be proficient in chosen field and be able to act independently on a single project, with responsibility for the daily running though receiving strategy instruction from higher levels. Will have responsibility for a discrete area of work.	Likely to manage a small team or discrete area of work. Likely to have some budgeting input with guidance	Will have procedures/standards to follow. Will refer to a manager for guidance.	Demonstrable relevant experience – including evidence of responsible posts - over five years

Table 3.2 Gradings/associated qualifications for NRA contracts

Organisation	Job/membership category	Responsibilities	Expected experience/qualifications
National Roads Authority (contract documents 2011 – key field grades only)	Archaeological worker	Capable of performing tasks assigned to them by and under supervision of senior staff	May not have formal qualifications in archaeology; less than 1 years proven field experience
	Excavation (site) assistant	Responsibility for all tasks assigned to them by site Archaeological Supervisor/excavation director	Qualified archaeologist with min. 1 years postgraduate archaeological field experience or up to 3 years experience at Archaeological worker level
	Excavation (site) Archaeological Supervisor	Assist Excavation director in proper conduct of excavations and the management of archaeological staff	Fully qualified archaeologist with minimum two years postgraduate field experience
	Excavation director	Responsible for carrying out excavation in accordance with agreed methodology and good professional practice, managing excavation staff, overseeing post-excavation, managing Health and Safety on-site	Fully qualified archaeologist, min. level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; fully qualified archaeologist eligible to receive a licence from Dept of AHG; have at least 5 years postgraduate field experience and x 5 licences in own name fully completed, including all reporting obligations arising from same.

Table 3.3 Dutch archaeological job categories and underlying criteria

Job category	Criteria	Training
Excavation worker (GO)	No requirements	
Junior Field technician	Some practical experience	Internal training (no third level qualification expected)
Senior Field technician	At least 6 years of demonstrable practical field experience	Internal training (no third level qualification expected)
Junior Archaeologist	Subscribe to code of ethics or similar (membership of NVvA, EAA, IFA or RPA expected)	Completed university university training in archaeology (MA level or equivalent)
Medior Archaeologist	As above for Junior PLUS demonstrable broad or specific expertise; demonstrable practical experience; demonstrable experience in working with the KNA (i.e. the Dutch Archaeology Quality Standard); at least 3 years of employment in archaeology (min. 1225 hrs annually)	Completed university training in archaeology (MA level or equivalent)
Senior Archaeologist	As above for junior PLUS in case university training not in NW Europe, minimal demonstrable experience must be entirely in Dutch archaeology; demonstrable depth, broadness, length of experience (backed up by CV, diplomas, references); demonstrable experience of working with KNA; demonstrable experience in writing final reports; at least 6 years of employment in archaeology of which at least 3 must be in managerial role (non-continuous); 6 relevant publications of which at least 2 as the sole author	Completed university training in archaeology (MA level or equivalent)
Junior Archaeological specialist	MA or equivalent	Relevant specialist training
Senior Archaeological specialist	Subscribe to code of ethics or similar (membership of NVvA, EAA, IFA or RPA expected); expertise in implementation of specialism; demonstrable practical experience; demonstrable experience working with KNA; demonstrable experience in writing final reports; at least 6 years of employment in archaeology; 6 relevant publications of which at least 2 as the sole author	Relevant specialist training

3.4 Summary

The organisations and their criteria outlined above are not an exhaustive review of definitions of archaeological roles/grades. Each has slightly different emphasis, depending on that organisation's ultimate goal. The most useful from an Irish perspective is probably the simplified NRA categories; however, both the BAJR and Dutch KNA models have much to commend them as they seek to separate out levels of experience and qualifications in order to give field workers a visible sense of progression through the ranks. However, the BAJR model could be viewed as overly complicated and some of the Dutch KNA qualifications may be considered too onerous or exclusive. Whatever model is arrived at, it is clear that grades of field work can and should be defined, with expected tasks outlined and minimum levels of qualifications and experience laid out so that there is transparency for newly graduating archaeologists. Ideally, this needs to be backed up by the statutory authorities, both North and South.

Given the levels of experience currently accrued by existing field staff who responded to this survey (outlined in Fig. 3.1) it is clear that many of them are already highly or over qualified at Site/Excavation Assistant level (equivalent of 'junior archaeologist' in Dutch KNA or Grade 3/4 in the BAJR system) and could reasonably expect to be employed at Site Archaeological Supervisor level by now. The same is true of many Site Archaeological Supervisors, who are well-qualified to be Site Directors/Senior Archaeologists by now. However, it is also true that in a very restricted labour market and where competitive tendering has driven wage rates down it is unlikely that a site crew can be made up entirely of staff employed at or being paid at Archaeological Supervisory grade and above. The other difficulty that arises from this situation is that new entrants into the field will automatically be excluded (and indeed are currently being overlooked) in favour of their more experienced colleagues who are prepared to continue working at lower grades and for consequently lower levels of pay.

There is no easy way to deal with this situation in the absence of an upswing in the economy and an increase in work available at all grades so that staff can move up through the ranks and new entrants can come into the labour market. However, an agreed system of improved rates of pay for each grade, with a reintroduced sub-division at Archaeological Assistant level, would at least ensure that some increased reward is accrued for experience.

4 Pay rates in cognate professions

4.1 Introduction

Archaeology is the study of ancient people and their past through excavation, survey, various analyses and interpretation of the results. In reality archaeology is an amalgam of many professions and disciplines. Archaeologists, in addition to their academic background and the ability to identify, excavate and record in the field, are expected to be proficient in understanding engineers' drawings, architects' plans and scientific reports. They should be professionally competent in understanding the legal implications of heritage legislation, licencing and planning. They should ideally have experience in people management and have knowledge of health and safety legislation. Above all, archaeologists are obliged to produce quality excavation reports, all the while working within tight timescales and budgets. This list is not exhaustive – for instance graphics staff have specialised skill sets in Adobe Creative Suite, while specialists are experts in their various fields e.g. prehistoric pottery, human bone, plant remains etc.

Comparisons with rates of pay in so-called 'cognate' professions proved challenging, not least deciding on what professions could be considered comparable to archaeology and how to gauge rates of pay in the private sector.

4.2 'Cognate' professions - issues

Professionals most often compared to archaeologists tend to be those associated with the construction industry e.g. planners, engineers, architects. Environmental scientists and ecologists, especially those engaged in environmental impact assessment, may also be considered 'cognate'. In the case of engineers and architects, pay rates (or increases in pay) are often directly related to post-graduate professional qualifications, something that is not paralleled in archaeology. Architects must be registered with the Royal Institute of Architects of Ireland to even use the title 'architect' and registration is a requirement under the Building Control Act 2007 (http://www.riai.ie/register/is_your_architect_registered1/). To use the title 'Chartered Engineer', 'Associate Engineer' or 'Engineering technician' both an individual's academic and post-graduate professional qualifications must be accredited through Engineers Ireland (<http://www.engineersireland.ie/membership/registered-titles.aspx>). Again, this influences the rates of pay that can be achieved.

In addition to the issue of who exactly to bench-mark archaeologists to, current private sector job vacancies for engineers, architects and other professions, north and south of the border, increasingly do not advertise the rate of pay offered. Therefore, research for this report looked at a number of recruitment agency surveys of salaries paid after placement in key sectors in 2012-14 e.g. CPL, Sigmar and Brightwater². This showed quite a degree of variability and wide bands for many positions and in the end was not considered particularly useful. Rates of pay in the Public Service were then examined, particularly those assigned to specific archaeological posts or against which archaeological posts were benchmarked.

² <http://www.cpl.ie/Content/uploads/salary-survey/>
http://www.sigmarrecruitment.com/fileadmin/Salary_Guides/Sigmar_Recruitment_Technical_Divisions_Salary_Guide_2013.pdf
http://www.brightwater.ie/documents/brightwater_salary_surveys_ROI_2014.pdf

4.3 Other archaeologists - the state sector in Northern Ireland and the Republic of Ireland

Archaeologists are employed in the state sector both North and South of the Border. Tables 4.1 and 4.2 outline the rates of pay for various grades of staff. Notably, engineering grades in the Civil Service and Local Authorities were used to bench-mark the rates of pay for National Roads Authority archaeologists in the ROI.

Table 4.1 Pay rates within the UK Civil Service for archaeological posts. Data courtesy of UK Civil Service 1st Aug 2012 – 31st July 2014 (excludes London weighting)

AA Level	Bands (£)
Admin Assistant/ Assistant Custodian	16,300 – 17,620
AO Level	
Admin Officer	18,946 – 22,291
Assistant Archaeological Supervisor (water)	
Field Monument Warden	
Technical Grade 1	
Assistant draughtsman	
Assistant Illustrator	
Conservation Grade G	
EO1 Level	
Curatorial Grade F	25,871 – 27,271
Conservation Grade F	
Assistant Manager	
Mapping & Charting Officer	
SO Level	
Curatorial Grade E	28,500 – 31,135
Research Assistant (Historic Monuments)	
Conservation Grade E	
DP Level	
Curatorial Grade D	35,190 – 39,675
Drawing Officer Manager	
Curatorial Grade D+4 (DOE)	35,921 – 40,736

Table 4.2 Comparable pay rates within the Republic of Ireland Civil Service (Engineering grades I, II, III used for setting rates of pay for archaeologists in National Roads Authority/RPA)

Grade ³	Bands (€) (NOTE: incremental rates with minimum specified time periods spent at certain rates before reaching maximum)
Engineer grade III	30,738 - 59,604
Engineer grade II	58,765 - 68,647
Engineer grade I	65,000 - 80,140
<i>Other Civil Service grades</i>	
Clerical officer (CO)	22,015 - 35,515 (standard scale)
	23,042 - 36,267 (higher scale)
Staff officer (SO)	33,070 - 43,906
Executive officer (EO)	29,024 - 45,616 (standard scale)
	29,024 - 47,379 (higher scale)
Higher executive officer (HEO)	43,816 - 55,415 (standard scale)
	46,426 - 57,251 (higher scale)
Administrative officer (AO)	31,619 - 55,415 (standard scale)
	40,734 - 57,251 (higher scale)
	65,000 - 79,552 (higher scale)

4.4 Professional associations

In the late 1990s, the pre-cursor to IAI, the Irish Association of Professional Archaeologists (IAPA), proposed rates of pay for archaeologists, which were also benchmarked to then rates of pay for local authority engineers. The rates are outlined in Table 4.3 and will be discussed again in Chapter 5.

Table 4.3 IAI 1998 rates benchmarked to Local Authority engineering pay grades

Position	1998 rate (IR£)
Senior archaeologist (Project manager/Survey manager)	IR£675
Site director/survey director	IR£570
Site Archaeological Supervisor/field surveyors/senior officer assistant	IR£475
Archaeological Assistant/office administrator/project assistant/research assistant	IR£375
Archaeological worker (GO)/archaeological technician	IR£275
Specialist/illustrator	IR£10-25 per hour

³ Rates effective from 1st July 2013 (inclusive of Haddington Road agreement pay deductions) with exception of Grade III engineer and all grades below AP, which are the 2010 figures inclusive of pay deductions applied from that year forward (these grades were not affected by the Haddington Road agreement 2013).

The Institute for Archaeologists (IfA) in the UK has been recommending rates of pay for their three specific grades of membership since the 1990s (Table 4.4). The rates were also originally benchmarked to Local Authority pay scales (<http://www.archaeologists.net/IfASalary2013to14>). However, subsequent benchmarking exercises in 2007/8 showed that archaeologists lagged on average 13% behind colleagues in other professions. In 2009 it was agreed to raise the rates substantially, although this was not fully achieved. In 2013, on foot of legal advice, the IfA agreed that they could not enforce payment of the recommended rates as a condition of membership for 'Registered Organisations' (i.e. consultancies). However, they would continue to recommend starting salaries and non-compliance can trigger a more detailed audit of the way a new applicant or existing organisation ensures that it has appropriately competent staff at its disposal for any work undertaken.

Table 4.4 IfA recommended pay rates – minima and starting salaries 2013-14

Membership level/competency	Practitioner (PIfA) – non-managerial posts	Associate (AIfA) – junior managerial posts	Member (MIfA) – senior managerial posts
Recommended starting salaries	£19,853 – 20,926	£29,123 – 31,561	£36,552 – 40,276
Level below which salary should not fall	£16,327	£19,017	£24,583

4.5 Summary

Comparisons with cognate disciplines are difficult as no single profession necessarily provides the best 'fit' for archaeology. Pay rates in the private sector in engineering, architecture, planning and the sciences vary a great deal, depending on level of experience and additional professional qualifications.

There has been a trend in archaeology, both in Ireland and Britain, to benchmark pay rates to those of local authority or Public Service engineering grades. The salary scales used in the appointment of archaeologists to the National Roads Authority and the Rail Procurement Agency followed this trend. Both the previous manifestation of IAI, IAPA, and the present IfA (in the UK) used local authority pay scales to set minimum starting salaries for various grades of archaeologist.

It seems unnecessary therefore to 'reinvent the wheel' when it comes to deciding on new recommended pay rates for field archaeologist in Ireland today.

5 Suggested pay rates or bands

5.1 Introduction

When the average earnings north and south are calculated and, in the case of the Republic, compared to the results of the 2007 DISCO survey, it is clear there has been a very significant decrease in wages across the profession (see Chapter 2, Summary).

For the purposes of this survey, the average lowest and highest gross earnings were based on the assumptions that the archaeologist worked 52 weeks at that rate (including paid leave) and the paid working week was 40hrs, although the survey has indicated that this can vary from 7.25hrs, 7.5hrs to 8hrs paid per day, depending on the project/company. In reality, today's commercial field archaeologist is likely to have earned significantly less than even the average lowest earnings (see Chapter 2, Section 2.3.2, Table 2.3).

The marked decrease in earnings is further compounded by the additional expense of finding short term rental accommodation close to the project site, the reality of losing rental deposits when the tenant archaeologist breaks the rental agreement early to pursue the next project elsewhere in the country and/or the cost of putting fuel in the car to drive to and from the site from home base.

Given the cost of third level education today, one could ask if archaeologists are benefitting from the 'graduate premium' i.e. the difference between the average salary for those starting graduate employment or self-employment and the average salary for those starting non-graduate employment or self-employment. The *Complete University Guide (UK)* suggests that an archaeology graduate can expect an average starting salary of £17,675 compared to a non-graduate archaeologist salary of £13,847 (based on 2010 figures)⁴. The average wage for Archaeological Assistants in Northern Ireland, the usual 'starter' grade for field archaeologists, falls some way short of this at £16,313.

5.2 The need for wage rate improvement

Since the early 2000s, the 'archaeological worker' or GO grade has all but disappeared, especially in the Republic (though it is still applied to some sites in NI and UK). The rates of pay in the Republic for the remaining field grades – Archaeological Assistant, Site Archaeological Supervisor and Site Director - have in effect 'dropped a grade' since the 2007 DISCO survey i.e. Archaeological Assistants are paid the equivalent of the GO rate; Archaeological Supervisors are paid (in many cases less than) the equivalent of Archaeological Assistants in 2007 and so forth (Chapter 2, Table 2.6). In Chapter 3, the need for sub-division of the key field grade of Archaeological Assistant was discussed in light of the high levels of experience accumulated by field staff at this grade but with no clear distinction made in the form of improved pay rates.

It is clear looking at the figures from 2007, and despite the perception of very high rates of pay during the boom years, that rates were in fact largely keeping pace with inflation and, in the absence of the crash, rates today would be more or less equivalent to those recommended by IAPA in 1998 (Table 5.1 and 5.2, below). It is notable, for example, that the equivalent of the recommended IAPA rate for a Archaeological Supervisor in today's

⁴ <http://www.thecompleteuniversityguide.co.uk/careers/archaeology/>

money is equivalent to the Average Industrial Hourly Wage for 2013⁵, which is hardly an unrealistic expectation for a graduate with many years postgraduate field experience. At the moment, given the discontinuous nature of archaeological field work, most experienced archaeologists are only just about earning the hourly equivalent of the recommended 'living wage' or the minimum wage, both north and south of the border (Chapter 2, Table 2.3).

5.3 What rates to set?

Table 5.1 Original IAPA rates as recommended in 1998 with today's equivalents adjusted to inflation⁶.
NOTE: all figures recommended as basic starting rates

Position	1998 rate (IRE)	Euro equivalent (IRE x €1.27)	Equivalent today (adjusted for actual inflation rate every year between 1998-2013)	Approx. equivalent hourly rate (based on 40hr week)
Senior archaeologist (archaeologist responsible for more than one team or more than one archaeological project – Project manager/Survey manager)	IRE675	€857.25	€1261.20	€31.50
Site director/survey director	IRE570	€723.90	€1074.30	€26.85
Site Archaeological Supervisor/field surveyors/senior officer assistant	IRE475	€603.25	€887.50	€22.20
Archaeological Assistant/office administrator/project assistant/research assistant	IRE375	€476.25	€700.50	€17.50
Archaeological worker (GO)/archaeological technician	IRE275	€349.25	€513.60	€12.80
Specialist/illustrator	IRE10-25 per hour	€12.70 - €31.75 per hour	€18.70 – €46.70 per hour	€18.70 – €46.70 per hour

As discussed in the previous chapter, the issue of what rates are appropriate for specific field grades or levels of experience/competency has been addressed before, both by the IAI in its previous form and the IfA in Britain (see Tables 4.4 and 4.5). In addition, the decision to benchmark salaries for newly appointed archaeologists to major public sector bodies, such

⁵http://www.cso.ie/quicktables/GetQuickTables.aspx?FileName=EHQ03.asp&TableName=Earnings+and+Labor+Costs&StatisticalProduct=DB_EH

⁶http://www.cso.ie/quicktables/GetQuickTables.aspx?FileName=CPA01C4.asp&TableName=Average+Annual+Percentage+Change&StatisticalProduct=DB_CP

as the National Roads Authority and Rail Procurement Agency, at Public Sector engineering grades was the result of protracted discussion and negotiation. Therefore, the Working Group decided to re-examine the original IAPA rates from 1998/9 and evaluate the appropriateness of using these today, adjusted for inflation in the intervening period and conversion to the Euro.

No sterling equivalents were given in the original rates, as outlined in Table 4.3 (Chapter 4). However, as IAI is an all-Ireland body, it is deemed appropriate that any rate set by IAI should be equal North and South, with the Northern figures only adjusted for a measurable 'cost of living' differential between the two regions. Initially, however, the group has looked at relevant UK bodies to gauge the differences.

Table 5.1, above, outlines the original rates, the Euro equivalent today adjusted for inflation and the approximate equivalent hourly rate, based on a 40 hour week. These figures, when compared to current rates of pay, represent a significant rise in pay (in the order of 35-50%) for the three key field grades – Archaeological Assistant, Site Archaeological Supervisor and Site Director - while also presenting a significant improvement for specialist hourly rates of pay (Table 5.2).

Table 5.2 Comparison of current average hourly rates of pay to the present day equivalent of those recommended by IAPA and rates paid in 2007 (DISCO)

Position	Current hourly rate (Rol)	2007 average rate (DISCO survey)	Today's equivalent value of IAPA recommended rate
Archaeological Assistant	€9-9.70	€12.50	€17.50
Site Archaeological Supervisor	€10.37-13.09	€14.55	€22.20
Site director	€17.90-20.24	€19.12	€26.85
Project manager	€14.12	€24.28	€27.48
Specialist	€13.75	-	€18.70-46.70
Surveyor	€24	€14	€22.20

In the context of Northern Ireland/UK, British Archaeological Jobs and Resources (BAJR) forum has set out recommended **minimum** pay bands for all grades of archaeological field staff (2013-4), while IfA has specific recommended rates of pay for their three membership grades. It is worth outlining the hourly rates here and comparing them to the currently hourly rates in Northern Ireland from the WGRPR survey (Table 5.3). BAJR identify three subdivisions in the 'Archaeological Assistant' grade and two at 'Archaeological Supervisor' grade but they are amalgamated in the table. The IfA rates are not directly equivalent to field grades as they are based on multiple criteria, however, an attempt has been made here to provide a field-based 'equivalent' for their rates.

Table 5.3 Current hourly rates of pay compared to BAJR recommended rate and IfA rates for their three key membership grades

Position	Current hourly rate (NI)	BAJR recommended rate (equivalent)	IfA recommended starting salaries and minima (approx. equiv. grades)
Archaeological Assistant (all grades)	£7.22-7.80	£7.85-8.76	Practitioner? (overlaps with Archaeological Supervisor grade?) £9.54 - £10.04 (should not fall below £7.84)
Site Archaeological Supervisor (all grades)	£8.50-9.75	£9.15-9.65	
Site director (project officers)	£15	£10.25-12.88	Associate? (some overlap with grades above and below) £14 – £15.17 (should not fall below £9.14)
Project manager (senior archaeologist)	-	£12.88	Member? (some overlap with grade above) £17.57 – 19.36 (should not fall below £11.81)
Specialist	£8.50	£10.25-12.88	Fall into all three categories of membership

The BAJR rates are for the whole of the UK and show very little variation or progression in terms of salary levels. The IfA rates are notably higher across the board. In 2009, the Council of IfA agreed to move the minimum pay rates away from local authority payscales, and set out an ‘aspiration’ to increase them by 13% above inflation over five years in order to close the gap with other professions. In the event the economic downturn meant that, in the intervening five years, Council made only inflationary increases or no increases at all. However, IfA also has ‘recommended starting salaries be set aspirationally higher than the minima’ (as noted in Table 5.3). These are commended to the members in Rule 5.5 of their Code of Conduct, which requires members to give them ‘reasonable consideration’⁷.

As noted earlier, in determining IAI recommended rates, the WGRPR feels that if the IAI are to recommend rates, these should apply both North and South of the Border. Therefore, the rates suggested to be taken forward for discussion with the membership are set out in Table 5.4. These are based on the original IAPA recommended rates, adjusted for inflation and Euro conversion. The rates for Northern Ireland are the sterling equivalent but adjusted by an average 20% lower cost of living differential⁸. The rates also include an ‘entry level’ Archaeological Assistant rate, Archaeological Assistant Grade 1. This is, in effect, similar to the original ‘Archaeological worker’ grade (still recognised for the purposes of NRA contracts and used in some NI/UK companies) and allows for distinction on the basis of experience

⁷ <http://www.archaeologists.net/sites/default/files/node-files/Full-report-IfA-and-salary-recommendation-2013-2014.pdf>

⁸ http://www.numbeo.com/cost-of-living/compare_cities.jsp?country1=Ireland&country2=United+Kingdom&city1=Dublin&city2=Belfast

within the Archaeological Assistant grade, with appropriate improvement in pay levels. It should be noted that the rates for NI are significantly higher than the BAJR recommended rates; however, they are on a par with the IfA 'aspirational' rates for their different membership categories.

*Table 5.6 Suggested **minimum** rates of pay for archaeological field staff and specialists – NI figures are based on £Stg equivalents to the RoI less 20% for lower cost of living*

Position	Hourly rate (RoI)	Hourly rate (NI)
Archaeological Trainee	€11.65	7.65
Archaeological Assistant grade 1	€12.85	£8.50
Archaeological Assistant grade 2	€17.50	£11.50
Archaeological Supervisor	€22.20	£14.60
Site director/project officer	€26.85	£17.70
Project manager	€31.50	£20.80
Specialist	€20-€46	£13.20-£30.40

5.4 Justification

It is important to justify why these rates are being recommended today. Whereas the levels of archaeological activity in Ireland in the late 1990s were well below those of the mid-2000s, it is the opinion of the majority of members of WGRPR that they nonetheless represented a reasonable rate to work from. Although wage inflation in the Republic of Ireland, in particular, may have been artificially high during the boom, the WGRPR notes that archaeological wages did not increase at the same level across the board as other professions or trades. When wages in the construction sector and associated professions fell back in the aftermath of the economic crash in 2008, archaeological wages suffered a more profound decrease, which, with the corresponding fall in employment rates created the present conditions that WGRPR was tasked with investigating. When taken with current rates of pay being offered across the board in other professions and trades it is apposite to ask why archaeology as a profession should not be valuing the work it undertakes, irrespective of what are considered 'market forces'.

In the case of Northern Ireland, the WGRPR recognises that archaeology is undertaken on a similar statutory footing on either side of the border, with a tradition of archaeological workers taking work in either jurisdiction and indeed with several archaeological consultancies operating within both jurisdictions. It is recognised, however, that by recommending rates well above those put forward by BAJR, the acceptance of proposed IAI rates would leave NI consultancies more exposed to competitive tendering from UK companies.

In response to the interim version of this report there was considerable debate both in written submissions and the IAI special meeting on the notion of a starter grade for new graduates or those without formal archaeological training who wanted to gain experience (Appendix V and VI). In this instance a graduate would be anyone coming out of a University Degree in archaeology with less than three months experience on site. It would also apply to

postgraduates with the same limited experience. There was considerable debate and submissions on whether field staff who had not completed (or are in the process of completing) an archaeological or similar degree/diploma should be able to begin progressing along the professional pay scales listed here. Many state and private sector bodies require an archaeological certificate for each of their staff as a requirement of payment. There have on the other hand been extraordinarily competent individuals who have made a unique contribution to archaeology who have entered the profession despite having a completely different skill set. If they are not excluded from the particular tender there should be a provision for a low ratio of such individuals to join an archaeological team.

There should be a low ratio (1 'starter' to 8 experienced staff) of such staff to experienced archaeologists and their upgrading should be automatic once they have reached no more than three months in their work or sooner if they have attained a basic understanding of recording skills. The rate applied here is based on the 'living wage' in both jurisdictions which was designed to avoid poverty traps (<http://www.nerinstitute.net/research/a-living-wage-for-ireland/>), (<http://www.livingwage.org.uk/>).

It was also decided not to recommend 'bands' of pay for each grade as, in the view of the WGRPR, the default pay rate would always be the lowest level of that band.

5.5 Other issues to be addressed - subsistence rates

The nature of most archaeological contracts is such that workers frequently find themselves working away from where they pay rent or a mortgage. In the construction industry the concept of 'country money' has been enshrined in legislation and in wage agreements for many years, however as the surveys undertaken for this report show, there is no consistency in archaeology regarding the payment of such expenses (Chapter 2).

The WGRPR proposes that this issue be examined by the IAI as part of an ongoing review of pay and working conditions in private sector archaeology. See Appendix IV for further discussion on this topic.

6 Mechanisms/obstacles for implementation of recommended rates

6.1 Mechanisms

6.1.1 IAI members, Code of Conduct and public contracts

In the first instance, if the proposed rates are adopted by the membership of IAI, they should form part of a revised 'Code of Conduct' for members. In the UK, the IfA recommended starting salaries and minimum rates are written into their Code of Conduct and, as adherence to the Code of Conduct is written into the Articles of Association, they are expected to be adhered to by members. Lobbying for inclusion of minimum rates of pay in Public Contracts would also be a key objective.

6.1.2 Beyond IAI - statutory approaches

In general, the primary law governing wage rates in both the Republic of Ireland and Northern Ireland is the National Minimum Wage Act 2000 - currently **€8.65** per hour in ROI while in the UK and Northern Ireland it is £6.31 per hour. All wages paid above these rates are the result of hard fought negotiations between employers groups, employee groups, trade unions and statutory authorities. In the Republic of Ireland, Employment Regulation Orders (EROs) exist for some industries, with various agreements on pay and conditions made by Joint Labour Committees (JLCs). Collective agreements have also been registered in the Labour Court known as 'Registered Employment Agreements' (REAs).

6.1.3 Trade Union

Trade Unions can assist in negotiating, on behalf of their members, either on an individual or group basis with an employer. In addition a trade union would also potentially be involved in the establishment of an ERO or REA (see below), if this route was considered.

A key element in any involvement with Trade Unions would be to ensure cross-border representation and also the parameters of protection provided. This latter issue will be particularly pertinent in relation to those not in employment, those in self-employment and those who occasionally employ staff.

6.1.4 An Employment Regulation Order (ERO) – ROI only

While Joint Labour Committees (JLCs) are established by means of a statutory order made by the Labour Court, they are independent bodies that determine minimum rates of pay and conditions of employment for workers in their respective sectors. The pay and conditions agreed by the JLCs are given the force of law in Employment Regulation Orders made by the Labour Court on foot of proposals made to the Court by the JLCs.

Following a High Court decision, McGowan Case (7/7/2011 CASE REF: 2008 10663 P) all Employment Regulation Orders ceased to have statutory effect from 7 July 2011 (<http://www.djei.ie/press/2011/20110712.htm>). Employment Regulation Orders were in place for, amongst others, Agricultural Workers, Catering and Contract Cleaning.

6.1.5 Registered Employment Agreements (REA) – ROI only

Registered Employment Agreements (REAs) were Collective Agreements made between trade unions and employers which were registered with the Labour Courts. Following a decision of the Supreme Court, all Registered Employment Agreements ceased to have statutory effect from 9 May 2013. Legislation to address this Supreme Court ruling is to be introduced as soon as possible and is currently being reviewed (<http://www.djei.ie/press/2013/20130627c.htm>). There were REAs for the following sectors: Drapery, footwear and allied trades (Dublin and Dun Laoghaire); Construction industry; Printing (Dublin); Electrical contracting; Contract Cleaning; Overhead power line contractors.

6.1.6 A local agreement regarding rates of pay

A further possibility is the establishment of a wage agreement at local level between an archaeology employers group, similar to the Federation of Archaeological Employers and Managers (FAME) in the UK and an employee group. This mechanism would not have any legal standing (effectively a 'gentleman's agreement') unless the outcome was registered with the Labour Court (as above). This may have further limitations, based on possible competition implications, and may be subject to court challenge. Legal opinion may need to be sought before such a move is contemplated.

6.2 The Labour Court's review of Employment Regulation Orders and Registered Employment Agreements

Both Employment Regulation Orders and Registered Employment Agreements are currently being reviewed by the Labour Court. At the moment, employees who were covered by an ERO or an REA have existing contracts of employment that govern their pay and conditions of work. Until new EROs are made the pay and conditions of employees who started work after 7 July 2011 are governed by employment legislation such as the National Minimum Wage. This also applies to the pay and conditions of new employees in the sectors previously governed by REAs who start work after 9 May 2013.

However, based on opinion received by the working group from the Congress of Trade Unions (TUC), the process of establishing a new ERO or REA could be commenced now in advance of the Labour Court review findings. This could then be implemented once that review is completed.

This process would require:

- Agreeing/allowing a spokesperson/mediator to act on behalf of employees (such as a union)
- Engagement and agreement with some or all employers through a newly formed employers group

6.3 Possible obstacles – competition law

Under the Competition Act 2002, the IAI may be seen as an ‘association of undertakings’, undertakings defined as ‘being an individual, a body corporate or an unincorporated body of persons engaged for gain in the production, supply or distribution of goods or the provision of a service’. As such any attempt to ‘set’ rates could be viewed under the provisions of the act as anti-competitive or restricting competition. In the UK, legal advice sought by the IfA in respect of their requirement for ‘Registered Organisations’ to pay their recommended pay rates was deemed inappropriate and has subsequently been removed⁹. However, they still advertise these rates and actively encourage their membership organisations to pay them.

It may be prudent for IAI to also seek legal opinion both on the status of IAI in the eyes of the Competition Authority and in terms of their ability to advertise recommended rates. Given the similar status of the IfA in Britain, it would appear that the IAI can endorse or set out the case for pay rates commensurate with the value and experience of the work being undertaken even if it cannot *enforce* them. It may also be possible for IAI to publicly support other mechanisms of ensuring proper rates of pay.

6.4 Endorsement of report and rates at IAI AGM 2013

This report was overwhelmingly endorsed by members at the IAI AGM in Limerick in Summer 2013. A special session of that conference was held to debate the report with a subsequent period for comments. Debate focused on whether all companies should ‘jump together’ on a given date with the recommended rates or whether they should be implemented on a gradual basis. The endorsement of this report by IAI means that they accept that archaeologists in the commercial sector should be valued at the recommended rates from the date of the adoption of this report. The details of any formal agreement between archaeological employees and employers to ensure its implementation would require a collective agreement between bodies outside of the IAI.

⁹ <http://www.archaeologists.net/sites/default/files/node-files/Full-report-IfA-and-salary-recommendation-2013-2014.pdf>

7 Options for the future

7.1 For consideration by IAI members

1. Endorse recommended minimum rates of pay for archaeological field work/specialist work as recommended in Table 5.6.
2. Write these rates into a revised Code of Conduct for members.
3. Actively seek an immediate improvement in Archaeological Assistant pay rates, which have suffered the greatest wage deflation since 2007.
4. Support third party (e.g. Union) action on improving pay and conditions for field archaeologists, based on the minimum pay rates adopted.
5. Set up a review group every 2-3 years to monitor progress in pay and conditions and to address other matters arising e.g. subsistence rates (Appendix IV), pension contributions, adherence to statutory employment law (see Appendix II).
6. Run a shortened version of the survey each year to monitor rates of pay.
7. Organise a joint committee between the IAI, UNITE or any other union or collective group representing employees and any body formed by employers to implement better pay. This measure has recently been taken by ifA, Prospect (Union representing commercial archaeologists) and FAME (Federation of Archaeological Managers and Employers).

7.2 Other issues to be considered as part of ongoing review of pay and conditions

7.2.1 Standards

Public support/endorsement of this process by statutory authorities would be welcome. The issue of pay rates and the value of archaeological work dovetails with the issue of standards of archaeological fieldwork. There should be enforcement of standards by statutory authorities, both North and South of the Border, at the very least, ensuring that works outlined in method statements are carried out. This should eliminate below-cost tendering, while 0% tender prices submitted for small public contracts should be rejected automatically.

7.2.2 Grading

The IAI should convene immediate discussions with the statutory authorities in the ROI and NI on definitions for 'archaeologist' and sub-grades of that role within the consultancy sector. This would help to also define the minimum qualification criteria required for each grade. This relates directly to rates of pay and would mean that there were uniform standards for site staff. Method statements would require staff employed at these grades to attain the minimum criteria listed.

It is noted here that this issue has already been raised by IAI with the National Monuments Service in the ROI who have agreed to set up a working group to look into these matters. A similar approach to the licensing section of the NIEA (NI) should be made.

7.2.3 *Self-employment vs 'employment'*

It emerged during the survey that significant numbers of staff were being offered work on a self-employed basis despite not being able to satisfy the criteria laid down by Revenue (<http://www.revenue.ie/en/tax/it/leaflets/tax-social-insurance-guide.pdf>).

While many archaeologists and specialists, such as licensed site directors, choose to be self-employed, it appears that some respondents felt they were 'forced' to take work on a self-employed basis. Many of these archaeologists would not carry suitable insurance or earn sufficient income to cover the holiday entitlements, which they would otherwise be entitled to. The IAI should adopt a measure as part of their revised Code of Conduct that compels members not to make self-employment a condition of contract unless it is at the request of the archaeologist being offered the work. A number of forms of words for this have been suggested (See Byrnes Appendix VI) and should be quickly considered by the working group on codes of conduct and voted on at the next AGM.

7.2.4 *Subsistence (see Appendix IV)*

As outlined in Chapters 2 and 5, subsistence rates are currently not standard across archaeological contracts, putting further downward pressure on what are already low levels of pay in the sector. This issue needs to be addressed as soon as possible. To this end, a working group should be set up or reconvened every 2 years to look at this and other important employment-related matters arising from the survey.

Bibliography

Articles/Papers/Reports:

Eogan, J. and O'Sullivan, E. 2009. Archaeology and the demise of the Celtic Tiger. *The Archaeologist* 72, 26-27.

Ifa 2013 10/07/2014 PRESS RELEASE. IfA, FAME and Prospect joint statement summary. Statement on ifA website, <http://www.archaeologists.net/news/140710-ifa-fame-and-prospect-joint-statement-pay>. Accessed 10th July 2013.

McDermott, C. and La Piscopia, P. 2008. *Discovering the Archaeologists of Europe: Ireland: A report to the Institute of Archaeologists of Ireland 2008-11*. School of Archaeology, University College Dublin for the Heritage Council.

Willems, W. and Brandt, R.W. 2004. *Dutch Archaeology Quality Standard*, Rijksinspectie voor de Archeologie, Den Haag.

Websites:

Mount, C. 2013. After a year of stability recovery appears on the horizon for Irish archaeology. Charles Mount's Blog, 1 October 2013. <http://charles-mount.ie/wp/?p=1282>

www.archaeologists.net – website of the Institute for Archaeologists (IfA, UK)

www.brightwater.ie – recruitment agency

www.cpl.ie – recruitment agency

www.cso.ie – Central Statistics Office

www.famearchaeology.net – Federation of Archaeological Employers and Managers (FAME, UK)

www.revenue.ie – Revenue Commission (Republic of Ireland)

www.sigmarrecruitment.com – recruitment agency

www.thecompleteuniversityguide.co.uk – Independent online guide to all universities/colleges in the UK and Northern Ireland

Appendices

I Definitions and Abbreviations

Annual leave	Annual leave is paid time off work for holidays, rest or recreation.
ASHE	Annual Survey of Hours and Earnings
BAJR	British Archaeological Jobs and Resources
Benefit-in-kind	A term used by Revenue to refer to a taxable non-cash payment to an employee, for example, the use of a car.
Casual worker	A person employed as required without fixed hours or attendance arrangements
Code of Practice	A code of practice sets out good practice in employment but is not usually legally binding
Collective agreements	Agreements negotiated between unions and employers about terms and conditions of employment.
Common law	Law derived from custom and court decisions, rather than legislation.
Comparator	A comparator means a comparable employee who is doing the same or similar work as a part-time worker or someone on a fixed-term contract.
Contract of employment	A contract of employment exists if someone is offered work in return for wages and accepts the offer – see also written terms of employment.
Constructive dismissal	Constructive dismissal is when you terminate your contract of employment because of your employer's behaviour.
Continuity of employment or service	This means the employee's service or employment is unbroken and can help you qualify for certain employment rights such as redundancy.
CPD	Continuous professional development
Custom and practice	Custom and practice is where a term of employment is set up by normal behaviour in a workplace rather than by legislation or a written contract. One example is an informal ten-minute coffee break at 11am.
Deductions	Deductions are amounts taken off your pay and listed on your payslip, for example, PRSI.
Disciplinary procedure	It sets out in writing how the employer will deal with the alleged shortcomings of an employee.
Discrimination	This means treating one person less favourably than another person. Discrimination at work is illegal if it is based on gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of the Traveller community.
Dismissal	This occurs when your contract of employment is ended. If you are dismissed by your employer you may be able to claim unfair dismissal.
DISCO	Discovering the Archaeologists of Europe projects (2006-2008) and (2012-2014)
Duty of care	Your employer owes you a duty of care to provide a safe workplace and this is implied by law in your contract of employment. It means that you should not have to work in unsafe or unhealthy conditions.
Employee	An employee is someone who works for someone else in return for payment. There is no definition of 'employee' in employment law. The Code of Practice in determining Employment Status (pdf) contains criteria which can be used to clarify whether a person is employed or self-employed. The employment status of a person is generally determined by the Revenue Commissioners or the Department of Social Protection.

Employment Regulation Order (ERO)	EROs are negotiated by Joint Labour Committees to regulate conditions of employment and pay in certain employment sectors.
Fixed-term contract	A fixed-term contract is a contract of employment which ends on an agreed date.
GO	General operative or unqualified labourer
Grievance procedure	This sets out how to complain about something in your employment terms and conditions which affects you.
Holiday	A holiday is paid time off work for rest and recreation. It can mean either annual leave or a public holiday.
HR	Human resources
IAI	Institute of Archaeologist of Ireland
IAPA	Irish Association of Professional Archaeologists
IfA	Institute for Archaeologist (UK)
Job-sharing	A type of flexible work where two people share the same employment position.
Joint Labour Committees (JLCs)	JLCs regulate conditions of employment in certain employment sectors. Their agreements are called Employment Regulation Orders (EROs).
KNA	Dutch Archaeological Quality Standard
Lay off	Lay off is when you are let go from your job temporarily as your employer has no work for you.
Leave	Permission to be absent from work. Under employment rights legislation there are statutory entitlements to annual leave, maternity leave, adoptive leave, parental leave and carer's leave.
Minimum wage	This is a minimum hourly rate of pay. Most employees have a legal right to the national minimum wage (NMW) .
Notice	Notice is an announcement by the employee or employer that the employment contract will end on a certain date.
NI	Northern Ireland
NRA	National Roads Authority
Open-ended contract	This is a contract of employment which continues until the employer or employee ends it. It is known as a contract of indefinite duration. This is what employees often refer to as a permanent job.
Overtime	Overtime is work done outside normal working hours.
Part-time worker	An employee whose normal hours of work are less than the normal hours of work of a comparable full-time employee.
PAYE	Pay As You Earn. The PAYE system is a method of tax deduction under which a person's employer calculates the tax due and deducts it each time a payment of wages, salary, etc. is made to an employee, and a method of collecting PRSI (Pay-Related Social Insurance).
REA	Registered Employment Agreement: REAs set out pay and conditions of employment in certain employment sectors. They are collective agreements which have been registered with the Labour Court.
ROI	Republic of Ireland
Self-employed	A self-employed person is someone who carries on their own business and is not an employee .
Specified purpose contract	A contract of employment which ends when a specific task is completed, or when a specific event occurs.

Trade union	A trade union is an organisation which negotiates with an employer for better pay and conditions.
Wages	Wages are the money paid to you by your employer for your work. This money is also known as pay, salary or remuneration. Sometimes other benefits can be included to make up your wages, for example board and lodging, if supplied by your employer and are part of your employment contract.
Working hours	This means the time when you are working. For most employees the legal maximum average working week is 48 hours.
WGRPR	Working Group for Review of Pay Rates
Written terms of employment	Although all your contract of employment does not have to be written, you have a legal right to a written statement of certain employment terms.
Zero-hours contract	A zero-hours contract is a type of employment contract where the employee make themselves available for work for a specified number of hours and get paid for a proportion of those hours even if not required to work.

II Employment Law (pertaining to Republic of Ireland)

http://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/employment_rights_and_duties/employment_law_update.html

Employment protection developments 1993-2012

The following is a summary of the legislation that has been introduced in this period concerning employment protection:

Protection of Employment (Temporary Agency Work) Act 2012: This Act provides that since 16 May 2012 all temporary agency workers must have equal treatment as if they had been directly recruited by the hirer in respect of the duration of working time, rest periods, night work, annual leave and public holidays and pay. The right to equal pay is backdated to 5 December 2011.

- **Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007**: This legislation establishes a redundancy panel to consider certain proposed collective redundancies. The Act also removes the upper age limit for entitlement to redundancy payments.
- **Employment Permits Act 2006**: This Act updates the **Employment Permits Act 2003**, introducing the Green Card permit and revising the legislation on work permits and spousal permits.
- **Employees (Provision of Information and Consultation) Act 2006**: This legislation sets establishes minimum requirements for employees' right to information and consultation about the development of their employment's structure and activities. Since 23 March 2008 it applies to employers with at least 50 employees.
- **Parental Leave (Amendment) Act 2006** amends the **Parental Leave Act 1998** which provides for a period of unpaid **parental leave** for parents to care for their children and for a limited right to paid leave in circumstances of serious family illness (**force majeure**).
- **Safety, Health and Welfare at Work Act 2005**: This legislation replaced the provisions of the Safety, Health and Welfare Act 1989 when it came into operation on 1st September 2005. It consolidates and updates the existing **health and safety** law. Changes include the provision for higher fines for breaches of safety legislation.
- **Adoptive Leave Act 2005**: It amends the **Adoptive Leave Act, 1995** which provides for **adoptive leave** from employment principally by the adoptive mother and for her right to return to work following such leave.
- **Maternity Protection (Amendment) Act 2004**: It includes new provisions relating to **ante-natal classes**, **additional maternity leave**, **breastfeeding** making significant improvements to the **Maternity Protection Act 1994** which covers matters such as maternity leave, the right to return to work after such leave and health/safety during and immediately after the pregnancy.
- **Equality Act 2004**: This legislation makes significant amendments to the **Employment Equality Act 1998** which prohibits discrimination in a range of employment-related areas. The prohibited grounds of discrimination are gender, marital status, family status, age,

race, religious belief, disability, sexual orientation and membership of the Traveller community. The Act also prohibits sexual and other harassment. The Equality Act also amends the Equal Status Act 2000 to extend the definition of sexual harassment and shift the burden of proof from the complainant to the respondent.

- [European Communities \(Protection of Employees on Transfer of Undertakings\) Regulations 2003](#). This legislation applies to any [transfer of an undertaking, business or part of a business](#) from one employer to another employer as a result of a legal transfer (including the assignment or forfeiture of a lease) or merger. Employees rights and entitlements are protected during this transfer.
- [Protection of Employees \(Fixed Term Work\) Act 2003](#): This legislation protects fixed-term employees by ensuring that they cannot be treated less favourably than comparable permanent workers and that employers cannot continually renew [fixed term contracts](#). Under the Act employees can only work on one or more fixed term contracts for a continuous period of four years. After this the employee is considered to have a contract of indefinite duration (e.g. a permanent contract).
- [Organisation of Working Time \(Records\) \(Prescribed Form and Exemptions\) Regulations 2001](#). The main purpose of this EU Regulation is the requirement by employers to keep a record of the number of hours worked by employees on a daily and weekly basis, to keep records of leave granted to employees in each week as annual leave or as public holidays and details of the payments in respect of this leave. Employers must also keep weekly records of starting and finishing times of employees.
- [Protection of Employees \(Part-Time Work\) Act 2001](#) - this replaces the Worker Protection (Regular Part-Time Employees) Act, 1991. It provides for the removal of discrimination against [part-time workers](#) where such exists. It aims to improve the quality of part-time work, to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner that takes account of the needs of employers and workers. It guarantees that part-time workers may not be treated less favourably than full-time workers.
- [Carer's Leave Act 2001](#) - this provides for an entitlement for employees to avail of temporary unpaid [carer's leave](#) to enable them to care personally for persons who require full-time care and attention.
- [National Minimum Wage Act 2000](#) - introduces an enforceable [national minimum wage](#).
- [Organisation of Working Time Act 1997](#) - regulates a variety of employment conditions including [maximum working hours](#), night work, [annual](#) and [public holiday](#) leave.
- [Protection of Young Persons \(Employment\) Act 1996](#) - replaced previous legislation dating from 1977 and regulates the [employment and working conditions of children and young persons](#).
- [Terms of Employment \(Information\) Act 1994](#) - updated previous legislation relating to the provision by employers to employees of information on such matters as job description, rate of pay and hours of work.
- [Unfair Dismissals Act 1993](#) - updates [unfair dismissals](#) law and amends previous legislation dating from 1977.

- Implications of the High Court Decision Delivered on July 7th 2011 in Relation to Employment Regulation Orders (EROs). [High Court decision \(pdf\)](#)

Complaints/breach of rights

Employment law in Ireland provides strong protection for employees who feel their rights have been breached. Complaints, disputes and grievances are heard before a [Rights Commissioner](#) who will listen to both sides before completing an investigation of the complaint and issuing a recommendation. Recommendations issued by the Rights Commissioner can be binding or non-binding, depending on the type of law under which the case is heard.

The [Equality Tribunal](#) investigates claims under equality legislation.

Often, disputes between employers and employees can be resolved using mediation. Mediation means that the Labour Relations Commission is contacted and appoints an independent person to meet with both parties and listen to both sides. This free service is available to all employees and employers (except members of the Gardaí, Defence Forces and Prison Service). Meetings are held privately and all discussions are confidential.

How to apply

Requests for mediation services should be made to the [Workplace Mediation Service at the Labour Relations Commission](#).

Complaints, disputes or grievances regarding breaches of employment rights under certain legislation can be referred using the [new single complaint form](#). Before you apply to have your complaint heard, you must notify your employer of your intention to contact the Rights Commissioner service. Where legal entitlements are involved, you should try and resolve the matter locally before referring a complaint. Further information on employment protection legislation may be obtained from **Workplace Relations Customer Services**.

Further information on the Maternity Protection Acts 1994-2004, the Adoptive Leave Acts 1995-2005, the Employment Equality Acts 1998-2011 and the Equal Status Acts 2000-2011 may be obtained from the [Equality Authority](#).

III Contacts (primarily pertaining to Northern Ireland)

Citizens Advice (NI)

Belfast - Central Belfast CAB

Merrion Business Centre, 58 Howard St

Belfast

BT1 6PJ

0300 1 233 233

amyinbelfast@citizensadvice.co.uk

Irish Congress of Trade Unions

31/32 Parnell Square, Dublin 1, Ireland

Tel: +353 1 8897777

Fax: +353 1 8872012

Email: congress@ictu.ie

Northern Ireland Committee Irish Congress of Trades Unions

4-6 Donegall Street Place, Belfast BT1 2FN, Northern Ireland

Tel: 02890 247940

Fax: 02890 246898

Email: info@ictuni.org

Web: <http://www.ictuni.org>

The Labour Relations Commission (LRC)

The Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4, Ireland

Telephone: (01) 613 6700

Lo call: 1890 220 227 (outside (01) area)

Fax: (01) 613 6701

National Employment Rights Authority (NERA)

Link: <http://www.employmentrights.ie/en/>

National Employment Rights Authority, Headquarters, O'Brien Road, Carlow, Ireland

Lines open Monday-Friday, 9.30am-5pm **Lo-call 1890 80 80 90 or + 353 (0) 59 9178990**

Workplace Relations Customer Service Lo-Call 1890 80 80 90*

Follow the link for more details on our [Information Services](#)

Inspection NERA Inspectorate Service Lo-Call 1890 220 100*

Email: inspection@employmentrights.ie

Follow the link for more details on our [Inspection Services](#)

Enforcement NERA Enforcement Service Lo-Call 1890 220 200*

Email: enforcement@employmentrights.ie Follow the link for more details on our [Enforcement Services](#)

Prosecution NERA Prosecution Service Lo-Call 1890 220 200* Email: prosecution@employmentrights.ie Link for more details on our [Prosecution Services](#)

Corporate enquires Telephone: +353 59 917 8800

NIDirect

NIDirect brings together lots of information from government departments and agencies, written in language that is easy to understand. And, you don't need to know the workings of government to find what you are after. NIDirect is the official government website for Northern Ireland citizens.

<http://www.nidirect.gov.uk/index.htm>

nibusinessinfo.co.uk

nibusinessinfo.co.uk, a free service offered by Invest Northern Ireland, is the official online channel for business advice and guidance in Northern Ireland. nibusinessinfo.co.uk
Bedford Square

Bedford Street

Belfast

BT2 7ES

Tel: 0800 181 4422

Email: info@nibusinessinfo.co.uk

<https://www.gov.uk/>

Workplace Relations Customer Services (formerly Information Services of the National Employment Rights Authority - NERA)

Link: <http://www.workplacerelations.ie/en/>

IV Subsistence Rates

The payment of tax-free travel and subsistence expenses are governed by the criteria set out in Revenue Leaflets IT51 (Employees Motoring Expenses) and IT54 (Employees Subsistence Expenses). In general, employees in the archaeology sector do not satisfy the criteria set out for the payment of tax-free travel or subsistence payments.

Due to the transient nature of the work in the construction industry, an agreement was reached in 1976 between the Construction Industry Federation and the Construction and Electrical Workers Unions in relation to the payment of 'country money'. The payment was designed to compensate employees for expenses incurred travelling varying distances to and from building sites and to cover subsistence expenses.

Historically, it has been accepted that 'country money' provided for under the above agreement between Construction Industry Federation and the Construction and Electrical Workers Unions could be made without deduction of Tax / PRSI where certain conditions were satisfied. Following representations from the Construction Industry Federation in 2003, it was agreed that the payment of 'country money' could continue to be made without deduction of Tax / PRSI where the revised conditions set out below apply. It is entirely apposite that these criteria should apply to those working in the archaeological sector.

'Country money' may be paid tax free where:

For Dublin-based Contractors:
the individual is employed by a contractor and is working at a site which is 20 miles or more from the G.P.O.
the employee actually incurs the expense of travelling to and from the site
the employee is not provided with board and lodgings by the employer
the employee is not provided with transport to and from the site by the employer
the employee is not recruited on site or at the employer's head office or elsewhere to work at one site only.

For country-based Contractors:
the individual is employed by a contractor and working at a site which is 30 miles or more from the employer's base
the employee actually incurs the expense of travelling to and from the site
the employee is not provided with board and lodgings by the employer
the employee is not provided with transport to and from the site by the employer
the employee is not recruited on site or at the employer's head office or elsewhere to work at one site only.

If any of the conditions are not satisfied, any 'country money' paid must be subjected to Tax / PRSI deductions.

Under Clause 8(c) of the Registered Employment Agreement of 21 July 1986, subsistence allowance (country money) shall be paid at:

€181.68 per week for 5,6 or 7 days
€36.34 per day for 4 days or less

The allowance was designed to be increased every **6 months** in accordance with the increase in the consumer price index; however it is understood that in practice these rates have not increased significantly since their implementation.

V Survey questions

Survey 1: Employee Survey

1. Are you; Male ☐ Female ☐ Under 25 ☐ 25-35 ☐ 35-40 ☐ 45-55 ☐ 55-65 ☐ 65+ ☐
2. Do you have any of the following archaeological qualifications?
 - Diploma ☐ Degree ☐ Masters ☐ PhD ☐ None ☐
 - Do you have a third level qualification outside of archaeology? Yes ☐ No ☐
3. How long in total have you been employed in archaeology?
>6months ☐ 6mts-1year ☐ 1-3 years ☐ 3-5 years ☐ 5-10 years ☐ 10 years+ ☐
4. Are you eligible to hold an excavation licence? Yes ☐ No ☐
5. What grade are you currently working at?
GO ☐ Archaeological Assistant ☐ Archaeological Supervisor ☐ Director ☐ Specialist ☐ Office staff ☐
Post excavation staff ☐ Geophysicist ☐ Surveyor ☐ Other ☐
6. Is this lower than your usual grade? Yes ☐ No ☐
7. How much off-site experience have you accumulated (weeks)
Post-ex ☐ EIAs ☐ Survey ☐ Museum/local heritage ☐ Graphics/Illustration ☐
8. In the period July 2012- July 2013 how many weeks were you employed in archaeology?
 - In the republic of Ireland ☐
 - Northern Ireland ☐
 - Elsewhere in EU ☐
9. During this period did you regularly have to work at a level lower than your usual grade?
Yes ☐ No ☐
10. During this period have you had to find work outside of archaeology to make a living wage? Yes ☐
No ☐

11. During this period have any of the following been provided by your employer? Accommodation ☐
Rent allowance ☐ Mileage ☐ Transport ☐ Daily subsistence ☐ Paid day off/ time in lieu to attend
CPD training ☐ Renewal of Safe Pass or equivalent ☐

12. In this period have you been asked by an archaeological consultancy to be self-employed in order
work on a scheme? No ☐ Yes ☐

13. What were your total earnings from archaeology during this period (please specify € or £)?

14. During this period what was your gross hourly rate (please specify € or £)? Highest Lowest

15. During this period how were you normally paid? Weekly ☐ Fortnightly ☐ Monthly ☐ Per invoice ☐

16. During this period have you experienced any of the following:

- not breaking even / losing money on a job ☐
- paying double rent ☐
- losing accommodation deposits due to short term contracts ☐
- above average maintenance/repair costs for private vehicles ☐
- having to decline work due to poor wages/ overall expense ☐
- use of private vehicles for work purposes other than travel to and from place of work ☐

17. During this period have you been employed within archaeology on either:

JobBridge ☐ Internship ☐

- If yes did this result in a paid position? Yes ☐ No ☐
- Did you feel the level of training received was Excellent ☐, Adequate ☐, Poor ☐

18. Is there anything you would like to add?

Survey 2: Specialists Survey

1. Do you have any of the following archaeological qualifications?

Diploma ☐ Degree ☐ Masters ☐ PhD ☐ None ☐

2. How long in total have you been employed as a specialist?

>6months ☐ 6mts-1year ☐ 1-3 years ☐ 3-5 years ☐ 5-10 years ☐ 10 years+ ☐

3. In the period July 2012- July 2013 how many weeks were you employed as a specialist? ☐

4. What were your total earnings from archaeology during this period (please specify € or £)? ☐

5. During this period have you had to find work outside of archaeology to make a living wage?

Yes ☐ No ☐

6. During this period what percentage of invoices were paid within:

1 month ☐ 2 months ☐ 2-6 months ☐ 6 months-1 year ☐ not at all ☐

7. During this period have you made a profit on any of the work you have done? Yes ☐ No ☐

8. Have you completed the general survey? Yes ☐ No ☐

Survey 3: Company Survey

1. What was the total number of individual TEMPORARY CONTRACT staff employed over the term of the survey (1st July 2012 - 31st July 2013) (here individual corresponds to a single PPS/National Insurance number - i.e. if employee X worked for the company on five different occasions they are to be counted once)

2. What was the total number of individual TEMPORARY CONTRACT staff members employed on:

1st July 2012

1st Dec 2012

1st July 2013

3. Have you employed field staff on a self-employed basis during the study period?

Yes/ No

If yes, how many staff was employed on this basis?

Was this arrangement at your request or theirs?

4. Are you currently employing in house specialists? If Yes, can you list the specialisms. (Specialisms include graphics, geophys, osteo, finds, enviro, conservation etc)

Yes/no

List the specialisms

5. How many specialists have you employed on a 'pay per invoice' basis in the study period (1st July 2012 - 31st July 2013).

6. Please list the current pay grade titles operated by your company including any subcategories (i.e. Archaeological Assistant grade I/2 etc)?

7. Do these differ from those operated during the period 2000-2008? If so which grade titles are no longer used?

8. Does your consultancy have an in-house system for promotion of core staff? and for contract staff?

Core staff Yes

Core staff No

Contract staff Yes

Contract staff No

9. Does your consultancy regularly provide any of the following for TEMPORARY CONTRACT staff:

Paid tea break

paid lunch break

provision of PPE

mileage

transport in company vehicles

assistance with accommodation

daily subsistence allowance

overnight allowance

paying for courses including attending CPD, Safe Pass, Manual Handling etc.

Other (please specify)

10. Do you feel that pay and conditions can be improved for employees (core and temporary contract) in a way which maintains competitiveness and profitability?

Yes

No

If Yes, how do you feel this can be achieved?

11. Are your staff (core and temporary contract) issued with contracts?

Yes

No

12. Do your staff (core and temporary contract) have Job Descriptions describing their Terms and Conditions, i.e. responsibilities and duties?

Yes

No

13. Does the T&C (including rate of pay) differ between core and temporary contract staff of the same grade?

Yes

No

14. During the study period, has your consultancy employed staff at grades lower than they have previously worked at?

Yes

No

15. During the study period, has your consultancy employed staff who are over qualified for the position they are offered?

Yes

No

16. If Yes to either Q 14 or 15, is this a common occurrence?

Yes

No

17. During the study period, has your consultancy found it difficult to recruit staff for projects?

Yes

No

18. Have you experienced difficulties in getting payment for on site works?

Yes

No

If Yes, was this is in the Private sector and/or Public Sector?

19. Have you experienced difficulties in getting payment for PX works?

Yes

No

If Yes, was this is in the Private sector and/or Public Sector

20. Have terms of contracts been reneged on by the client?

Yes

No

If Yes, was this is in the Private sector and/or Public Sector?

21. Since 2008, have you lost money due to clients going bankrupt/ceased trading?

Yes

No

If Yes could you indicate a ballpark of monies involved (ex Vat)

22. How many CORE staff were in your employment on 1st July 2012 and on 1st July 2013?

1st July 2012

1st July 2013

23. Since 2008 have you implemented any of the following for CORE staff:

pay cuts;

change of T&Cs (i.e. removal of paid lunch breaks, subs, mileage, accommodation, additional duties);
down time/short time
redundancies
Other (please specify)

24. Have the heritage authorities assisted you in securing funds to allow the close out of a project?

Yes

No

25. Would you be willing to attend an informal meeting to discuss these issues with other commercial companies, under the auspices of IAI?

Yes

No

26. Any other comments?

VI Written Responses to the WGRPR Report

Written responses to the WGRPR Interim Report April 2014

There were five written responses to the IAI report received by 28-04-2014. These are listed in full below.

DAVE POLLOCK, INDEPENDENT LICENCED ARCHAEOLOGIST

Following on from the meeting in Limerick, and the excellent draft document, I've just a couple of little thoughts about archaeol pay rates.

First, I still think the minimum rates should be recommended from a set date, maybe 6 months hence. Whilst that would not make everyone jump at the same time it would help someone who is willing to jump by justifying a price to a client.

Second, this idea of a low rate for starters should be treated carefully. If this is a particularly low rate I don't think any individual should be paid this rate by an employer for more than 3 weeks. 2 weeks with a decent employer should be a sufficient training period, beyond which everyone should be generally useful on site. If someone has the misfortune to start on very short jobs (day here, 2 days there, for different employers), the time on the very low rate might be extended a little, perhaps to 4 weeks.

I would see this very low rate paid to undergrads getting field experience, oldish secondary school students, youngish people coming in from other fields. After the short time on the starter rate they would be automatically upgraded to site asst grade 1. I think few employers would sack them and train up new inexperienced people.

SUSAN CURRAN, PHD STUDENT, UCD

I read the interim report and was present at the IAI information meeting & discussion in relation to pay rates in the sector.

There were a number of points being made about graduates in the industry and I had a number of additional points to raise/comments to make:

1) Graduates come in many forms with different levels of qualification - BA/MA/PhD etc. but they seem to be all thrown into the same bracket as 'graduates'. Do we need to incorporate the level of qualification into the pay scales?

2) There was talk about graduates vs non-graduates with site experience. I would suggest having 2 entry-level grades - one for graduates & one for non-graduates.

3) It is very difficult to find work once graduated for a number of reasons, not least the lack of actual excavation going on. One such reason is the fact that it is difficult to build up enough site experience while going through college - often you have to pay for the pleasure as well. The universities are not doing enough to ensure that their graduates are employable - it's all about transferable skills etc. This is fine for those in college who do not wish to pursue a career in archaeology, and I understand that the universities have to get numbers in to keep courses afloat. However, it is pointless if these new graduates (who want to be archaeologists) have nowhere to go. In my own case, on completing my MA with some site experience under my belt I wasn't even getting a reply or even an acknowledgement to my

applications. If the industry is to grow, we need to ensure that these graduates have somewhere to go. Firstly, the universities need to step up and ensure that those who want practical experience can get it - perhaps this could be done via internships with established companies etc. Secondly, there should be at least one 'starter' position on each site (relative to the number of experienced staff) - this could be a graduate with say 1-9 months experience. If this was a set grade, it could go some way towards cutting down/out on those willing to work for considerably lower wages.

4) At the moment, contract work is almost punished in the archaeology sector - in other areas, contract staff are compensated for short-term contracts by getting paid higher salaries. By compensating those who can only find work for 20-30 weeks a year with higher wages and subsistence costs, we could encourage valuable experienced staff to remain within the industry and stay available for archaeological work.

I think you have all done a great job getting the issue to this point, especially with buy-in from the employers. It's great to see something so positive happening and I hope it goes all the way.

KATE TAYLOR, CO-DIRECTOR, TVAS IRELAND

As you requested at the meeting, here are a few comments I (we) have about the report and discussions that took place. In no particular order...

1) Apprentice grade - I would totally support the idea of an additional lower entry level grade, but agree that there needs to be control of the use of this grade on site. This could, as with other grades, be tied into method statements which should be enforced by NMS (wishful thinking but...). Whilst I can kind of see the point in thinking of ourselves as a graduate profession, I wouldn't want to exclude people without archaeology degrees from joining us, even if their progress is limited. We shouldn't bar non-graduates from undertaking excavation work if they are interested. Archaeology is one of those jobs that people are genuinely interested in (lucky us!) and this type of experience can sometimes lead people to pursue a degree in the future which is something we should surely be encouraging. If we make ourselves too exclusive we'll be seen as snooty consultants who demand high fees for doing something that most people don't understand. Much of our time is spent in outreach trying to involve members of the public in archaeology and some of them would like a chance to work in the profession, even at a low grade. I am not advocating for the return of GOs, but of trainee opportunities. If we close this option we are pushing more people, both non-graduates and fresh graduates, into volunteer positions.

2) Re the definition of 'an archaeologist' and the various grades, specifically the specialists - what role does NMI have in this regard? They have some sort of list of 'approved' specialists, does getting on this list make someone an official specialist? This would need to be formalised of course and might also need some entry level or trainee type category.

3) How to police any agreement. I don't particularly like the sound of a FB group where people can complain about companies who are not paying the suggested rates. Whilst people are of course entitled to write what they want on social media sites (within the limits of the law anyway!), this sounds very petty and negative and undermines our professionalism. Surely a better, and more positive, mechanism would be for IAI to maintain (and display on the website) a list of companies who have committed to paying the recommended rates and to police this list. This would automatically include all corporate members of IAI who would be bound by the Codes of Conduct but would also include non-member companies who have also made the commitment.

4) Presumably the intention is that the Codes of Conduct also apply to individual members who should therefore refuse to take work at rates below the recommended levels.

5) Subsistence - I'm not sure that many archaeologists, other than core staff, meet the requirements of the 'country money' criteria (App IV) as they are usually engaged on a project-specific basis and are therefore recruited to work 'at one site only'. The definition of what a 'site' is here needs clarification as large infrastructure projects can involve working on various sites many miles apart (not often over 30 miles though). Believe me, companies do not want to be subject to a Revenue audit on this matter if there is any doubt about the legality of these payments as tax free. There needs to be careful thought about where the 'place of work' is, as specified on the employment contract, but this can cause other problems so is not a simple solution.

6) Tying in clients to pay rates shouldn't be too difficult for state contracts at least. The NRA contracts already refer to IAI Codes of Conduct for Human Remains, Artefacts and Sampling so it shouldn't be too much of a stretch for them to refer to the more general codes. Or does anyone know if there is a reason they don't already do so? It might also be possible to encourage planning authorities to include a requirement to comply with the CoCs alongside the standard 'suitably qualified archaeologist' wording that often appears in planning conditions.

7) Annual salary v weekly wage v hourly rate. I think that the proposed rates are based on a 40 hour week. In reality we talk about wages on a weekly rate basis, certainly for temporary site staff. Some companies calculate on 37.5, others on 40. For the staff concerned what matters is the weekly amount as it makes no difference whether or not they are being paid during their breaks. The difference in weekly wage could be as much as €78.75 for the most senior grade. Is it the intention of the PRWG that this is just something that will sort itself out, probably by the 40 hour companies changing their calculations to 37.5 hours? Not necessarily possible for existing employment contracts. Of course these are recommended minimum rates but, given the drastic increase from current levels, I agree that these are unlikely to be exceeded for a while at least.

8) A FAME-type organisation or some committee or body representing employers is a must and needs to work in parallel to the IAI recommendations.

8) Mechanism for reaching the proposed recommended rates. This is the main issue I have with the whole thing and is where I fear it could all fall down.

The gap between where we are now and where we would like to be is enormous. In some cases wages would need to be more than doubled to achieve the recommended levels. This is simply not achievable overnight.

All companies are having a hard time at the moment, with some struggling more than others. Current projects, some of which were priced several years ago and others more recently, were probably costed using pay rates well below the proposed levels. It is a mistake to say that in one year's time current projects will be finished. Large projects can run for 4 years or more and the contract prices (whether they be day rates or fixed price) are set at the beginning. Unless there is a very large profit margin included, these types of pay rises can't be absorbed.

Whilst it would be lovely to start from a clean slate with all companies signing up to these new rates starting from tomorrow and tendering for new projects on this basis, this would only work if companies had no ongoing projects, no debts and no mountains of finds and archives piling up in the background. We are not in that position so we have to deal with the

reality of where we are now.

If pay rises cause wage expenditure to exceed income from a particular project, companies can either choose to lose money (which will mean going bust in many cases) or drop out of the contract. Neither of these are realistic options so what will happen is that companies who find themselves in this position will not sign up to the rates. This may mean cancelling both corporate and individual membership of IAI. Once some companies opt out, the whole idea fails as we need near-100% compliance to make this work.

My proposal would be for an incremental increase over, say two to three years. Set a start date eg 1st July 2014 and say IAI would like to see pay at 75% recommended rates as a minimum. Every 6 months go up 5% so that by 1st Jan 2017 we have hit these rates. Of course inflation will probably require another increase after this, but gradual inflationary increases can be absorbed by the market on an ongoing basis.

A clearly stated schedule for increases will allow companies to tender for projects knowing what minimum wages will be at various stages over the lifetime of the project and cost accordingly.

There needs to be some flexibility during this incremental period as some companies will find this more difficult than others, depending on what percentage of their workload is made up of existing and ongoing projects. Perhaps in the same way that the IAI CPD requirements were voluntary for a couple of years before they became compulsory. The alternative is that companies will be forced to operate different projects with different salaries which would get very messy very quickly.

In the absence of any union or other official employment agreement, pay increases will only be achieved by, as you suggest, a gentleman's agreement, i.e. it will be totally voluntary on the part of the employers. There is no point suggesting something that most companies will not be able to sign up to for basic economic reasons, however willing they might be. If the change is too severe there will be minimal uptake and the project will be dead in the water, with the additional impact that IAI membership (individual and corporate) would be reduced.

Whilst we'd all love to increase staff wages, including our own, we can't do this overnight and we can't do it if it undermines the economic viability of our companies. This is not evil corporate greed, it is basic common sense. If we are not making enough money there is no work for anyone and if companies are driven into the ground the impact on the archives and artefacts they are caring for is potentially catastrophic.

Basically what I am saying is that THIS WILL NOT WORK unless the change is brought in incrementally over a reasonable period of time and could risk driving people and companies away from the IAI.

Anyway, that's my tuppence worth

Good luck incorporating all the comments and thanks for all your hard work getting to this stage.

EDEL RUTTLE, EXCAVATION DIRECTOR, TVAS IRELAND

I have just a couple of comments leading on from last Saturday week's meeting.

There was discussion about an entry level graduate position but I think this should be the

proposed 'Archaeological Assistant grade 1' for a minimum of 1 year's service. This could then lead the way to an additional 'grade 3' position. I would suggest grade 2 be remunerated at approximately 15 euro and move the new grade 3 position to 17.50 euro.

The suggestion of a review group is a great idea but I wonder if 2-3 years is too long a period without a review. As a questionnaire is already in place with a little editing would it be possible to put the questionnaire out yearly for the first 2/3 years and then put it out every 2 years. This might be a better indicator of any progress in pay rates.

An item that was not really discussed was subsistence rates, pension contributions and employment law. I think, as an Institution, information about employee rights should be available on the IAI website, perhaps in the member section, for employees. In this document the fact that every employer has to facilitate a pension scheme (though they are not obliged to contribute to it) could be highlighted. I think subsistence rates are something that is only negotiable at this point.

An item that could lead on from employee rights is the issue of Health and Safety. I know a whole other area but I'm sure there are archaeologists out there who have found themselves in unsafe conditions, or felt unsafe at work, and don't know what they can do about it.

EMMET BYRNES, FORESTRY SERVICE, DEPT. AGRICULTURE, FOOD AND THE MARINE

Please accept my apologies for the long delay in responding to the minutes from the WGRPR meeting in Limerick and for missing your deadline for comment.

There are few points in the minutes ascribed to me (and others) that I would like to clarify and expand upon. Overall they are fine, it is just some extra detail.

In relation to why the IAI should not become involved in or take a position in favour of one side or another in any individual industrial relations dispute.

Because it is not a registered Trade Union and does not have a negotiating licence (under the Industrial Relations Acts) it does not have the protection of the immunity from tortious liability provided for in that legislation, i.e. protection from a civil suit by an aggrieved business owner who claim they suffered a financial loss in a labour dispute or for that matter from an aggrieved employee who felt their interests were undermined by an IAI intervention. The damages action currently being taken in the High Court by Aer Lingus against SIPTU should be a salutary warning.

For the same reason the IAI should never adopt a "name and shame" policy for companies or individual business owners who do not pay recommended IAI rates (if these are ultimately endorsed by the membership). In my view that could be considered a form of indirect enforcement/coercion and most probably would bring the organisation into conflict with the Competition Authority.

The most the IAI can do, in my opinion, is amend the IAI Code of Conduct so that its members (who are employers) aspire/endeavour to pay the recommend pay rates.

As I said, I think it would be safe enough for IAI to make a statement of principle in the Code of Conduct by obligating members to respect and uphold relevant rights, freedoms, and principles as set out in the Charter of Fundamental Rights of the European Union.

I am not wedded to any particular formula of words. I suspect something like the following could be cobbled together from the Charter:

Members in their dealings with other members and non-members alike shall respect and uphold the rights, freedoms, and principles set out in the Charter of Fundamental Rights of the European Union, at a minimum in so far as they are required to do so by Union law and the national law and practices applicable in the jurisdiction in which they are operating.

In particular, members shall have due regard to the rights, freedoms and principles set out under Title III and Title IV of the Charter as they pertain to:

- 1. The prohibition on discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;***
- 2. Equality between women and men, in particular ensuring equality in the areas of employment, work and pay;***
- 3. The integration of persons with disabilities, in particular measures to ensure the independence of persons with disabilities, and their social and occupational integration and participation in the community;***
- 4. The right of workers to information and consultation within the undertaking;***
- 5. The right of workers and employers, or their respective organisations, to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action;***
- 6. The right of workers to protection against unjustified dismissal;***
- 7. The right of workers to fair and just working conditions; and***
- 8. The right of workers, in order to reconcile family and professional life, to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.***

I also think the Working Group could look at the existing EAA Code of Conduct, EAA Principles of conduct for archaeologists involved on contract archaeological work, and IFA Code of Conduct, in terms of revising the IAI Code of Conduct positions on:

- Respecting national standards and legislation relating to conditions of employment;
- Respecting national standards and legislation relating to the health and safety of employees and volunteers or to other persons potentially affected by their archaeological activities; and
- Responsibilities of employing members towards the training and career development opportunities of archaeologists in their employment and volunteers.

In relation to the proposal to seek improvement in the pay rates for Archaeological Assistants. I am not sure what, if anything, the IAI can really do about this, other than

recognise it as a legitimate issue of concern to a significant cohort of members and highlight its effects. Again the IAI is not a trade union and is no position to represent members who are employees in negotiations with their employers (who may also be members).

I do support the notion of an ongoing review by IAI to monitor progress in pay and conditions in general terms (possibly by means of an anonymous survey), but again the IAI should resist any pressure to adopt a "name and shame" policy for individual companies or individual business owners.

My point about the Employees (Provision of Information and Consultation) Act 2006 (which implements Directive 2002/14/EC as well as Article 3(2) of Directive 2001/23/EC) was that the right for employees to be given information from their employer and to be consulted about developments likely to impact on their employment or conditions only applies in Ireland to all undertakings with 50 or more employees in the country.

The Irish Government also opted to calculate the number of employees "based on an average of the number of employees employed in the undertaking during a two year period."

However, Member States have some discretion as to what size of business the legislation became effective and absolute discretion as to how they calculated the number of employees. The Irish Government could also have opted for the legislation to apply to "establishments employing at least 20 employees in ... [the] Member State." Setting the threshold at 50 per undertaking rather than 20 per establishment and allowing for the number of employees to be calculated as an average over two years means the legislation, to all practical intents and purposes, is rendered useless for the majority of Irish archaeologists working in the private sector.

This is not something I was suggesting the IAI should lobby about, but it is something that individual members or their trade unions may wish to take up with relevant public representatives.

PS – I continue to hold the view that consideration should be given at European level (via the EAA) as to whether archaeologists wish to pursue the establishment of archaeologists as 'sectoral profession' under the EU the Directive on the recognition of professional qualifications (Directive 2005/36/EC).

Notwithstanding the outcome of those discussions, which will get some airing at the CPAA session at the EAA's 20th Annual Conference in Istanbul (8th – 13th September), I also think that the Irish Authorities should independently consider following the three EU countries (Greece, Poland, and Slovakia) which have already used the general system for the recognition of evidence of training (provided for under the Directive) to set down minimum academic qualification and training requirements to become established or recognised as 'Archaeologist' within their territories.

As with these three countries, I hold the view that the requirement for a third level 'diploma', in effect a degree, of between three and four years duration is the appropriate minimum qualification for Ireland too, i.e. a Level 8 (Honours) degree on the NQF. I also think if ever challenged by the EU, that our national authorities should rigorously defend the excavation licensing exam as a legitimate and required national "compensation measure."

Whilst there is much to respect and admire in the Germanic cultural tradition, in a particular the high social esteem afforded to in Germanic countries to well-structured and independently validated vocational training programmes and those whose are trained under them, I believe that the situation in Ireland is far different as so disagree with Thomas on 'vocational' archaeologists. As hurtful as it may be to some colleagues I think the costs in

terms of recognition and pay parity with other professions far outweigh the benefits and that at some stage we, as a group, will need to abandon the notion that there can be an atypical vocational route into the profession whereby the requirement to obtain an independently assessed third level qualification in the discipline can be by-passed. Telling people that 80% of your profession have degrees is the same as saying 20% haven't!

Who would take the chance of going to a dentist if their representative body was to say to the public at large "Don't worry, you have a 4 in 5 chance of getting somebody formally educated and independently assessed in a recognised university dental hospital and the other fifth of our members have had lots practice at pulling teeth too!"

PPS – I checked the Companies Registration Office (CRO) website and it would appear that the ASSOCIATION OF ARCHAEOLOGICAL CONSULTANTS OF IRELAND LIMITED (Reg. No. 387364) is still active to some extent and making returns to the CRO.

MINUTES of the IAI Information Meeting and Discussion on the
Report by Working Group on Review of Pay Rates

5th April 2014
1.25pm

Absolute Hotel, Limerick

11.30am to

[REDACTED] (Chair of the Meeting, Vice-Chair of the IAI Board, Working Group Member and co-author), M. Seaver (Working Group Member and co-author) and approximately 34 other attendees comprised of IAI members and non-members.

Members of the IAI Board in Attendance: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] (as above), [REDACTED], [REDACTED]. Board Members (and [REDACTED]) speaking at the meeting are named below by initials.

The Minutes were taken by [REDACTED] (IAI Hon. Secretary) in agreement with E. Reilly and [REDACTED]. The Minutes will be distributed to all interested parties for discussion and comments should be made to the Working Group (WG) by 17th April 2014.

General Themes and Outcomes:

- Clear Agreement on need for Minimum Pay Rates
- Need for Minimum Pay Rates to be endorsed by IAI
- Minimum Pay Rates could be enshrined in IAI Codes of Conduct and Fixed Price Contract documents
- IAI has a moral authority to recommended Minimum Pay Rates
- IAI cannot legally enforce Minimum Pay Rates
- Agreement that IAI members have the right to be represented by a Union to ensure better pay
- Recognition that a possible FAME-style group may be needed as a single point of contact for negotiating with Employers
- More contact needed with sole-traders to ensure consistency of Pay Rates across the profession
- No clear agreement on *how* and *when* Minimum Pay Rates should occur:
 - strong arguments for rates to improve ASAP for junior levels of archaeologist for immediate impact to quality of life
 - strong arguments for all rates to improve incrementally and aspirationally over time (e.g. years)
 - strong arguments for all rates to improve at once (non-incrementally), by an agreed and nominated date – failure to comply could result in naming non-compliant companies and/or Union-backed action
- Urgent need for 'an archaeologist' and gradings at all levels within the profession, to be defined
- Definition of 'an archaeologist' and gradings needs to be endorsed by NMS
- Should seek to have 'an archaeologist' recognised on a similar professional level as 'an architect/engineer'

- Need for Vocational Pathway for archaeologists, to include apprenticeships for graduates
- NMS need to control number of volunteers working on commercial projects for free

All submissions, suggestions, amendments and additions to the Report by interested parties
 -should be made to the Working Group
 by 17th April 2014.

Detailed Minutes of the Meeting:

11.35am	██████████ presented the key findings of the Working Group's Interim Report on the Review of Pay Rates, as distributed to IAI members and non-members via the IAI website on the 13 th March 2014.
12.00pm	██████████ and ██████████ on the panel asked for any immediate feedback and invited comments from the floor.
	12 Speakers from the floor made comments
Speaker 1 ██████████ ██████████	Would personally endorse the Minimum Pay Rates and felt that the IAI should also endorse them.
	The notion that the Minimum Pay Rates should be enshrined in the Code of Conduct was supported in principle but the IAI might seek advice from the Competition Authority if Minimum Pay Rates are 'required'.
██████████	Clarified that the WG had talked to the Competition Authority and need further discussions regarding advertising the Minimum Pay Rates.
██████████ ██████████	Similar problems were encountered in other disciplines – Veterinarian Organisation cited – as it was seen as 'a cartel' and the IAI must avoid this. General congratulations to the WG for such a comprehensive document. The IAI have a moral authority however it will be difficult or even impossible for the IAI to enforce the Minimum Pay Rates as the IAI is not a registered Trade Union, has no negotiating licence and no specialist knowledge on negotiating pay rates. Employers in Ireland have the right not to engage with collective bargaining....
██████████	...Although forthcoming changes in legislation have been recently announced....
██████████ ██████████	...and the EU Court of Human Rights requires a mechanism to bargain for better pay and conditions. The minimum number of people per company to negotiate in Ireland is set at 50 (far too high for most archaeological companies).
12.10pm	
Speaker 2 ██████████	Does the WG see a need for defining Grades that require with certain qualifications?
██████████	A system is needed for registering different grades of archaeologist; grades are poorly defined. The NMS requires the type and number of grades to be mentioned on a method statement for a particular project, but gives no definition for them.
██████████	The WG looked at other grade definitions (BAJR and the Dutch system). It's not impossible to set grades but it is challenging. Many archaeologists working without a degree but have decades of valued experience. This needs to be tackled further. The NRA is currently the only Irish body that defines the roles of each archaeologist.
Speaker 3 ██████████	The IAI met with the NMS in 2013 to get them to define what an archaeologist is. There is further scope for introducing a grading system into a later draft of the WG document. It's something that the IAI can do (and quite quickly), and then present it to the NMS for them to endorse it. Some Dublin-based tender


	documents require the work to be done in line with the IAI Fixed Price Contracts guidance – if an 'archaeologist' is defined in that document then it will be enshrined in many tender documents with DCC on board.
12:17pm	
	Grading should represent a minimum standard. We should, at a minimum be a graduate profession, similar to the minimum standards of other professions.
	The above statement provoked much debate regarding the need for a degree versus field experience.
	This also impacts archaeologists coming from other EU countries and the need/not to have a Licence. The NMS are currently writing the new legislation, and defining an 'archaeologist' needs to happen now.
	Other EU states define 'an archaeologist' as someone with a degree in archaeology.
Speaker 4	We know that >80% of archaeologists working in Ireland have a degree and >1/3 have a post-graduate degree. This is a marginal issue that perhaps we don't need to worry too much about, as most have a degree.
Speaker 5	Disagree with TK. Many people with decades of experience and no degree – we don't want to shut the door on those people.
Speaker 6	There's a reluctance to put archaeologist on the same professional grading as an Engineer. Many archaeologists are paid less to do a scientific and technical job of removing/detoxing archaeology than a cleaner. We need to increase awareness to value below ground archaeology as heritage rather than upstanding buildings or pretty display pieces in museums. The status of archaeology needs to be raised. Is this relevant to Dept. Education, Work and Skills, to Richard Bruton etc.?
	There is still a disconnect of how people value archaeology, and how we value ourselves. We (IAI) have talked to Minister Leo Varadkar who was not engaged with that particular issue. Richard Bruton could be approached as the process could add value.
	Very important to define an 'archaeologist' in Legislation. There are parallels with architects and the use of 'Ministers Lists', an 'archaeologist' needs recognition and definition in Law. There have been historically tight controls on who an archaeologist is (e.g. Licenced) and this should go in to formal legislation.
12:28pm	
	Could [redacted] clarify points presented on 'supporting third party e.g. Union action on improving pay'
	To clarify, WG suggests that the IAI supports the notion of Union membership and collective bargaining and the rights of IAI Members to be represented (by a Union) that can negotiate for better pay. Do we (the IAI) want to do this? Do we support this notion? This must come from the IAI membership.
	The IAI has a very broad membership (academics, researchers, commercial companies, employers, employees, the state sector etc.), many of whom are represented already by Unions. The point (above) might require better definition.
	It is similar for academic Unions as well, and there are lots of groups involved.

	If the IAI chooses to endorse the Minimum Pay Rates in the Codes of Conduct, it must then be achieved via an external body (e.g. a Union).
	If the IAI don't specifically endorse the Minimum Pay Rates, will it fail?
	I think it would fail. It needs the IAI to endorse the Minimum Pay Rates in order for it to succeed. The IAI is the only organisation that represents all archaeologists.
	Private companies have no clear pay scale, whereas the State/Academia do have clearly defined pay scales. The proposed Minimum Pay Rates will mostly affect archaeologist working for commercial companies.
	I would not want the IAI to be involved in personal disputes. That should be left to the Unions. The IAI should support Minimum Pay Rates in principle.
	And endorse the process.
12.37pm	
	RE: the Minimum Pay Rates. We're starting off from such a low base rate (current pay levels) and the Minimum Pay Rates represent a large jump from the present position. Employers might want to say that we want to aspire to these rates incrementally over time – that would be something that could be 'sold' to employers to get them to engage with the process. Not sure how it will impact N. Ireland as there is such great mobility between north and south (people working or living on either side of the border). How do we implement that, given that there is a approx. 20% rate change recommended for Minimum Pay Rates between north and south, as companies from either side of the border will tender for work up north?
	It is difficult to determine how this would work. Do commercial companies feel a need to form a single group, along the lines of FAME (Federation of Archaeological Managers and Employers) in the UK, as a single point of contact for negotiation? The IfA in the UK does have a 'Minimum Floor' for Pay Rates as well as an aspirational set of Pay Rates.
	There probably is a need for a FAME-style group in Ireland and will probably be looked at in the future. The IfA members (employers) appear to be more open and communicative than IAI members (employers) in terms of sharing information and communicating.
	For the final report of the WG: shall we recommend that commercial companies should communicate more for a better understanding of contracts? The general view in the comments section of the WG Survey was that there is a need for us to talk more.
Speaker 7	I disagree with RL about incremental and aspirational pay as some companies will keep their rates low in order to undercut and win tenders. The Minimum Pay Rates needs to happen quickly, not incrementally.
	The Minimum Pay Rates won't have a large immediate impact on the senior grades, but the junior grades, particularly diggers, will get a raise of about €3 per hour – this is very small but it will make a big difference to them and must happen as soon as possible.
Speaker 8	The Minimum Pay Rates must be incremental, but if we all jump up to the same level and some companies don't, there is no sanction against those that don't do it.
	We shouldn't say we'll pay those rates tomorrow. But we should nominate

	future date, e.g. in 12 months time or a period well beyond any currently tendered projects, and then we can all agree that on that date we'll implement the Minimum Pay Rates.
	Some companies won't do it. The IAI can't do anything about that.
Speaker 9	If we're Unionised, then members can simply refuse to work for those lower rates.
	Only if there is 100% Union membership?
	No, if the core staff of companies are Union members it will work, if everyone takes Union membership and Minimum Pay Rates seriously.
	Agreed, plus the effect of 'naming' companies that don't implement the Minimum Pay Rates.
	There is a process of negotiation to achieve a Registered Agreement.
	It needs 100% commitment between employers and employees, some of whom are not in the IAI, such as one-man-band sole traders etc.
	Something has to give though, as the situation is so bad at the moment.
Speaker 10	There are multiple points of contact now as well, via social media etc.
	We do need to connect more with sole traders, as they may lower their own rates for jobs and potentially undermine the Minimum Pay Rates.
12.54pm	
	The Irish Water example is a case in point – members of the IAI made representations to us that small companies were being excluded from the Irish Water tender process which required a high financial threshold. IAI talked with Irish Water to open up the tender process to a wider range of smaller companies with lower thresholds in order to get the most experienced people working on those projects and open it up for everyone.
	This is particularly a problem for Specialists. Specialists need to charge more for jobs; the self-employed need to value ourselves more.
Speaker 11	Most sole-traders can't tender for most big state projects and most may employ just 2 or 3 people during an entire year. Very small workforces, very temporary work. It would be scandalous therefore to pay the same Minimum Pay Rates to a new graduate if they are working alongside an experienced digger. There needs to be grading for the junior workers.
	Is there then a need to bring in an Apprenticeship grade for graduates? We could implement a transparent system of grading, so that a graduate knows when they will be entitled to a full 'archaeologist' rate.
	Part of the problem is volunteers. At the moment as there is no work, and no way for graduates to gain field experience, people are volunteering for 6-9 months just to gain experience. How do we control that if people are working for free?
	That should be controlled through the NMS Method Statement – NMS should ensure who has which amount of appropriate experience, e.g. no more than 'x'

	volunteers on a site.
	It is difficult to police that. There is also a difficulty getting archaeologists off Social Welfare as the current pay rates are so low and the Social Welfare is so generous. I fully support the notion of the Minimum Pay Rates and Union representation.
	Another issue highlighted by the WG report is that many commercial companies have 0 employees on the books but many staff working for them as self-employed archaeologists.
	There is a need to deal with Engineers in the language of Engineers, a need to explain to clients that rates must go up, that pensions must be accounted for etc..
	Pensions for archaeologists is mostly confined to those working in the academic or state sector.
1.09pm	
	Any further comments or issues for discussion? There is a need to agree on the Minimum Pay Rates and the need for a method of collective bargaining. The WG would like people (members and non-members) to engage with the document over the next 2 weeks. We're setting a date of the 17 th April, by which date we would like any comments to be submitted, any adjustments or amendments.
	Many workers at the moment go from site to site, from a Archaeological Supervisor job to an Assistant job – is it right for them to accept a lower pay?
	In that case, it is up to them if they decide to accept a job offering lower pay.
	Some tenders have specific grading which offers an opportunity for better Pay Rates and Progression for those without field experience.
	The NRA do that.
	There is a need for graduate training in order for graduates to get proper field experience. A course such as that offered by Birmingham University could work.
	UCC have a similar scheme but it doesn't equate to a certain level of experience of say several years.
Speaker 12	There is a role for the IAI here as well, to help improve the educational basis.
	There is no formal vocational pathway for archaeologists, unlike other disciplines such as architects etc..
	Most archaeology students don't go into archaeology after graduation – so a vocational pathway needs to be a separate thing from a degree in archaeology.
	Why not have an Apprenticeship pathway then?
Conference Floor	General Agreement.
	Congratulations to the WG for all their hard work.
Conference Floor	General Agreement.
	Thanks to everyone for attending.
	The date of 17 th April, for comments etc., to be mentioned in the next IAI Weekly Update.

1.25pm

 Closes the Meeting.

Appendix 2

List of Archaeological Consultancies Registered as Trading in the Republic of Ireland in 2016

	Company Name	Contact Name/s	Postal Address	Email
1	ÆGIS Archaeology Limited	Frank Coyne & Tracy Collins	32 Nicholas St, Limerick	[REDACTED]
2	Aileach Archaeology	Steve McGlade	311 Richmond Court, Richmond Avenue South, Dartry, Dublin 6	[REDACTED]
3	Alison McQueen & Associates	Alison McQueen	3 The Shannon, Riversdale, Rathcormac, Co. Cork	[REDACTED]
4	Aisling Collins Archaeological Services	Aisling Collins	2 Annesley Mews, Brighton Avenue, Monkstown, Co. Dublin	[REDACTED]
5	Arch consultancy Ltd	Martin Fitzpatrick	New Line, Athenry, Co. Galway	Unknown
6	Archaeografix	Dave Pollock & Jo Moran	Knockrower Road, Stradbally, Co. Waterford	[REDACTED]
7	Archaeological Consultancy Services Unit	Donald Murphy & John Stirland	Unit 21, Boyne Business Park, Drogheda, Co. Louth	[REDACTED]
8	Archaeological Projects	Claire Walsh & Alan Hayden	27 Coulson Ave, Dublin 6	[REDACTED]
9	Archaeology & Built Heritage	Franc Myles	79 Queens Street, Dublin	[REDACTED]
10	Archaeology Plan	Antoine Giacometti	32 Fitzwilliam Place, Dublin 2	[REDACTED]
11	Archer Heritage Planning, Archaeology & Heritage Consultants	Aidan O'Connell, Rob O'Hara & Claran McGuinness	Unit 8 Beat Centre, Balbriggan, Co. Dublin	[REDACTED]
12	Archaeological Service Providers Ltd	Ros Ó Maoldúin	ASP Ltd, Baile an tSagairt, Spiddal, Co. Galway	[REDACTED]
13	Atlantic Archaeology	Angela Wallace	Pier Road, Enniscrone, Co. Sligo	[REDACTED]

	Company Name	Contact Name/s	Postal Address	Email
14	Byrne & Mullins Archaeologists	Clare Mullins & Martin Byrne	7 Choc Na Greine Square, Kilcullen, Kildare	[REDACTED]
15	City West Archaeology	Stephen Johnson	24 Belfry Park, Citywest, Dublin 24	[REDACTED]
16	Courtney and Deery	Lisa Courtney & Siobhan Deery	Lynwood House, Ballinteer Road, Dublin 16.	[REDACTED]
17	CRDS /IAFS	Stephen Mandal	Greenanstown, Stamullen, Co. Meath	[REDACTED]
18	Dan Noonan Archaeological Services	Dan Noonan	Ringwood House, Youghal, Co. Cork	[REDACTED]
19	Dermot Nelis Archaeology	Dermot Nelis	36 Fingal Street, Dublin 8	[REDACTED]
20	Dominic Delany & Associates	Dominic Delany	3 Main St, Oranmore, Co. Galway	[REDACTED]
21	Donovan Digs	Ed O' Donovan	77 Fairy Hill, Bray, Co. Wicklow	[REDACTED]
22	Eachtra Archaeological Projects	John Tierney	The Forge, Innishannon, Co. Cork	[REDACTED]
23	Earthsound	James Bonsall	Prospect House, Drumagh, Claremorris, Co. Mayo	[REDACTED]
24	Fadó	Tamlyn MacHugh	Fadó Archaeology, Cooldrumman Upper, Carney, Co. Sligo	[REDACTED]
25	Gregory Archaeology	Niall Gregory	Riverview, Glouthane Village, Co. Tipperary Dunburbeg, Clonmel Rd, Cashel, Co. Tipperary	[REDACTED]
26	Icon Archaeology	John Kavanagh	12 Cherrymount Dr, Carlow	[REDACTED]
27	Irish Archaeological Consultancy (IAC)	Rob Lynch	Unit G1,, Kilcoole Rd, Network Enterprise Park, Co. Wicklow	[REDACTED]
28	John Cronin & Associates	John Cronin	3a Westpoint Trade Centre, Ballincollig, Co. Cork	[REDACTED]

	Company Name	Contact Name/s	Postal Address	Email
29	John Purcell	John Purcell	Glenalua Cottage, Glenalua Rd., Killiney	[REDACTED]
30	Judith Carroll & Company	Judith Carroll	Ballybrack Road, Glencullen, Dublin 18	[REDACTED]
31	Kilkenny Archaeology	Cóilín Ó Drisceoil	12 Parliament St, Kilkenny	[REDACTED]
32	Killarney Archaeology	Unknown	Coolies, Muckross, Killarney, Co. Kerry	[REDACTED]
33	Lane Purcell Archaeology. Ltd.	Sheila Lane & Avril Purcell	64 Fr Mathew Road Turners Cross, Cork, Co Cork	[REDACTED]
34	Laurence Dunne Archaeology	Laurence Dunne	3, Lios na Lohart, Ballyvelly, Tralee, Co. Kerry	[REDACTED]
35	Sligo-Leitrim Archaeological Services	Marion O' Dowd	8 Millbank Glen, Dromahair, Co. Leitrim	[REDACTED]
36	Mary Henry Archaeological Services Ltd	Mary Henry	17 Staunton Row, Upper Gladstone St, Clonmel, Co. Tipperary	[REDACTED]
37	Moore Group	Declan Moore	Corporate House, Ballybrit Business Park, Galway	[REDACTED]
38	Munster Archaeology	Aidan Harte	Carrigaline, Co. Cork	[REDACTED]
39	Reliqua Archaeology	Neil O'Flanagan	Botanic Court, 30-32 Botanic Road, Glasnevin, Dublin 9	[REDACTED]
40	Research and Dig Heritage Consultancy	Liam Mannix	12 Parnell St, Kilkenny	[REDACTED]
41	Rubicon Heritage	Colm Moloney & Damian Shiels	(Colm) 8, 108 Biggar Rd, Edinburgh EH10 7DU, (Damian) Unit 2 Europa Enterprise Park, Midleton, Co. Cork	[REDACTED] [REDACTED] [REDACTED]
42	School of Irish Archaeology	Mark Kelly	48 Lennox Street, Portobello, Dublin 8	[REDACTED]
43	Shanarc Archaeological Consultancy	Sean Shanahan	15 Woodlawn, Archers Ave, Kilkenny	[REDACTED]

	Company Name	Contact Name/s	Postal Address	Email
44	Stafford McLoughlin Archaeology	Catherine McLoughlan & Emmett Stafford	Moonrise Farmhouse, Coolballow, Drinagh, Wexford	[REDACTED]
45	Tobar Archaeological Services	Miriam Carroll & Annette Quinn	Saleen, Midleton, Co. Cork	[REDACTED]
46	TVAS (Ireland) Ltd, Irish Archaeological Services	Graham Hull & Kate Taylor	Ahish, Ballinruan, Crusheen, Co. Clare	[REDACTED]
47	Wolfhound Archaeology	Mick Drumm	Killag, Duncormick, Co. Wexford	[REDACTED]

Appendix 3

Richie Brown,
Unite,
Middle Abbey St,
Dublin 1



7th April 2016

Re: Archaeological Pay Rates

To whom it may concern,

In relation to the application to the Labour Court for a Sectoral Employment Order (SEO) to be established for contract archaeology, we agree in principle with this application.

While I have some reservations as to the suggested rates, which I feel will be easier for the large companies to absorb, we at Aegis Archaeology Ltd fully support any application which will improve employment conditions for archaeologists in Ireland.

Yours Sincerely,

Frank Coyne,
Director
Aegis Archaeology Limited
7th April 2016

Directors
Tracy Collins MA MIAI
Frank Coyne BA MIAI

32 Nicholas Street,
King's Island,
Limerick City
Tel.: 061 634 375
Fax: 061 310 705

e-mail: info@aegisarc.com

www.aegisarchaeology.com

VAT Reg. No. IE8275638J
Co. No.: 275638



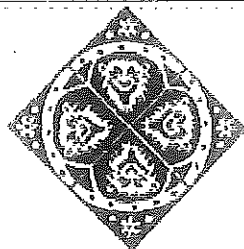


2 Annesley Mews
Brighton Ave
Monkstown
Co Dublin
Tel. 087 6876797
aislingcollins@acas.ie
14/03/16

Dear Sir/Madam,

ACAS is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Aisling Collins



12.01.16

To: Unite the Union, archaeological branch.

Archaeological Projects Ltd is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours etc.

Claire Walsh
On behalf of Archaeological Projects Ltd.

Jean O'Dowd
c/o Archaeological Branch
Unite the Union
55-56 Middle Abbey Street
Dublin 1

12 December 2015

Dear Jean,

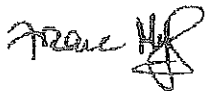
Archaeology and Built Heritage is a small consultancy practicing in the Republic of Ireland. We have from the very beginning supported the concept of a real wage in archaeology and were perhaps the first consultancy to recognise Unite as the union representing archaeologists on the island.

In a rather difficult commercial environment over the past number of years, we have maintained wage rates and have refused to tender lower than our competitors, who in many cases barely pay over the statutory minimum wage.

We obviously support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists. We agree with the rates proposed by Unite the Union and the Institute of Archaeologists of Ireland, the professional body representing archaeologists on the island.

We cannot however agree to an increase in pay rates which would not apply across the board as this would produce an unacceptable advantage for our competitors. This is precisely why a SEO is required.

Sincerely,



Franc Myles MUBC MIAI
Principal Archaeologist
Archaeology and Built Heritage
Spade Enterprise Centre
St. Paul's Smithfield
North King Street
Dublin 7

Archaeology
AND Built Heritage

archaeology plan

HERITAGE SOLUTIONS

Matthew Seaver & Jean O'Dowd
Archaeologists Representatives
UNITE Union
Dublin
10th March 2016

Archaeology Union - Sectoral Employment Order

Dear Matt and Jean,

I run an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Kind Regards,

Antoine Giacometti
Archaeology Plan archaeological consultancy
32 Fitzwilliam Place Dublin 2
email@archaeologyplan.com
01-6761373 087-2497733



Archaeological Service Providers Ltd

Dr Ros Ó Maolduin
Archaeological Service Providers Ltd
Baile an tSagairt
Spiddal
Co. Galway

20/01/2016

To whom it may concern,

I run a small archaeological consultancy and archaeological fieldschool in the Republic of Ireland. I support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it and agree in principle with the rates proposed by Unite the Union. However, I cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for my competitors.

Yours Sincerely,

Dr Ros Ó Maolduin

www.asperchaeology.ie

www.prehistoricfieldschool.ie



Sligo 096 37174

Galway 087 2681076

Meath 046 9010044

www.atlanticarchaeology.ie email: info@atlanticarchaeology.ie

12th January, 2016

To Whom it May Concern

We are an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it.

We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours etc.

Angela Wallace

Angela Wallace B.A., MSc.

Business Director

Atlantic Archaeology

BYRNE MULLINS & ASSOCIATES
ARCHAEOLOGICAL & HISTORICAL
HERITAGE CONSULTANTS

Martin Byrne MA, Dip EIA Mgmt, MIAI. • Clare Mullins MA, PhD, Dip EIA/SEA Mgmt, MIAI.

7 CNOC NA GREINE SQUARE
KILCULLEN,
Co. KILDARE
PHONE 045 480688 FAX 045 442505
E-MAIL bymemullins@eircom.net
VAT No: IE 5116187 J

14th March 2016

We are an archaeological consultancy practising in Ireland and we support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to achieve reasonable minimum pay rates for archaeologists employed in this sector. We agree in principle with the rates proposed by Unite the Union. However we strongly feel that a rise in rates which would not apply across the board would almost certainly fail to achieve this goal.

Yours sincerely,

Clare Mullins

Clare Mullins

Browne, Richie

From: Stephen Johnston <[REDACTED]>
Sent: 08 March 2016 13:04
To: Browne, Richie
Subject: Sectoral Employment Order for Commercial Archaeology

Dear Mr. Browne,

Citywest Archaeological and Heritage Consultancy is a small archaeological consultancy practising in the Republic of Ireland.

We fully support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We would take the view that a profession that supports reasonable pay and conditions is one that can sustain a workforce with appropriate levels of qualification, experience and awareness of best practice, and this would benefit all employers and indeed our clients. The present situation makes long term engagement with the profession impossible for many in the commercial sector.

We would agree in principle with the rates proposed by Unite at this time. However, we genuinely cannot agree to a rise in rates if these do not apply across the board, as this would place us at an unworkable disadvantage in competitive tendering, and have the opposite effect to that intended. For this reason, we would see a Sectoral Employment Order as an essential step in any proposed change to rates of pay.

Yours sincerely,

Stephen Johnston,
Citywest Archaeology and Heritage Consultants,
24 Belfry Park,
Citywest,
Dublin 24.

Mob: 089-439 5972.

E-mail: stephenpatrickjohnston@gmail.com

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Browne, Richie

From: dermot nelis archaeology <info@dnarchaeology.com>
Sent: 13 January 2016 23:21
To: Browne, Richie
Subject: Archaeological Sectoral Employment Order

Richie,

I am a sole-trader archaeological consultant practicing in the Republic of Ireland since 1998. I support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists.

I agree in principle with the rates of pay as proposed by Unite the Union. My concern however is with regards the application of the SEO, and whether it can be made to apply to all colleagues who tender for archaeological work. As such, I can only support a rise in pay which would absolutely apply across the board and which would not produce an unacceptable advantage to any of my competitors.

Regards,

Dermot Nelis

Principal
Dermot Nelis Archaeology

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This e-mail and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please return it to the address it came from telling them it is not for you and then delete it from your system.

This email was Virus checked by UTM 9. <http://www.sophos.com>

EACHTRA
Archaeological Projects



Postal Address
Lickybeg
Clashmore
Co. Waterford

Re: Sectoral Employment Order for the commercial archaeological sector.

To Whom It May Concern:

We are an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours sincerely

John Tierney
Director
March 14, 2016



Prospect House, Drumagh, Claremorris, County Mayo, Ireland
Telephone: +353 (0)94 9362 228 Mobile: +353 (0)87 2427 846
E-mail: survey@earthsound.net

RE: Sectoral Employment Order for the Commercial Archaeological Sector

Date: 15/03/2016

To whom it may concern

Earthsound Archaeological Geophysics is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours Faithfully

A handwritten signature in blue ink, appearing to read "James Bonsall".

Dr James Bonsall MIAI
Director

www.earthsound.ie

- **Providing Comprehensive, Rapid & Detailed Field Assessments** •
- **Archaeological Prospection • Consultancy • Project Design** •
- **Geophysical Survey • Topographical Survey • Geochemical Survey • Research** •
- **Earthsound Archaeological Geophysics • Directors: J. Bonsall & H. Gimson • Registered in Ireland, Registration No. 232087 •**
• **VAT Registration No. IE 9541346K • Registered Office: Prospect House, Drumagh, Claremorris, County Mayo, Ireland •**



Icon Archaeology Ltd
12 Cherrymount Drive
Carlow Town
County Carlow

26th April, 2016

Re: Sectoral Employment Order for Archaeology

To whom it may concern,

Icon Archaeology Ltd is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union.

We would like it noted that we do not support the current entry level requirements for those rates and we do have valid concerns regarding the successful introduction of new pay scales across the entire sector. The success of this initiative is based on all companies adhering to the agreement.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "John Kavanagh".

John Kavanagh
Archaeologist & Managing Director

John Purcell Archaeological Consultancy

Email: jp.archaeology@gmail.com Mob: 086 2506606

Ballinvalley,

Killeigh.

C.O. Offaly.

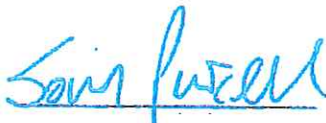
March 16th 2016

To whom it may concern,

I am an archaeological consultancy practicing in the Republic of Ireland. I support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. I agree in principle with the rates proposed by Unite the Union. I cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for my competitors.

If you require any further information please do not hesitate to contact me.

Thanking you.



John Purcell

Browne, Richie

From: info@judithcarrollandco.ie
Sent: 13 January 2016 12:07
To: Browne, Richie
Subject: Importance of Sectoral Employment Order

Dear Richie

I met you in the recent past with Jean O Dowd and Mathew Seaver re rates of pay for archaeologists.

This is to state that Judith Carroll and Company Ltd, Consultant Archaeologists, based in Dublin and working in the ROI support the idea of a Sectoral Employment Order for the commercial archaeological sector. We support the need to set reasonable minimum rates of pay for archaeologists employed in it and agree in principle with the rates proposed by Unite the Union.

We cannot agree to a rise in rates which would not apply across the board if our competitors continue to tender for projects on the basis of current low rates. Indeed, if such a rise in rates does not apply across the board, it will have very little impact on improvement in rates for archaeologists in general as tenders for projects in the ROI are (mainly) awarded on the basis of lowest cost to the client (and therefore on the basis of the tenderer paying minimum rates to employees).

Many thanks

Regards

Judith Carroll

Judith Carroll and Company Ltd
Ballybrack Road
Glencullen
Dublin 18

087 996 8819 / 087 3810933

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KILKENNY ARCHAEOLOGY

KILKENNY ARCHAEOLOGY
12 PARLIAMENT STREET
KILKENNY

T/F : 055 7753202

info@kilkennyarchaeology.ie
www.kilkennyarchaeology.ie

OUR REF: KA-118-666
DATE: 20.1.2019

Member of the Institute of Archaeologists of Ireland

Archaeology Section
Unite Union

RE: SEO

Dear Sir/Madam,

Kilkenny Archaeology are an archaeological consultancy practicing in Ireland since 2000. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Kind regards,

CÓILÍN Ó DRISCEOIL MA, MIAI
Managing Director
E: coilin@kilkennyarchaeology.ie

LANE PURCELL ARCHAEOLOGY
Consultant Archaeologists

64 Dr Mahon Road
Turner's Cross, Cork
Tel: (0)21 4505188
Mob: (0)87 2212077
Email: info@lpa.ie
www.lane-purcell-archaeology.ie



16th March 2016

Re: Review of pay in commercial archaeology sector

To whom it concerns,

Lane Purcell Archaeology is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours sincerely

Avril Purcell MA MIAI



Sligo-Leitrim Archaeological Services
8 Millbank Glen
Dromahair
Co. Leitrim

087 6632422
marion.a.dowd@gmail.com

14th March 2016

Attn. of the Labour Court

I am an archaeological consultancy practicing in the Republic of Ireland. I strongly support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in the sector. I agree wholeheartedly with the rates proposed by Unite the Union. I cannot, however, agree to a rise in rates that would not apply across the board as this would produce an unacceptable advantage for competitors.

Unite have my fully backing in this matter.

Yours sincerely,

Dr. Marion Dowd

Browne, Richie

From: Mary Henry <[REDACTED]>
Sent: 21 January 2016 10:30
To: Browne, Richie
Subject: Archaeology

Hello

We are an Archaeological Consultancy Company based in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We support in principle the rates proposed by Unite, the Union. We cannot agree, however, to a rise in rates which would not apply across the entire board as this would produce an unacceptable advantage for our competitors when it comes to pricing/tendering for jobs.

Yours faithfully,

Mary Henry.
Mary Henry Archaeological Services Ltd.

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MUNSTER ARCHAEOLOGY



Ballymacredmond
Butlerstown
Banden
Co. Cork

10th March 2016

Re: Support for a Sectoral Employment Order in the Archaeological Industry

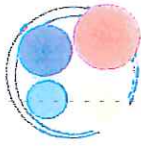
To whom it may concern,

Aidan Harte T/A Munster Archaeology is an archaeological consultancy, registered and practicing in the Republic of Ireland. We support the concept of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree, in principle, with the rates proposed by Unite the Union. A rise in rates needs to be applied evenly across sector for the betterment of highly trained and experienced archaeologists in Ireland. It would also provide the opportunity to establish a working criteria of what credentials define a suitably qualified archaeologist.

Le meas,


Aidan Harte B.A. M.A. M.I.A.I

Contact: (087) 2963795, info@munsterarchaeology.ie, or www.munsterarchaeology.ie



Reliqua

Archaeology & Heritage

Botanic Court 30-32 Botanic Road Glasnevin, Dublin 9

T: 01 852 5998 F: 087 260 2305 info@reliqua.ie www.reliqua.ie

Matt Seaver

Archaeological representative

Unite the Union

Dublin.

22 March 2016,

Dear Matt,

Having considered the situation with regard to employment in commercial archaeology we are agreeable to the principal of a Sectoral Employment Order, and to its implementation across the sector.

Regards,

Neil O'Flanagan

Director, Reliqua



The School of Irish Archaeology, 48 Lennox Street, Portobello, Dublin 8.

Tel: +353 (0) 87 7556808, Email: info@sia.ie, Website: www.sia.ie

To whom it may concern,

The School of Irish Archaeology is an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Kind Regards,

Mark Kelly MA
Managing Director
The School of Irish Archaeology

Appendix 4



Unite Archaeological Branch Wage tracker 3 – December 2015

The Unite six monthly tracker of Irish archaeological wages is now complete and had 93 responses with 73 useable responses for wage data (Fig 1). Thanks for everyone who contributed. Our data from Northern Ireland is still too small to make meaningful results. The Republic of Ireland data shows that Site Assistant Wages, while buoyed in the summer by Unite's Living Wage initiative at €11.45 are now stalled at that level despite rising demand for their services (Fig 2). To put it in perspective the commonly used figure for low pay in Ireland is calculated as €12.20 per hour (Eurostat 2012). It is still shocking that qualified staff are working at that level and that we had to fight even to achieve that. Site Supervisor wages have risen slightly barely creeping above this low pay threshold. Site Director wages continue to flat line, with the exception of four lucky people whose pay is a multiple of the average for the others (likely to be owner/directors and fair play to them) who earn substantially more. Site Directors still earn less on average than the median Irish wage of €18.00 (Eurostat 2012). A small number of project managers earn on average close to €22 an hour, a low salary given their level of responsibility and a rate which would meet a raised eyebrow in most other professional areas.

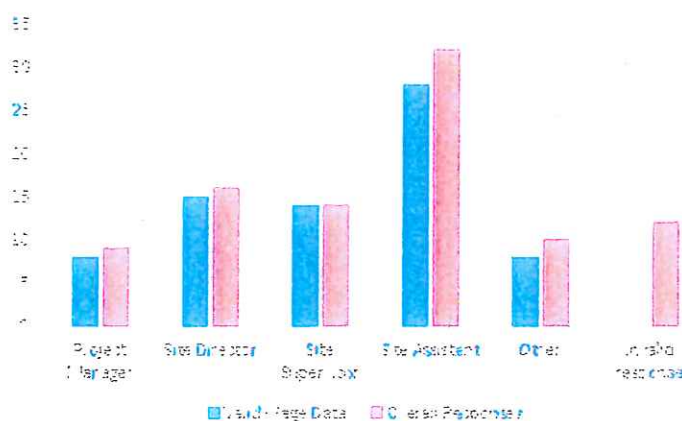


Fig 1. Survey responses to Unite Archaeology Wage Tracker 3

Appendix 5

Hourly Rates for the Construction Industry

Mechanical Craft rate

1 st Year out of time	€20.63
2 nd Year out of time	€20.92
3 rd Year out of time	€21.06
4 th Year out of time	€21.18
5 th Year out of time	€21.31
6 th Year out of time	€21.42

Electrical Craft Rate

1 st Year out of time	€20.74
2 nd Year out of time	€21.01
3 rd Year out of time	€21.26
4 th Year out of time	€21.38
5 th Year out of time	€21.49

Craftsmen (Non Mechanical or Electrical) €18.60

Construction Operatives (% of Craft Rate)

Grade A (Tech Operative) 97%	€18.04
Grade B (Skilled Operative) 91%	€16.93
Grade C (Semi-Skilled) 88%	€16.37
Grade D (Basic Operative) 80%	€14.88

Apprentices (% of Craft Rate)

1st Year Rate 33.3%	€6.20
2nd Year Rate 50%	€9.30
3rd Year Rate 75%	€13.95
4th Year Rate 90%	€16.74

Submission to the Labour Court (Part II)
on behalf of
Unite the Union
in relation to
the Commercial Archaeological sector
under the Industrial Relations (Amendment) Act 2015

Introduction

Subsequent to Labour Court hearing held on 7th September 2016 in relation to application for Commercial Archaeologist Sectoral Employment Order, Unite was granted permission to make a supplementary submission on the following points.

- Industrial Relations (Amendment) Act 2015 Section 14(1)
- Industrial Relations (Amendment) Act 2015 Section 15(1)
- Pay Rates and Job Description
- Pension and Sick Pay

Industrial Relations (Amendment) Act 2015 - Section 14(1)

"Submission of request to Court

14. (1) Subject to subsection (3) -

(a) a trade union of workers,

(b) a trade union or an organisation of employers, or

(c) a trade union of workers jointly with a trade union or an organisation of employers,

may request the Court to examine the terms and conditions relating to the remuneration and any sick pay scheme or pension scheme, of the workers of a particular class, type or group in the economic sector in respect of which the request is expressed to apply.

(2) A request under this section shall include confirmation, in such form and accompanied by such documentation as the Court may specify that—

(a) where the request is made by a trade union of workers or jointly with the trade union of workers, the trade union of workers is substantially representative of the workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and

(b) where the request is made by a trade union or an organisation of employers or jointly with a trade union or an organisation of employers, the trade union or organisation concerned is substantially representative of the employers of the workers specified in paragraph (a).

(3) Where the Minister has made a sectoral employment order in relation to a class, type or group of workers in a particular economic sector, the Court shall not consider a request under subsection (1) in relation to the same class, type or group of workers in that sector, until at least 12 months after the date of the order, unless the Court is satisfied that exceptional and compelling circumstances exist which justify consideration of an earlier request.

(4) A request under subsection (1) shall be in a form prescribed by the Court".

The above Act requires that a trade union makes an application on behalf of a particular class, type or group of workers in the economic sector in which the request is expressed to apply. Unite believes that commercial archaeologists as a group meet the requirements and definitions of an economic sector within the meaning of the Act.

Section 13 of the above Act provides a definition as to the term "economic sector". That definition is as follows;

"economic sector" means a sector of the economy concerned with a specific economic activity requiring specific qualifications, skills or knowledge".

The question is whether archaeology forms a distinct economic sector. By the criteria laid down by the *International Standard Industrial Classification of all Economic Activities*, it does – and is so listed.

An economic sector can be characterised as industrial and/or services that share the same or related product or service, have common operating characteristics, serve broadly the same market and they are in what could reasonably be regarded as the same line of business although there are differences in size and scale.

Economic sectors are dynamic and evolving – some sectors that exist today, didn't decades ago; similarly, sectors that existed decades ago no longer operate today. This evolution reflects innovation in technology, production processes, business and social activities, skill base, etc.

A common way of looking at an economic sector is to assess whether its activities produce a particular or unique output that cannot be produced by other sectors; or that other sectors cannot produce the goods or service of the activity in question. Of course, sectors are not autonomous; there is considerable over-lap – at sectoral and firm level. Many provide inputs into other sectors, and outputs can be put to use in a range of activities. However, if it is particular or unique enough, it is ranked as an economic sector in its own right.

The International Standard Classification of all Economic Activities (ISIC)¹ is a United Nations industry classification. It is the standard categorisation used internationally. This has greatly facilitated comparability of data across national and regional borders. According to the UN:

'ISIC is built on a production-oriented or supply-based conceptual framework that groups producing units into detailed industries based on similarities in the economic activity, taking into account the inputs, the process and technology of production, the characteristics of the outputs and the use to which outputs are applied.'

The UN ISIC applies two fundamental conditions:

- (a) *The production of the category of goods and services that characterises a given class accounts for the bulk of the output of the units classified to that class;*
- (b) *The class contains the units that produce most of the category of goods and services that characterise it.*

Clearly archaeology fits into this category – there is no other sector of units that produces archaeological services; and these services are mostly, indeed entirely, produced from this sector.

¹ UN, International Standard Industrial Classification of all Economic Activities:
http://unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf

This has led the ISIC to categorise archaeological services as a sector. Indeed, it has divided archaeology into three sub-sectors:²

- Archaeological expeditions, non-commercial
- Archaeological research and development services
- Archaeological sites, excavations

The numerical classification is 7320³ and these three sectors share the same classification number as behavioural, business, cognitive, demographic, economic, education, humanities, language, learning disability, psychology, social science and sociological research and development services – both commercial and non-commercial.

In classifying archaeology as a sector, the ISIC regards it as ‘important’:

‘Another major consideration in forming categories in ISIC was the relative importance of the activities to be included. In general, separate classes are provided for kinds of activity that are prevalent in most countries, or that are of particular importance in the world economy or at regional level.’

It is also noteworthy that ISIC classifies archaeological services within the broad ‘Business Services’ sector. This is a ‘market economy’ or – as Eurostat puts it – ‘business economy’ sector. Therefore, archaeology is classified as a market economy sector, as distinct from the non-market economy sector which is dominated by the public sector (e.g. public administration, education and health).

It should be further noted that in the ISIC classification, there is no distinction between private and public sector, or other forms of ownership (e.g. cooperative or not-for-profit). This makes no difference in the classification. For instance, a bus transport company may be privately or publicly-owned, but it shares the same classification.

Therefore, according to UN ISIC Archaeology is classified as a distinct economic sector but further divided into 3 sub-sectors;

- Archaeological expeditions, non-commercial
- Archaeological research and development services
- Archaeological sites, excavations

The status of archaeology was also substantiated through a statement by the National Monuments Service in 2015 under Article 11(d) of Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications which stated that archaeologists needed, “a diploma certifying successful completion of training at post-secondary level of at least three and not more than four years’ duration, or of an equivalent duration on a part-time basis, at a university or

² UN, Alphabetical index for ISIC Rev.3 code 7320: <http://unstats.un.org/unsd/cr/registry/regcic.asp?Cl=2&Lg=1&Co=7320>

³ For the Revised 4 of the ISIC, the classification was changed to 7220.

establishment of higher education or another establishment providing the same level of training, as well as the professional training which may be required in addition to that post-secondary course.”

In addition, the profession of archaeologist is a regulated profession under Directive 2005/36/EC (Article 3) whenever, to work as an archaeologist in an EU country, you have to hold a specific degree, sit special exams, or register with a professional body.

The Institute of Archaeologists of Ireland require all members to hold a degree in archaeology or a cognate discipline.

The European Convention on the Protection of the Archaeological Heritage (Valletta Convention, 1992) reinforces the above statements as the Convention has been ratified by almost every member state and obliges the Parties to ensure that archaeological excavations are carried out only by qualified, specially authorised persons. EU countries have consequently to adapt their national legislation and procedures concerning the profession of archaeologist and make sure they abide by the rules set out in the Directive.

As has been demonstrated by Unite, the IAI and the DISCO reports, Irish Archaeologists are overwhelmingly graduates and this is recognised by the largest contractors of archaeological services such as Transport Infrastructure Ireland.

Nationally that means the definition of an archaeologist in Ireland is someone that holds an Ordinary Bachelor Degree which is normally awarded after completion of an accredited programme of three years duration (180 ECTS credits) in a recognised higher education institution/provider.

Our application is on behalf of all archaeologists not employed by the Public Sector (who are subject to the provisions of the Haddington Road and Lansdowne Road Agreements) and therefore is on behalf of all Archaeologists in the private or commercial sector.

Industrial Relations (Amendment) Act 2015 - Section 15(1)

“Examination by Court

15. (1) Where the Court receives a request under section 14 it shall not undertake an examination in accordance with this section unless it is satisfied that—

(a) following consideration of any documentation submitted under subsection (2) of section 14 —

(i) the trade union of workers is substantially representative of the workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and in satisfying itself in that regard, the Court shall take into consideration the number of workers in that class, type or group represented by the trade union of workers, and

(ii) where the request is made by a trade union or organisation of employers or jointly with a trade union or organisation of employers, the trade union or organisation concerned is substantially representative of the employers in the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and in satisfying itself in that regard, the Court shall take into consideration the number of workers employed in the particular class, type or group in the economic sector concerned by employers represented by the trade union or organisation of employers concerned,

(b) the request is expressed to apply to all workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply,

(c) it is a normal and desirable practice, or that it is expedient, to have separate terms and conditions relating to remuneration, sick pay schemes or pension schemes in respect of workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and

(d) any recommendation is likely to promote harmonious relations between workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply.

(2) Prior to undertaking an examination under this section, the Court shall publish in such manner as, in the opinion of the Court, is best calculated to bring the request to the notice of all interested persons concerned, notice of its intention to undertake an examination under this section.

(3) A notice under subsection (2) shall invite representations to be made to the Court from any interested parties not later than 28 days after the date of the notice.

(4) Not earlier than 28 days after the date of a notice under subsection (2), the Court may hear all parties appearing to the Court to be interested and desiring to be heard”.

The above Act requires that the trade union of workers is substantially representative of the workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply; Unite has made a statutory declaration to the Court to that effect.

Further, Unite in our submission to the Court stated that there were approximately 168 Archaeologists working in the commercial sector in Ireland and that Unite has 110 members. The figure of 168 Archaeologists working in the sector was not challenged by any party at the hearing and is supported by the appendices provided by the union.

While the figure of 110 Unite members is not overtly challenged by IBEC, they allude to the fact that some of these Unite members may be self-employed or sole traders and therefore should be excluded, as they would not be covered by the terms of an SEO.

Some archaeologists shift in and out of self-employment depending on the job they are involved in at a particular given time and some of our members on occasion find themselves in this situation. However, the majority of these workers never tender for work in the conventional way and are forced into 'self-employment' to suit the requirements of archaeological contractors who are not set up to take on employees. During the course of a given year they undertake work both on a PAYE and self-employed basis, depending on the contract in question. They are therefore regarded as a “worker” within the meaning of Section 23 of the Industrial Relations Act 1990, and would be impacted in a positive way by a Sectoral Employment Order.

Without prejudice to our position, even if Unite were to extract those members who may at any given time be working on a self-employed basis, Unite would still be substantially representative in the sector. Unite can provide the Court with a list of members who are “employed” in the sector.

However, it is still our position that Unite is not just substantially representative but represents the majority of archaeologists working in the sector.

Section (c) of the above Act requires that it is a normal and desirable practice, or that it is expedient, to have separate terms and conditions, while Unite acknowledges that it is not currently the “normal” practice, we have illustrated that a substantially representative portion of the workers and also employers in the sector believe it to be desirable and expedient. It is expedient by virtue of the fact that the Act provides for regular and ongoing amendments to an established SEO, providing an expedient mechanism to influence pay and conditions within a transient/mobile economic sector that would normally be difficult to achieve universal application and compliance with a collective agreement.

Section (d) of the above Act requires that any recommendation is likely to promote harmonious relations between workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply. All the statistical analysis and data available demonstrates that where collective agreements apply, industrial relations disputes are kept to an absolute minimum.

This is particularly true in the case of National Wage Agreements, Registered Employment Agreements, Employment Regulation Orders or sectoral/national agreements such as; the Haddington Road and Lansdowne Road Agreements, thus promoting harmonious industrial relations.

The issue of compliance or non-compliance with such agreements in specific circumstances/cases may arise but in the vast majority of cases is resolved through agreed third party arbitration as opposed to recourse to industrial action.

Further, the upturn in the economy in general and construction in particular with wage increases once again becoming the norm, has led to an expectation among our members which will inevitably lead to wage claims being submitted and processed on an employer by employer basis in the absence of a Sectoral Employment Order, potentially giving rise to an increase in industrial unrest.

Pay Rates and Job Description

The original submission from Unite proposed an hourly rate and two higher rates for Irish Archaeologists in the Commercial Sector. These grades are by far the most common job titles within Commercial Archaeology comprising well over 90% of all the archaeologists working in the sector at any one time.

This can be demonstrated through looking at advertised archaeological positions in Ireland. In recent years the majority of jobs in Irish Commercial Archaeology were advertised through social media. The most commonly used media are Facebook sites which were set up by individual consultancies or collective Facebook job sites such as Archaeological Jobs in

Ireland (1943 members), which have advertised archaeological positions since 2013 (<https://www.facebook.com/groups/39780007909/>).

Analysis of that Facebook page (49 job advertisements since 2013) shows that;

- 65% (32 advertisements) sought Site Assistants or Archaeological Assistants
- 14% (7 advertisements) sought Site Supervisors
- 12% (6 advertisements) sought Site Directors

45 job advertisements (92% of all jobs advertised) were for archaeologists in grades titled as in the first Unite submission to the Labour Court.

Many of the separate job titles are in reality performed by archaeologists who in the field work as Archaeological Assistants, Archaeological Supervisors and Archaeological Directors.

The remaining job titles within the Commercial Archaeological Sector can be accommodated within three bands; A, B and C which relate to the qualification attained, levels of responsibility and experience of the role (table below).

Therefore, Unite is requesting the Court to recommend in accordance with the Industrial Relations (Amendment) Act 2015, Section 16(5) (a), a minimum hourly rate of basic pay of;

€15.85 per hour - Band A

And further, to recommend in accordance with the Industrial Relations (Amendment) Act 2015, Section 16 (5) (b), two higher hourly rates of pay of;

€19.00 per hour – Band B

€26.85 per hour – Band C

Band	Grade/Title	Responsibilities	Qualifications
A	Archaeological Assistant	<p>Responsibility for all tasks assigned to them by site Archaeological Supervisor/Excavation Director. These include excavating archaeological features, recording them on standardised recording sheets, drawing plans, collecting and recording artefacts, Eco facts and samples, assisting with site survey. In office, tasks include work on entering data from excavation, processing data and gathering information for assessments, processing artefacts and samples.</p> <p>Many of the tasks carried out in this role can be carried out within site offices during a project or in office premises following an excavation. Tasks include artefact and sample processing, data entry, primary archiving of excavation records.</p>	<p>Qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with greater than 6 months postgraduate archaeological field experience.</p>
A	Archaeological Post Excavation Assistant		Same as Archaeological Assistant;
B	Archaeological Supervisor	<p>Assist Excavation Director/Post Excavation Manager in proper conduct of excavations or post excavation and the management of archaeological staff. Including; ensuring recording sheets of archaeological features are correctly completed; ensuring drawn plans include all relevant information, ensuring that all artefacts and samples in their area have been correctly recorded. Provide reports and updates to the Site Director. They monitor construction machinery in consultation with a licensed site director and make decisions on recording features of archaeological significance during monitoring in consultation with them.</p>	<p>Fully qualified archaeologist with minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline with minimum two years postgraduate field experience. This is also the minimum grade for those involved in archaeological impact assessments.</p>
B	Post Excavation Supervisor/Office Based Archaeologist	<p>In offices, they work on archaeological reporting, writing narratives based on information inputted by Archaeological Assistants. Ensure that artefacts and samples are correctly boxed, stored and described and supervise the processing of samples. Conduct desk-based research for archaeological impact assessments, field walking and inspection of monuments and seek records from National and local libraries, the National Museum of Ireland and the National Monuments Service.</p>	As Archaeological Supervisor

Band	Grade/Title	Responsibilities	Qualifications
B	Archaeological Surveyor/Illustrator/Geophysical Survey	On site planning/off site translation of plans or survey data to illustrations useable in reporting. Setting out of site limits for excavation, establishing site grids. Use of GPS, Total Stations and specialised software such as GIS applications, graphics packages and/or 3D design packages.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; proficiency in use of survey equipment
C	Site/Excavation Director	<p>Legally responsible for carrying out excavation in accordance with agreed methodology in the licence granted by the Department of Arts, Heritage & the Gaeltacht and good professional practice, managing excavation staff, liaising with Archaeological Supervisors overseeing post-excavation, managing health and safety on-site.</p> <p>Responsible for the monitoring of construction machinery and for halting groundworks if archaeological features are uncovered. They uncover, assess and record features in co-ordination with their team following consultation with statutory authorities, the client and company management.</p> <p>Overall responsibility for the production of site reports. Responsible for preparing the site archive. Obligated to produce published summaries of excavations and work towards full publication of significant excavations. Complete archaeological impact assessments.</p>	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; fully qualified archaeologist eligible to receive a licence from Department of Arts, Heritage & the Gaeltacht; they have at least 5 years postgraduate field experience.
C	Archaeological/Environmental Impact Co-ordinator/Senior Archaeologist	Responsible for completion and sign-off on archaeological impact assessments and environmental impact assessments. Attendance at Oral Hearings. Liaison with clients and statutory authorities. Often undertaken by an Archaeological Director but may in some consultancies be undertaken by a specialised worker. In larger schemes may be responsible for managing a team.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; Considerable experience in assessment of monuments, mapping and other field data. May have additional postgraduate qualification in Environmental Impact Assessments

Band	Grade/Title	Responsibilities	Qualifications
C	Archaeological Illustration Manager/Survey Manager	Responsibility for completion and sign off on drawings, computer generated plans and/or GIS projects. May have responsibility for other survey/illustration staff as they are required. They may be responsible for large scale geophysical survey projects.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; may have postgraduate survey qualification
C	Archaeological Artefact Illustrator	Responsible for producing publication quality artefact drawings or multi-media illustrations for publication. May also undertake site reconstruction drawings.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; may have specific art/graphic design qualification; must have extensive experience in illustration demonstrated through portfolio
C	Post Excavation Manager	Responsibility for managing all post excavation staff. They ensure all artefacts, samples are processed according to the archaeological licence, contractual obligations and National Museum of Ireland specifications. They liaise with specialists (see below) as well as conservators and ensure that all artefacts are ready to deposit with the National Museum of Ireland on completion of projects.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; they must have extensive proven experience of managing post excavation projects to completion
C	Archaeological Project Manager/Senior Archaeologist	Responsible for managing archaeological projects which can include all aspects of invoicing, recruitment, client liaison, report editing and final report quality control, sub-contracting to specialist. On most projects these staff are at Archaeological Director grade with significant experience of completing schemes to final report stage.	Fully qualified archaeologist, minimum level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; they must have extensive proven experience of managing excavation projects to completion. May have additional Management qualification
C	Archaeological Specialist	Completion of specialist reports on individual categories of artefacts or samples which came from archaeological excavations. Specialists employed within consultancies frequently include; Osteoarchaeologists (human or animal bone specialists), Archaeobotanists (plant remains), Artefact analysis (specialists covering individual types of artefacts), Conservators	Postgraduate qualification in Archaeology or comparable discipline. Extensive experience in reporting on a given specialty.

Pension and Sick Pay

We respectfully ask the Court to recommend a Pension and Sick Pay Scheme to provide pension, assurance and sick pay entitlements equivalent to the conditions and benefits of the terms of the Construction Workers Pension Scheme (CWPS).

THE LABOUR COURT
TOM JOHNSON HOUSE
HADDINGTON ROAD
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Submission to the Court

IBEC
(Parts 1 and 2)

Submission to the Labour Court

regarding

Notice of Intention to Conduct an Examination into the Terms and Conditions of Commercial Archaeologists

under the

Industrial Relations (Amendment) Act 2015

Introduction

In response to the Court's 'Notice of Intention to Conduct an Examination into the Terms and Conditions of Commercial Archaeologists' which was published in national newspapers on the 4th of April 2016, the following representation is submitted by Ibec on behalf of four member companies who operate in this industry. Together these employers employ approximately 110 employees in this industry.

The request by Unite Trade Union to conduct this examination was submitted to the Labour Court under the Industrial Relations (Amendment) Act 2015. Two documents were submitted to the Court with the Unite application which were a statutory declaration and a list of entities whom Unite claim to be the employers in the industry. The following representations are made to the Court without sight of the Unite position on this matter. Therefore this representation is being made on the basis that further and more detailed representations will be made once the Unite position and that of any other interested parties has been provided to Ibec.

It is submitted, in the first instance, that the request to conduct an examination did not meet the requirements of Section 14 of the Act. It is further submitted that this examination of terms and conditions of employment should not proceed as the requirements of Section 15 of the Act have not been met, as outlined below.

Without prejudice to this position, and in line with the provisions of Section 16 of the Act, were the Court to recommend the introduction of an SEO, the impact on employers and workers across the archaeology industry would be potentially devastating and contrary to the purpose of the legislation.

The purpose of the 2015 legislation as stated is "... *to make further and better provision for promoting harmonious relations between workers and employers and, in particular, to make provision for a system of ... sectoral employment orders*". In light of this intention, it is submitted that were an SEO to be recommended by the Court in this instance, that it would be harmful to relations between employers and workers.

Archaeology was previously a growing and robust industry in Ireland. The numbers employed in the industry were considerably higher than present levels. For example, a comparison of numbers employed in the industry between a 2007 survey¹ and a more recent version of this same survey² identified a reduction of 80% in the numbers of archaeologists working in Ireland.

¹ Discovering the Archaeologists of Europe: Ireland 2007

² Discovering the Archaeologists of Ireland 2012 - 2014

Archaeology work is closely linked tied to construction and planning. Individual planning conditions vary, but they may require an initial assessment of the archaeological potential of the site prior to the commencement of construction work in line with the Planning and Development Act 2000. The requirement for an archaeological assessment of a particular site will arise at the planning stage if the location of the site in question is within or close to a site on the Record of Monument and Places (RMP). The RMP is a statutory list of all known archaeological monuments provided for in the National Monuments Act 1930 - 2004. Such work is generally put out to tender and there is heavy competition for the work involved. Archaeological work is derived from tenders from private construction contractors and from public entities such as the Transport Infrastructure Ireland where construction is being undertaken. Given the intensity of the competition for any contracts, the work will without variation be awarded to the entity offering the lowest cost.

Archaeology as a profession and as a business has been decimated in recent years, largely as a result of the decline in the construction industry and has only very recently begun to recover from the impact of the economic recession. The industry is now very small and employers continue to operate in intensely competitive conditions with low profit margins. Any attempt to unilaterally increase pay or to enhance other terms and conditions of employment would not meet the standards set in the 2015 Act and would have an immediate adverse impact on the industry. An SEO is not the appropriate instrument to address any concerns regarding the levels of remuneration in this industry. Archaeology is a labour intensive industry and wage costs account for a significant proportion of employers' operating costs. An increase in these costs will significantly and detrimentally affect the industry as a whole as employers struggle to absorb these increases.

Submission of a request to the Court

Section 14 of the Act provides that a trade union may request the Court to examine the terms and conditions relating to remuneration and any sick pay scheme or pension scheme of the workers of a particular class, type or group in the economic sector in respect of which the request is expressed to apply.

It is noted that the request submitted by Unite to the Court refers to a "Commercial Archaeology" sector. Section 13 of the Act provides that an economic sector "... means a sector of the economy concerned with a specific economic activity requiring specific qualifications, skills or knowledge". It is submitted that 'commercial archaeology' is not a sector within the meaning of the Act and that there is no consistent or established system of "specific" qualifications, skills or knowledge across the industry that meets the requirements of this definition.

The word 'economic' means making a profit or likely to make a profit. The use of this term within the Act suggests that the identification of an economic sector would need to be justified in terms of profitability. However the archaeology industry is largely driven by compliance and certainly cannot be described as a profitable industry. Entities that are required to engage archaeology services will generally seek the lowest cost provider, their focus being on compliance and getting the box ticked, rather than on cultural and historical concerns. The archaeology industry is fragmented and businesses operate with a very low margin. In recent years, some businesses within this industry diversified in to new areas such as graveyard surveys and family trees in order to supplement their income. The boundaries of the industry have thus become blurred.

In relation to the skill levels within archaeology it is recognised that workers are qualified and may be very experienced in their field. However individual worker's skills have not evolved in line with a recognised, common or agreed career progression path. Rather persons will have acquired additional skills and training on an as-needed or ad-hoc basis, such that there is significant variation between the skill sets of different workers.

It is noted that section 26(1)³ of the National Monuments Act 1930 (as amended) requires that excavations for archaeological purposes must be carried out by archaeologists acting under an excavation licence. This licence is issued by the Minister for Arts, Heritage and the Gaeltacht and an applicant must first pass an interview to be deemed licence eligible. Any archaeologist is eligible to sit the licence interview once they have an appropriate academic qualification and relevant archaeological excavation experience in a supervisory capacity. Once an archaeologist has been deemed licence eligible, there is no impediment to that individual establishing a company for the purpose of undertaking site-based archaeological works. While a licence is required to run excavations, no such licence is required to undertake consultancy work and office-based report production.

There are no further regulatory requirements for persons to work in the industry. The National Monuments Service provides guidance and standards on how to undertake excavations and write reports. These are not legally binding and there is in practice a huge variation in quality in the work undertaken. Therefore, while the demand for

³ 'It shall not be lawful for any person, without or otherwise than in accordance with a licence issued by the Commissioners under this section, to dig or excavate in or under any land (whether with or without removing the surface of the land) for the purpose of searching generally for archaeological objects or of searching for, exposing or examining any particular structure or thing of archaeological interest known or believed to be in or under such land or for any other archaeological purpose'.

archaeology services is driven by compliance, the quality and thoroughness of the resulting work output is not.

The legislation refers to a requirement for “*specific*” skills and qualifications.

However there is no clearly defined or identifiable qualification or skills framework in the industry. It is submitted therefore that it is not possible to identify a consistent or established system of “*specific qualifications, skills or knowledge*” across the industry specified by Unite and therefore the economic sector cannot be properly identified.

Examination by the Court

Section 15 of the Act provides that the Court shall not undertake an examination unless it is satisfied that

“... the trade union of workers is substantially representative of the workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply, and in satisfying itself in that regard, the Court shall take into consideration the number of workers in that class, type or group represented by the trade union of workers ...”

It is disputed that Unite are substantially representative of workers of the particular class, type or group in the economic sector. The reference by Unite to ‘archaeologist’ does not sufficiently identify a particular class, type or group of workers.

In their request to the Court, Unite claim to represent 95 persons of 200 who are working in the sector and the union also provided a list of employers to the Court. There are approximately 52 entities providing archaeological services in the Republic of Ireland. The significant majority of these entities comprise sole traders or employments that employ two to three persons only. The archaeology industry consists for the main part of smaller entities which do not employ staff on a permanent basis and which may employ persons on fixed term contracts as needed or retain independent contractors to carry out the work. It is wholly unclear who within the industry that Unite actually represent and whether these individuals are actually ‘workers’ within the meaning of the Act.

Even if Unite have correctly stated their membership, which is disputed, their membership must comprise a number of people not active in the commercial businesses and/or those working in different sectors. It is submitted that in order to establish that the union is substantially representative as they claim to be, that firstly the class, type or group of worker must be clearly identified and that verification is provided to the Court through examination of recent pay slips or other verifying

documentation. Having considered the list of entities submitted by Unite to the Court, it is noted that a significant proportion of these do not actually employ staff on a fulltime basis. To this end, it is requested that the Court issue a subpoena to compel the attendance of an official from the Revenue Commissioners to establish whether employee tax documentation has been filed by those companies in recent years. It is submitted that analysis of this list would reveal that a significant majority are not employers.

Section 15 of the Act also provides that the Court shall not undertake an examination unless it is satisfied that

(b) the request is expressed to apply to all workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply,

The application to the Court seeking an examination does not provide any detail on the '*particular class, type or group*' of worker to whom an SEO would apply. There is no legal definition of an archaeologist in Ireland, and although it is generally identified as a graduate profession, there is no legal requirement to hold a degree or associated qualification to practice as an archaeologist in Ireland. It is submitted therefore that a '*particular class, type or group*' of worker has not been identified.

Employers in this industry have received correspondence from Unite in which a pay claim is outlined on behalf of what is referred to as four grades of qualified archaeologist. This correspondence refers to an archaeologist trainee, a site assistant/post excavation assistant, a site supervisor/post excavation supervisor and an excavation director/project officer. Such an arbitrary grading of roles within the sector is extremely concerning. Within this correspondence, Unite outlined particular responsibilities for each of these four grades and in doing so, aligned office based work with site based work. Office based work is very varied and can in many instances require an entirely different skillset to site based work. Thus persons who are office based and site based are not necessarily interchangeable in the manner suggested.

In practice there is a wide variety of skills within archaeology companies and in how archaeology companies utilise these skills. Employees in any company may carry varying responsibilities due to their particular background experience and training. There are a wide variety of companies in this industry, some of whom, due to their relative size, will employ staff in more specialist and defined roles. Smaller entities will by necessity have staff that carry out a broad range of general activities. It is not possible therefore to align job titles and roles across the industry to capture this variety of skills.

Office based archaeology work includes the following tasks, the demand for which, will vary depending on when projects are secured and how a project progresses.

- Consultancy (generally within the planning system)
 - Desk-based assessment reports (research, report writing)
 - EIS contributions (as desk-based assessments)
 - Appearance at oral hearings
 - Providing Expert Witness services
 - Graphics (CAD, GIS)
 - Office administration (phone, payroll, book-keeping, advertising etc. etc.)
 - Project management
 - Health and safety and traffic management
 - Report production (printing, binding)
 - Equipment maintenance (vehicles, equipment etc.)
 - Finds processing (e.g. washing artefacts recovered during excavation)
 - Environmental Sample processing (sieving soil recovered during excavation)
 - Finds labelling
 - Finds cataloguing
 - Specialist artefact/ecofact reporting
 - Commissioning of sub-contracted specialist work
 - Data management
 - Report writing (often carried out by the Site Director)
 - Editing
 - Research
 - Graphics
 - Archive management (catalogue photographs, prepare archives for museum etc.)
 - Liaison with statutory authorities, museums etc.
 - Office administration
 - Publication (often carried out by the Site Director)

Site based work demands a different skill set and can include the following

- Test-Testing/site investigations
- Archaeological Excavations
- Monitoring
- Survey of various kinds
- Logistics

Archaeology companies also engage the services of specialists, who have specialist knowledge in an area (for example bones or pottery) which may be required on a particular project. These persons will have developed their expertise to meet very

specific requirements that can arise in certain archaeological work and do not undertake the more traditional tasks associated with archaeology such as excavation on site etc. Again, the range of expertise and specialist knowledge varies significantly and does not lend itself to broad job title groupings.

It is submitted that any attempt to identify a grading system in this industry must recognise the significant differences between the types of work outlined above. Any attempt to artificially group these different jobs and tasks in to broad ranging job titles is simply unworkable and would give rise to significant practical issues of identifying a person's role and grading. Where an employee's role is not clear, the imposition of an SEO will bring significant difficulties and may yield a variety of applications being made to the Court to establish whether or not the SEO applies in individual cases. It is submitted therefore that a particular class, type or group has not been identified and that the significant variety of roles and responsibilities across the industry does not lend itself to this identification.

Section 15 of the Act also provides that the Court shall not undertake an examination unless it is satisfied that

(c) it is a normal and desirable practice, or that it is expedient, to have separate terms and conditions relating to remuneration, sick pay schemes or pension schemes in respect of workers of the particular class, type or group in the economic sector in respect of which the request is expressed to apply,

It is not normal practice to have separate terms and conditions relating to remuneration, sick pay or pension in the archaeology industry. There has never been a separate wage setting mechanism in the industry in the past. The industry is small and fragmented and is largely based on the winning of contracts and tenders for work. It is not desirable to impose a statutory instrument such as an SEO on to an industry in which flexibility is a necessity for many employers. There is no agreement or consistency in relation to job titles/roles/duties and there is no mandatory framework of qualifications/accreditations that assists in identifying an employee's professional progress.

Due to the nature of the industry, an SEO would impact on a small number of employers disproportionately and the costs of pay increases and any increased sick pay/pension costs would be prohibitive to the continuation of these businesses. Smaller entities which rely on the principal undertaking the majority of tasks and which may contract employees or independent contractors on a short term as-needed basis only will not be so severely impacted.

Section 15 of the Act also provides that the Court shall not undertake an examination unless it is satisfied that

(d) any recommendation is likely to promote harmonious relations between workers of the particular class, type or group and their employers in the economic sector in respect of which the request is expressed to apply.

An SEO would not promote harmonious relations between workers and employers; rather an SEO could generate industrial unrest. It would lead to a potential two tier system whereby certain employees may be covered by the very general job titles within an SEO and others are not. The cost of compliance with an SEO would lead to headcount reduction in directly employed staff and more utilisation of independent contractors, thus reducing the security of employment for workers across the industry.

The industry relies heavily on temporary assignments. If an SEO were introduced, these assignments will become shorter and/or will be offered at lower grades in order to reduce costs. For existing permanent employees in this industry, an SEO may give rise to concerns regarding grading. Many permanent employees have long service and thus for example, meet the length of service requirements set out in Unite grading system. (The four grades identified have minimum required experience ranging from 6 months to 5 years for upper grades). However, these long serving employees may currently be employed at lower grades out of necessity due to the lack of demand for positions at higher grades. In line with a future SEO, these employees could have a claim for a more senior role based on their experience and qualification. This would result in employers employing a surplus of senior staff and therefore measures such as lay off or redundancies may result. These negative implications of an SEO would be damaging to relations between employers and workers.

Recommendation by the Court

Section 16 provides that when making a recommendation, the Court shall have regard to the following matters:

(a) the potential impact on levels of employment and unemployment in the identified economic sector concerned;

An SEO would have a negative impact on the levels of employment in the industry. An SEO would add significant operating costs for companies who employ core staff, in particular office based staff and may lead to lay offs and redundancies.

For example, many permanent employees may multi-task and will have acquired a varying range of skills during their years of employment. These experienced long serving employees may undertake lower value work when there is no other work available for them. In order to maintain security of employment, the employers (represented by Ibec) fill available roles with experienced employees, rather than inexperienced. A practice of assigning lower level work to more experienced employees is manageable at the current pay-scales. This will not be possible at higher rates and it would most likely result in companies losing money and/or the necessity make full time employees redundant and hire temporary employees for specific tasks as required rather than retaining employees at a higher cost than is economically viable.

It is noted that the pay rates proposed by Unite in the correspondence referenced above, represent a pay increase in the region of 30% to 40%. If for example, these rates were introduced under an SEO, then most of the permanent staff described above, perhaps with the exception of administrative staff who may not be archaeologists by training, may qualify for the highest director-level grade. This would see an enormous jump in wage costs for all employers, without a comparable increase in income or productivity. Were this to occur the likely outcome would be that companies would be forced to make experienced permanent staff redundant as there is not enough work at their stated grade to keep them employed full time. Companies in this situation may also be forced to apply for an exemption under Section 21 of the Act or to go out of business. This increase in the costs may also result in employers offering temporary contracts for shorter duration and/or at lower grade roles in order to manage costs. Thus the impact on levels of employment is highly likely to be negative.

The net result would be lower levels of employment and, in particular, a reduction in permanent jobs for the most experienced and longer serving employees. Not only would this be damaging to employment levels but would lead to a loss of knowledge and experience across the industry.

Section 16 also provides that when making a recommendation, the Court shall have regard to

(b) the terms of any relevant national agreement relating to pay and conditions for the time being in existence;

Persons who are employed in the archaeology industry are covered by the comprehensive employment rights legislation that exists in this jurisdiction. They are

afforded pay rates at or above minimum wage, as well as all other statutory employment rights.

There is no current national agreement relating to pay and conditions applicable to archaeologists. Nor has there been one previously. It is recognised that certain industries have previously been covered by regulatory instruments that related to pay and conditions of employment. However these are in the minority and were arrived at following comprehensive discussions and a level of agreement between the parties. The majority of economic sectors operate without any national agreements that regulate pay and conditions. It is the established practice across most employments and industries that the pay and benefits offered to staff will be naturally driven by the applicable statutory minimums, the supply and demand of labour/skills and the employer's ability to pay. This has and continues to operate as the wage setting process in most sectors and industries. The overly delegated powers associated with the previous JLC system led to legal and constitutional challenges due to a perceived unfairness and unbalance in how terms of ERO's were reached. This is a crucial in considering an SEO and will be expanded on later in this document.

Section 16 provides that when making a recommendation, the Court shall have regard to

(c) the potential impact on competitiveness in the economic sector concerned;

It is submitted that the imposition of an SEO would have a severe negative impact on competitiveness within the archaeology industry and that it would specifically impact disproportionally on employers that employ full-time core staff.

The majority of archaeological companies in Ireland are sole traders or two or three person operations. These smaller size companies are not precluded from tendering work for projects in the private sector and are only restricted in tendering for certain public sector projects. This restriction on tendering for public sector contracts has reduced in recent years as state bodies have reduced their qualification criteria. Thus increasingly, the smaller archaeology entities can tender for public sector work. The smaller entities have a commercial advantage over larger companies due to their low overheads. It is likely that these entities would be able to continue to charge the same low rates for work if an SEO were in place as they do at present, as they would be undertaking this work themselves and are not employees (and thus not covered by an SEO). This feature of the industry means that competitive tendering for work may lead to larger employers that employ full time staff being priced out of the market. For larger employers, the increase in wages costs under an SEO coupled with their

existing higher overheads would render them uncompetitive, especially for smaller scale site projects and for office based projects.

The employers represented by Ibec operate on both sides of the border and utilise their Irish based employees whenever possible or hire employees within ROI on temporary contracts to undertake work in Northern Ireland. It is reasonable to believe that other employers in the industry also do so. Competitor entities in Northern Ireland currently pay less than employers in the Republic of Ireland. Any increase in minimum pay rates under an SEO would detrimentally affect the ability of companies in Ireland to compete for and work on projects in Northern Ireland.

In the archaeology industry, there is massive competition at low prices and low margins for the limited work that is available. To survive in this industry, it is essential to be flexible in how a business operates. It is submitted that an SEO would detrimentally affect this flexibility and that higher rates of pay or enhanced employment benefits would make it uneconomical for employers to employ staff that cannot be always charged out for the work they are doing.

Employers across the industry are also tied in to existing commercial contracts that are due to run for a number of years. If an SEO were to be implemented, these employers would be in a loss making situation for any work done on these pre-existing contracts.

Section 16 provides that when making a recommendation, the Court shall have regard to

(d) the general level of remuneration in other economic sectors in which workers of the same class, type or group are employed;

Great care should be taken in identifying any workers who could be considered to be in the same class, type or group as those that would be potentially covered by this SEO. This identification is further hindered by the absence of clarity as which class, type or group of worker that Unite are claiming to represent in this matter.

Notwithstanding this, it is noted that archaeologists are currently employed in a number of other industries. Archaeologists are employed in certain state bodies and in academia also. A comparison of pay rates to these sectors would be very misleading as their rates of pay are not necessarily determined by normal competitive factors including the employer's financial capacity to pay and market competition.

Section 16 also provides that when making a recommendation, the Court shall have regard to

(e) that the sectoral employment order shall be binding on all workers and employers in the economic sector concerned.

It is noted that the language of the Act states that the Court shall have regard to the fact that an SEO would be binding on all workers and employers in the economic sector concerned. It is submitted that any consideration of the scope of application of this potential SEO, raises immediate difficulties in identifying said group(s). Due to the fragmented nature of the industry, it is highly probable that an SEO would be binding only on a limited proportion of the sector. Those who operate as effectively self employed would be excluded and these account for up to half of the industry. Therefore an SEO would potentially not be binding on a significant proportion of the sector and would as a result limit the growth of the industry.

Section 16 (4) provides that the Court shall not make a recommendation under this section unless it is satisfied that to do so

(a) would promote harmonious relations between workers and employers and assist in the avoidance of industrial unrest in the economic sector concerned, and

It is submitted that contrary to the stated purpose of the legislation that an SEO would create considerable industrial unrest where heretofore this has not been the case. At present, the employers represented by Ibec determine employees' wages and benefits based on skills, the employer's ability to pay and recognition of employee's service/unique skill set. In many instances wages have reduced in recent years through mutual agreement as employees have recognised the difficult financial circumstances in which these companies operated. To impose a statutory requirement to pay certain levels of remunerations and benefits that may be divorced entirely from current wage setting factors will fail to recognise the diversity and variation of skills across the industry and will lessen security of employment. Thus the imposition and practical implementation of an SEO would not promote harmonious relations.

Section 16 (4) also provides that the Court shall not make a recommendation under this section unless it is satisfied that to do so

(b) is reasonably necessary to (i) promote and preserve high standards of training and qualification, and

It is submitted that the imposition of an SEO would serve to reduce training opportunities for workers. Outside of the third level university system, most training is delivered in-house by the employers themselves. The imposition of an SEO is likely to reduce any training budget that employers may have available for such training. In entities that do not employ staff or who may only employ staff temporarily, an SEO will have no impact on the provision of training.

Qualifications in archaeology are obtained through graduate and post graduate programmes offered by Irish universities. If an SEO were introduced and higher pay rates or enhanced employment conditions were imposed, this will not affect the provision of academic courses by Irish universities. Rather, if as a result of an SEO, there are fewer persons employed full-time in archaeology and fewer large employers, the profession would become less attractive for prospective students who may elect to engage in an alternative course of study.

Section 16 (4) also provides that the Court shall not make a recommendation under this section unless it is satisfied that to do so will

<i>(ii) Ensure fair and sustainable rates of remuneration, in the economic sector concerned.</i>
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The imposition of an SEO containing higher pay rates will not ensure fair and sustainable rates of remuneration in this industry. The absence of any national agreed grading system or common job titles will make implementation of an SEO problematic with employees claiming the highest pay rate possible based on their understanding of their role/experience. Unfairness would arise for persons whose role falls outside the very general title of archaeologist but whose skills in related disciplines are valuable to employers.

Higher rates of pay would not be sustainable and would likely result in the reduction in the number of workers employed at higher grades through the provision of less vacancies at these levels and/or due to redundancies.

Constitutional Issues

It is submitted that the making of an SEO in this instance, or in any instance where both parties are not in agreement on whether an SEO should be established, would constitute an unjust and disproportionate attack on the constitutional property rights of employers in the sector.

Article 43 of the Constitution provides as follows:

- "1. The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods.*
- 2. The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.*
- 3. The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.*
- 4. The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good."*

Article 40.3 provides as follows:

- "(2) The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name and property rights of every citizen."*

It is submitted that the making of an SEO constitutes an interference with the constitutional property rights of employers in the archaeology industry. The applicants will no doubt argue that such interference is justified by the principles of social justice and the exigencies of the common good. However, it is well established law that the objective of any proposed interference must be of sufficient importance to warrant overriding a constitutionally protected right and the interference itself must pass a proportionality test.

It is submitted that the interference with property rights which would result from the making of an SEO in this sector cannot be said to be proportionate or justified.

Cost of implementing a social policy

It has been held that the cost of implementing a social policy must not result in an inequitable distribution of cost between different groups of citizens. It is submitted that the cost of implementing the social policy underlying the 2015 Act, i.e. to provide legally enforceable terms and conditions over and above other statutory minima would, in this case, result in an inequitable distribution of the cost on employers in the archaeology sector.

In *Blake v The Attorney General* [(1982) 1 IR 181] the Supreme Court struck down Part 2 of the Rent Restrictions Acts 1960 which restricted the rents payable by tenants of controlled dwellings to their landlords. The Supreme Court held that these provisions constituted an unjust attack on the property rights of certain landlords. Crucial to its decision was that the relevant provisions restricted the exercise of the property rights of one group of citizens for the benefit of another group in a manner which disregarded the financial capacity of the needs of the members of the groups.

Similarly, *In the matter of Article 26 of the Constitution and in the matter of the Employment Equality Bill 1996* [(1997) 2 IR 321], the Supreme Court declared unconstitutional the statutory obligation imposed on employers to make reasonable accommodation for workers with disabilities. The Supreme Court noted that the laudable aim of the Bill, i.e. to outlaw discrimination in employment and promote equality between employed persons, was clearly in accordance with the principles of social justice. However, the achievement of such purpose necessitated a balancing of (1) the guarantee of equality and (2) the protection of the citizen's right to work and earn a livelihood and of his or her property rights.

The Supreme Court noted that the burdens imposed on employers by the Bill were extremely onerous, although it did make provision for an exemption on the ground that the cost of the provision of reasonable accommodation would give rise to undue hardship to the employer. It is worth noting that the Supreme Court was critical of the fact that in estimating whether the employer would suffer "undue hardship", "the financial circumstances of the employer" and "the problems of his business" would have to be disclosed to an outside party. For the avoidance of doubt, the employers, the subject of this submission, are willing to support their position with information in relation to the financial circumstances in which they are operating. However, this is without prejudice to the view of the Supreme Court outlined above. In any event, the Supreme Court was satisfied that the Bill in that case attempted to transfer the cost of solving one of society's problems onto one particular group, namely employers. For this reason, it found the provisions of the Bill dealing with disability to be repugnant to the Constitution

It is respectfully submitted that increases in terms and conditions which are over and above statutory minima should be given the enhanced status and enforceability provided by the Industrial Relations (Amendment) Act 2015 only in circumstances where there is agreement to do so by both parties, employers and workers. Due to the financial limitations of employers in this sector, it should be clear that to impose the cost of increased wages on employers in circumstances where such imposition could ultimately cost these employers their business would be the very definition of a disproportionate and inequitable distribution of the cost of implementing a social policy.

Furthermore, in its consideration of the Employment Equality Bill, the Supreme Court noted that the provisions which required the making of reasonable accommodation would present particular difficulties for certain businesses (in the Employment Equality Bill case, small firms). In the present case, the making of an SEO would, similarly, impact on a small number of employers disproportionately. Smaller entities which rely on the principal undertaking the majority of tasks or companies which engage independent contractors on a short term basis only would not be forced to bear the cost of an SEO in the same way as employers of full time staff. The inequitable distribution of cost would, therefore, be even more pronounced in this case as it would disproportionately impact the larger employers in the sector.

Arbitrary and unfair interference

It is further submitted that an SEO's interference with the property rights of the employers in the sector would be arbitrary and unfair.

In *John Grace Fried Chicken Ltd & Quick Service Food Alliance Limited v The Catering JLC and the Labour Court* [(2011) IEHC 277], the High Court held that the provisions of an Employment Regulation Order constituted an interference with the property rights of employers and that such interference was unjust and disproportionate. Relevant to this decision was that the pay rates and conditions set by Joint Labour Committees were determined in an arbitrary and unfair manner.

As has been set out in this submission, any attempt to set pay rates in this sector would necessarily involve an artificial and arbitrary grading of different job titles into grades of workers. The making of an SEO in this sector would, as a consequence, involve the determination of pay rates in an arbitrary manner.

The High Court in the *John Grace* decision further made the point that the terms and conditions provided for under the ERO system could result in businesses immediately adjacent to one another being required to adhere to significantly different statutory obligations. Given the fragmented nature of the archaeological sector, a similar result would ensue from the making of an SEO in this sector. While archaeological companies employing full time staff would be required to adhere to certain obligations, sole traders in respect of which the principal undertakes the majority of tasks would not be so subject. This is despite the fact that the businesses engage in the same work and tender for the same projects.

It is therefore submitted that given (1) given the inequitable distribution of cost which would result from the making of an SEO, (2) the detrimental effect an SEO

would have on employers in this sector and (3) the necessarily arbitrary manner in which roles would be graded, the making of an SEO in this sector would constitute an unjust and disproportionate interference with the property rights of employers.

The unilateral nature of the application for the establishment of an SEO in this case is another significant factor in assessing its constitutionality. It is submitted that for one party to impose terms and conditions on another party against their will in the manner proposed in this instance is repugnant to the Constitution.

Conclusion

The over riding purpose of this legislation was to promote harmonious relations between employers and workers and to re-establish a wage setting mechanism in sectors where it was considered expedient to do so. The purpose of the legislation is not to provide a mechanism to simply compel the implementation of a legally binding increase in pay rates by employers who have not conceded to a pay claim and/or who do not have the financial ability to increase employment benefits.

The application for this examination was made on a unilateral basis to the Court. The provisions underpinning the establishment of an SEO is an unprecedented instrument that affords the Court an extraordinary power to unilaterally impose enhanced pay and conditions of employment on to an economic sector. An SEO should only be imposed when absolutely necessary to preserve industrial peace, and where there is very significant level of agreement and cohesion between employer's and worker's views.

It is accepted that pay rates within archaeology are low. This is an industry which is highly dependant on availability of work from construction companies who will seek the lowest cost provider for these services; however wages have to be able to move up and down subject to market forces. There is a limited amount of work within this industry. Reducing an employer's ability to compete for what work is available is contrary to the recognition within the legislation of the impact on competitiveness. There is noted that there is no employment sector in the country where pay increases in the magnitude suggested by Unite are being introduced.

The archaeology industry is a small industry with high levels of mobility where employees work for a number of different employers on short term assignments over time. If and when demand for archaeology work increases, this will naturally lead to increases in wage levels due to competition for skills. Within such a small industry, there is high visibility on competing rates of pay available from different companies.

There is an awareness within the archaeology industry of the modest nature of current pay rates due to prevailing market conditions and that there isn't the scope for pay increases or additional benefits at this point in time, much less those that would be enforceable by statute. Until such time as this industry returns to sustainable growth, any enhancement in pay or conditions of employment would be detrimental to the functioning of businesses within the industry and the continuation of stable employment.

It is requested that the Labour Court decline to make a recommendation to the Minister for the establishment of a Sectoral Employment Order in this instance.

END

**Submission to the Labour Court
Part II**

regarding

**Notice of Intention to Conduct an Examination into
the Terms and Conditions of Commercial
Archaeologists**

under the

Industrial Relations (Amendment) Act 2015

Introduction

Ibec received copies of submissions from the Labour Court on 30 June 2016 and 6 July 2016 which contained written representations from a number of other parties who had responded in May 2016 to the Court's "*Notice of intention to conduct an examination into the terms and conditions of Commercial Archaeologists*". In the submission from Ibec in May 2016, the right was reserved to submit further responses on behalf of our members once the identity and position of these other parties was known. The following additional submissions are to be read in conjunction with the Ibec submission dated 1 May 2016.

Other parties

We note submissions were received by the Court from

1. Unite trade union
2. Courtney Deery Heritage Consultancy
3. Department of Environmental Science, Institute of Technology Sligo
4. Dr Kieran O'Connor, Acting Head of Archaeology, School of Geography and Archaeology, NUI Galway
5. Professor Gabriel Cooney, Head, UCD School of Archaeology
6. Mr Michael MacDonagh, Chairman, Institute of Archaeologists of Ireland
7. Dr William O'Brien, Professor of Archaeology, University College Cork.

Industrial relations in the archaeology industry

The purpose of the amended legislation is "... *to make further and better provision for promoting harmonious relations between workers and employers*". In line with this, Section 15 of the Industrial Relations (Amendment) Act 2015 specifically provides that the Court shall not undertake an examination unless it is satisfied that any recommendation is likely to promote harmonious in the economic sector concerned.

We note that of the seven responses received by the Court that only one of the parties has referred to a correlation between a proposed review by the Court of this industry and the industrial relations within the industry.

Notably, the responses received from parties in the various educational institutions refer in the main to the challenges for graduates who enter the profession in terms of income levels and the duration of employment assignments. The submission from the Institute of Archaeologists of Ireland (IAI) merely refers to discussions between Unite trade union and employers in the industry and refers also to pay and conditions

of employment in the industry. No position is advanced in relation to the industrial relations within the industry. None of these other parties have submitted or suggested that there is a lack of harmonious relations between employers and workers.

However, the Unite position paints a considerably different picture and asserts that there is a threat of industrial action if an SEO is not put in place. We submit that no such risk exists. It is apparent from the Unite submission that the union has engaged with employers within the sector in relation to pay. Unite have opted to prefer a sectoral collective agreement over individual negotiated pay deals. However, the absence of support for a sectoral pay deal does not infer a lack of harmonious relations within the industry.

Unite submit that they have sought to reach agreement on a "collective agreement with employers in the sector". We dispute that any comprehensive efforts of this nature were made. Our members are aware of only one scheduled meeting on this issue which was notified to employers with very short notice. It should be noted that these employers are dispersed regionally across the breadth and width of the country. We also submit that a sectoral collective agreement is unnecessary and unworkable within this industry for reasons which have been acknowledged by all parties concerned, including Unite. We will address these reasons in further detail later in this submission.

Unite submit that in the absence of an SEO that pay claims may be served on an employer by employer basis. We note that such an approach by a trade union(s) is commonplace across the various industries in Ireland and that no argument has been advanced by Unite as to why this standard approach could not be deployed within the archaeology industry. The legislation refers at Section 15(1)(c) to a "*normal and desirable practice*" of having separate terms and conditions for workers covered by a potential SEO and/or the expediency of such an approach. We submit that no argument has been advanced by Unite or any other party that could reasonably satisfy the requirements of Section 15 in that regard.

We strongly refute the assertion by Unite that a sectoral bargaining approach is required in this industry and that it is the "norm in comparator sectors". We note that no actual comparisons are provided by Unite to support their position on this point. We will outline later in this document, the concerns we have regarding the comparisons that Unite has drawn to advance its position in relation to pay levels in alleged comparative sectors.

As the Court will be aware, there is no legal requirement on any employer to enter in to a collective agreement with a trade union, much less a "sectoral" collective agreement. We submit that such a "sectoral" agreement represents a departure from the norm across industries nationally. The reluctance of employers, as alleged by

Unite, to enter in to negotiations on such an agreement is therefore understandable. Particularly as such an instrument or approach represents a significant departure from the existing norms in the industry and would present considerable practical difficulties in implementation.

We note also the inclusion by Unite of 22 pieces of correspondence received by the union which are portrayed as support for an SEO. We note from reviewing these correspondence that each contains similar phrasing and thus clearly these responses were intentionally sought and the content of the letters/emails was deliberately coordinated. We attach a copy of an email received by an Ibec member in which the campaign behind these 22 correspondences is quite apparent (appendix A). We submit that any support obtained under such artificial circumstances should be disregarded by the Court.

Notwithstanding this, we also draw the Courts attention to the identities of the so called 'companies and employers' who provided these correspondence to Unite. Having reviewed the documents, we note that the majority of persons are employed in a self employed capacity and that the largest of the entities employs just four persons. This correspondence was, in the main, sourced from entities where the principal is the only person engaged year round in the business and therefore this person would not be categorised as an employee or covered by an SEO. We attach a spreadsheet in which we list the size of each entity (appendix B). It is apparent that a proportion of these persons are not "employers" within the meaning of the Act and that all of these entities rely heavily on temporary employment assignments. Thus none of these entities have the scale and headcount to be impacted by an SEO in the same manner as the larger employments in the industry.

Ibec have previously submitted that it is the larger entities where a competitive disadvantage related to wage costs currently exists and that this competitive disadvantage would be increased if an SEO were to be introduced. Thus, contrary to the Unite position, we submit that it is the larger employers (not the one person or smaller entities represented in the 22 pieces of correspondence) that would be at a competitive disadvantage, if an SEO was introduced. As many of these entities do not employ "workers" for significant proportions of the year or at all, the implementation of an SEO would not affect their costs. Rather the implementation of an SEO would give these small entities an opportunity to avail of a significant competitive advantage over employers who employ more staff and employ staff year round. These smaller companies/sole traders do not have the same level of resources and over head as the larger companies, none of whom support the SEO. Some of the entities listed in the Unite submission are also specialist suppliers and are involved in archaeology schools and as such engage in different types of work.

Our members have direct experience of being undercut in tender processes where the price offered by a sole trader entity is lower than the cost of employing at that grade. This low price can be offered owing in part to the ability to charge low daily rates for Site Directors (i.e. themselves).

The Archaeology industry

We note a broadly consistent view across the various parties who responded to the Court in relation to certain characteristics of the archaeology industry.

The prevalence of temporary employment contracts is acknowledged by Unite and by representatives from UCD and UCC and it is further confirmed in the reports referenced in the Unite submission.

We note that Unite have confirmed that the industry consists of a majority of smaller entities who engage between one to five persons and who employ temporary staff when larger pieces of work are undertaken. Unite have also confirmed the existence of high numbers of sole traders who complete any unfinished work themselves once the bulk of the work is finished and temporary staff have ceased assignments.

In relation to grading, we note a consistent and firm view across the majority of parties who responded to the Court that there is no agreed grading system within the industry and that variance of experience and length of service presents a barrier to the implementation of same.

Compliance

We note the confirmation from the IAI and the one other employer who responded to the Court (Courtney Deery Heritage Consultancy) that there is an absence of standards and regulation within the industry.

The perspective of the industry as a necessity for compliance with planning requirements is confirmed by the representative from UCC where in there is a reference to this industry's services as "an impediment to progress". This supports the position advanced by Ibec that demand in this industry is predominantly driven by compliance. This aspect of the industry has contributed to the stagnant nature of pay levels in comparison to more buoyant industries where there demand is driven by numerous factors.

The nature of the archaeology industry is that demand is driven primarily by compliance with national legislation (the national monuments legislation and the planning laws). This legal compliance is an additional cost for developers and construction companies on which they place little benefit or value.

A further characteristic of the industry is that there is an absence of regulation of services and an absence of inspection of compliance within the industry. This lack of industry standards/regulation means that practitioners and/or customers of archaeology services are not driven to seek work of a particular (high) quality. While prosecutions are possible under legislation, we believe that these are extremely rare and therefore service providers within the industry can operate to the standard they desire with little risk of regulatory breaches or fines happening upon them. To this end, we have submitted an FOI request to the Department of Arts, Heritage and the Gaeltacht and the Office of Public Works and await further data to support our position.

While the demand for archaeology services does increase when there is an increase in construction activities, the increase is not by any means equivalent. If more construction projects require 'compliance', it remains the case that the value attributed to archaeology by developers and others is such that they do not seek expertise or high quality due to the perceived value of the service and the lack of any regulatory requirement to do so.

We note that Unite have argued that there is a need for archaeologists in Ireland who can complete the contracts "*Satisfying Irish planning and EU directives on environmental impacts*". However, owing to the lack of regulation in the sector, there is often no specific requirement for these environmental impact assessments to be carried out by archaeologists with any given level of experience and/or any specific expertise in that type of work, or indeed actual archaeologists at all.

Demand for services in this industry

We note that Unite have submitted views in relation to the economic situation within the archaeology industry. We note that the data for same is drawn from an unreferenced 2006 publication and construction projects in the UK/London.

Unite have projected that archaeological activity will increase along with construction and infrastructure projects. Unite have argued that as the amount of construction activity and infrastructure projects increase, that the archaeological activity will benefit from a corresponding increase. We submit that this is wholly inaccurate. The correlation drawn by Unite between this industry and the construction industry is of grave concern and fails to address the significant differences between the two. We submit that while demand for archaeology is driven by construction that any growth in the archaeology industry is greatly hampered by the differing nature of that industry. For example, where a large office block is built in Dublin with a value of €50 million, there may only be archaeological monitoring required. This would involve just one person with and a cost of €5000 - €10,000. Therefore the percentage of a construction project value that involves archaeology

can be very low and short in duration. Where archaeological services are engaged, they are generally carried out at the beginning of a construction project and rarely continue beyond that point. This differs from the construction work which continues for the duration of the project.

The demand for archaeology services is driven primarily by compliance and the commercial reality of business means that unnecessary costs are avoided. Therefore the demand for archaeology services will not grow at comparative levels to the construction industry. We submit that as has been the predominant characteristic of the sector during good and bad times that archaeological work will continue come in peaks and troughs. We note a very recent limited upturn in activity levels for certain employers that Ibec represent based on their success in securing some of the very limited projects of scale available in recent months. However for other employers that Ibec represent, the same temporary upturn has not been experienced. Crucially, this upturn in activities, which has emerged in the last few months, has enabled certain employers to revise pay and/or conditions upwards in their employments. While these upward revisions do not compare with the excessive pay increases and other demands in the Unite submission, we submit that this recent development supports the earlier position by Ibec in May 2016. The ability of certain employers to enhance pay was and will remain an uncertain and unpredictable event that is driven by factors such as the availability of projects of a certain type, scale and/or a frequency in the geographical region in which that employer operates. These are factors that are outside of an employer's control and therefore the current tentative improvements in pay experienced in certain employments are underlined by significant uncertainty regarding future demand in the industry. An instrument such as an SEO which imposes a singular increase in pay and/or benefits across all employers is therefore inappropriate.

Unite have also argued a contrary point where they state that there is a difficulty in retaining archaeology staff. Unite claim that there is a shortage of archaeologists in the industry and they further claim that current wage levels make it impossible to retain the skillset and experience needed to deal with major projects that arise. This view point is not supported by any data and conflicts with the earlier view espoused in the Unite submission and confirmed in the reports referenced which is that there is not enough available work in the industry to sustain employment throughout the year for the majority of persons working in archaeology. We point to the DISCO and WGRPR reports (referenced comprehensively by Unite in their submission) which contain survey data that confirms a predominance of temporary work assignments (WGRPR report), the unavailability of work year round (WGRPR report) and high levels of fixed term contracts (DISCO report). Notably, neither of these reports reflects the Unite view that there is a shortage of archaeologists. We submit that archaeologists are operating in a sector with an adequate supply of labour for the work available. Notwithstanding this, we also submit that where skill shortages do

exist that supply and demand factors would naturally lead to a market led increase in pay in order for employers to compete for candidates and to address retention issues. Furthermore we submit that the implementation of an SEO in the industry does not correlate with an increase in the supply of qualified archaeologists.

Grading proposed by Unite

Unite have commented that a major advantage of an SEO would be to "formally define the minimum competencies and qualifications" for the three grades of staff that they have proposed. We submit in the first instance that nowhere within the legislation is such an option provided for. Section 16 of the Act specifies the areas on which the Court can issue a recommendation and the introduction of new grades is not contained here. Any such exercise by the Court would fall outside the purpose and intention of the legislation.

We also note that Unite have confirmed that archaeologists carry out a "multitude of tasks" on a day to day basis, from 'craft work' to higher level jobs. This confirms the view expressed by Ibec and by the other employer who submitted to the Court, which is that archaeologists in practice carry out varying tasks as needed, which do not necessarily correlate with the individual's length of service or expertise. We also note that Unite have stated that the 'site director' role is only role that is subject to national legislative guidelines. This in fact refers to the requirement for one person on a site to hold a license for evacuation and to bear personal legal responsibility for an archaeological dig. This legal requirement is not akin to a grading of that role.

We note that the IAI has also confirmed the view expressed by Ibec which is that there is no professional grading within the industry and that there is a broad range of job titles and grades which have emerged over time.

Despite this, we note that Unite have created/selected job titles, responsibilities and qualifications and attempted to create a grading system for the industry. This is an extraordinary step for a trade union to take in the absence of any consultation with employers in the industry and other relevant parties. We refer to the fact that the IAI, the representative body which engages with employers and employees in this industry has failed to agree a consensus with its members as to what grading structure would be appropriate. We submit that it is not for Unite or for the Court to assume the responsibility of creating a grading structure for this industry. The tasks/competencies assigned to the grades suggested in the Unite submission are not agreed nor are they practicable. The proposed grades combine site based and office based work in a manner that is not reflective of practice.

We note also the reference by Unite to Transport Infrastructure Ireland (TII). The grades which TII use encompass mainly site staff and some excavation related office

based tasks. The TII model has a very narrow focus and does not deal with office/consultancy staff. Therefore the grades used by TII have not been drafted in the context of a holistic appreciation of the sector and the types of work done and rather reflect the TII's particular needs only.

The proposed Unite grading would tie employers in to a system where length of service is the predominant criteria for grading and which does not reflect the accumulated skills and expertise of the employee. This grading system does not take account of the nature of the sector where persons multitask and for example, a "supervisor" may need to undertake 'assistant' tasks if there is no supervisor work available.

This arbitrary attempt to impose grading in to the sector is quite concerning and unworkable. We note a proposal from Unite to merge two Archaeological assistant grades which the union had proposed as separate grades previously in a correspondence to employers (appendix C). This again demonstrates that the grading proposal is driven by a need to create a basis in which an SEO can be implemented.

We note that Unite refer to method statements which are sent to the Department of Arts, Heritage and an Gaeltacht (now the Arts, Heritage, Regional, Rural and Gaeltacht Affairs) in relation to archaeological licence applications. These method statements may give an indication of the proposed team structure, including grades of staff, however there is no definition of grades from the Department and no oversight of the team structure actually deployed on site. In fact the main concern of Department is that the work is carried out to appropriate standards, not that it is carried out by particular grades of staff other than the licence holder and any relevant specialists.

To further demonstrate our point, the following represents an attempt to sub divide the work currently undertaken in archaeology companies. In terms of field work/site work, the following job roles exist in various companies; 1) Archaeologist/Site assistant, 2) General Operative, 3) Site supervisor, 4) Site director, 5) Senior archaeologist and 6) Surveyor.

There is less commonality of job titles off site and persons can be employed as 1) Archaeologist, 2) Researcher, 3) Consultant, 4) EIA archaeologist, 5) project officer, 6) post-excavation archaeologist, 7) post-excavation manager, 8) specialist (numerous types), 9) CAD technician and 10) Illustrator.

We submit therefore that the proposed Unite grading does not capture the actual variety of roles within the industry. In practice, permanent staff multi-task and have acquired a broad skills set over the years. Long-term permanent staff have received

training over the years in the various tasks undertaken within the company and they are retained for this reason. However these higher grade staff may undertake lower-level work when there is no other work for them.

In stark contrast, the Unite position appears to be that a person's job title correlates with their skillset. The archaeological companies represented by Ibec prefer to fill available roles with experienced archaeologists (rather than inexperienced). A practice of assigning lower level work to more experienced employees is manageable at the current pay-scales. This will not be possible at higher rates and it would most likely result in either companies losing money and/or letting their full time staff go and hiring in contract staff for specific tasks as required rather than retaining staff at a higher cost than is economically viable.

In many cases, the contracts of employment for these long term staff, who were in many instances taken on by the companies several years ago when job titles did not bring any defined benefits, will state that they are archaeological directors, or supervisors, or managers. Their salaries have been individually decided on and will reflect the ability of the company to pay. Most have been reduced during the recession by mutual agreement. However, the tasks that they are carrying out do not all require a high level of training or experience and many could be undertaken by a fresh graduate or even a school leaver. Therefore if an SEO were to be implemented there would be immediate issues where a person's stated job as per their contract or the person's day to day tasks do not fit with the grading proposed by Unite.

Pay in the archaeology industry

We note that Unite have relied on the output of an online survey (survey monkey) to substantiate their position in relation to pay levels within the industry. We note that the Unite written submission to the Court refers to three online surveys (December 2014, June 2015 and December 2015), however there is just one page in the appendices entitled "Wage Tracker 3- December 2015".

This December 2015 survey has 73 useable responses for wage data split across five categories. Within this there are four categories with less than 15 responses and we submit that the usefulness or representativeness of any of this data is highly questionable.

We note that this December 2015 tracker states that "the commonly used figure for low pay in Ireland is calculated as €12.20 per hour (Eurostat 2012)". We dispute this. This figure is the threshold for 'relative low pay' set at 60% of the median pay across the whole economy.

The OECD and Eurostat regard a person as being relatively low paid if they earn less than 60% of the median wage in a country. By this measure Ireland does have high levels of 'relative low pay'. This statistic, however, is used in a wholly misleading way in public commentary and is not a useful guide for assessing Ireland's true standing when it comes to the economic or social outcomes of employees at the bottom of the income distribution. When it comes to 'relative low pay' Ireland is a victim of its own success in creating many high quality jobs in its exporting MNE sector as well as wages well above the European average (despite low productivity) in its domestic sectors.

The median Irish worker has the second highest hourly pay in the EU. Relative to this high median wage a large proportion of lower paid workers in the relatively lower paid and low productivity domestic facing sectors fall below the arbitrary "low pay" threshold. Bringing many of these workers above this threshold, which is €3.78 (52%) above the EU average, would be economically unviable in Ireland's low productivity domestic facing sectors. This is particularly true given that workers in these sectors are already amongst the highest paid in Europe in both nominal, purchasing power and productivity adjusted terms.

While we question the statistical validity of the Unite data, we also note that the Unite trackers show that all three grades referred to have enjoyed increases in hourly rates in the period from December 2014 to December 2015 (an increase of 9% for Archaeological Assistant and 11% for Archaeological supervisor). We submit that this supports our position regarding wages moving in line with normal market factors.

We note also that Unite have referred to 2007 as a valid comparative time period. We find this approach highly unusual given the elapse of nine years and the existence of highly different international and national economic circumstances. We question the Unite statement that Irish archaeologists have to travel further in 2016 than in 2007. We also submit that a claim for higher wages owing to the unavailability of work year round fundamentally misunderstands the market forces that have prevented employers from employing staff on a permanent basis.

We also note that Unite have relied heavily on two external reports to substantiate their position in relation to pay levels within the industry.

The first report referenced by Unite is the Interim report of the Working Group for the Review of Pay Rates 2014 (WGRPR). We note that this report was compiled by a self appointed voluntary working group of individuals, some of whom were members of The Institute of Archaeologists of Ireland and two of which were Unite members.

The IAI is a voluntary representative organisation of which professional archaeologists in either jurisdiction within the island of Ireland can become members. A member of the IAI can avail of access to publications, events and other resources. The IAI has in the region of 300 members with differing levels of membership. Not all of these members work in archaeology, rather they may have joined previously and continued to maintain their membership.

The WGRPR report was compiled in 2014 based on data gathered in relation to the period July 2012 to July 2013. The responses gathered were predominantly from employees (185 responses) with just 16 employers responding. The purpose of the review, as stated, was to review pay rates in the industry in comparison to other similar professions, to propose new pay rates/bands and to assess whether any new pay rates can be successfully implemented. Unusually, the brief assigned to the group while recognising that it may not be possible to implement any new pay rates also sought that the group would propose new pay rates. The group was asked to produce an interim report on these matters.

The working group commissioned three different email surveys which sought certain data from recipients. The data gathered for the report findings confirmed certain existing realities for archaeological professionals and to this end the data in many instances confirmed what employers and employees in the industry knew to be true. It should be noted that response rates are very low in certain areas and therefore the statistical validity of much of the findings is highly questionable. Further, the use of already small samples to breakout further sub-sample as done throughout the report means that anything past the high level figures is likely to have substantial margins of error.

Notwithstanding this, it is noted that the report confirms that is little scope for an increase in pay or other benefits as companies operating in this industry have seen a reduction in available work and competitive tendering which has led to decline in tender prices. The majority of respondents to the survey confirmed that there is not enough available work for them to work on a full time basis (section 2.3.2).

In line with their mandate, the working group who compiled the report did suggest minimum rates of pay for certain roles. The report had identified 13 different job titles in addition to a category of 'other' for less common job titles. Due to insufficient responses from individuals in certain roles, the report concentrated on three roles where sufficient data was available, whilst also noting that there were considerable fluctuations among archaeologists with the same job title and the same duration of employment. It should be noted that an insufficient level of responses does not infer that the three roles chosen are representative of the variety of job roles across the industry.

The report recommended minimum pay rates for five positions at table 5.4 at section 5.3 (site assistant grade 1, site assistant grade 2, supervisor, site director/project officer, project manager and specialist). This recommendation was made on foot of the identified low rates of pay in the industry and a stated need to value archaeology as a profession "irrespective of what are considered market forces" (Section 5.4). This quote is very telling. With this statement, the report essentially admits that its recommendations are aspirational rather than based in any economic reality. For the avoidance of doubt, the employers supporting this submission agree that a higher monetary value should be placed on archaeological work which preserves and protects Ireland's monuments and heritage. Regrettably, that value is not available in the work currently on offer within this jurisdiction. Until this situation changes, pay rates must remain at a level which is realistic and affordable for employers.

It should be noted that there are fundamental difference between archaeologists and the disciplines (engineering in particular) to which this WGRPR report refers to as cognate. There is a lack of qualified people in these sectors and the work they undertake has far higher value added in terms of economic output. As such they get paid higher. Archaeologists were at that time operating in a sector with a large oversupply of labour and where value added is cultural rather than economic. It is submitted that the pay rates in table 5.1 are aspirational at best and based on misleading comparisons with what others in demand professions might be paid.

The WGRPR report recognised that any model for grading of staff would need support north and south of the border. The report failed to outline minimum qualifications experience for the five roles that it concentrates on and did not contain the requested detailed assessment of whether any new pay rates could be successfully implemented.

Rather the report outlined issues for consideration (section 7.1) which included seeking endorsement of the minimum recommended rates of pay and convening discussions with statutory authorities in ROI and NI regarding definitions for archaeologists and sub grades of that role. The IAI have confirmed in their submission to the Court that the institute has maintained neutrality on the issue of pay and conditions and that the 2014 report merely formally assessed the pay and conditions.

The pay rates in the WGRPR report were/are aspirational only and the report certainly was not produced or discussed or voted on in the context of it being used for IR purposes such as an SEO. We submit that the report was not 'ratified' as suggested by Unite; rather the report was ratified by the individuals who were in the room at that AGM and was not ratified by corporate entities.

We note the inclusion by Unite within their submission of a document that appears to contain minutes of a meeting held by the IAI to discuss the WGRPR report on 5 April 2014 (at Unite appendix 1). It is quite apparent from reading these minutes that there was no agreement on pay in the industry and that parties present also referred to the lack of agreement on a grading system for archaeologists. The detailed minutes of this meeting display a very apparent lack of agreement amongst the attendees on the recommendations of the Interim report. It is noted that members and non members of IAI were requested to submit their comments on the interim report within 2 weeks of that meeting.

We note the inclusion by Unite of a document entitled Written Responses to the WGRPR report (received on or before 28 April 2014) (at appendix 1). This document contains the written views of five separate parties of varying backgrounds espousing their personal and/or professional views on the interim report. We submit that these responses have no other status than that of a record of views of five parties who opted to submit their views to IAI. These views again confirm a lack of agreement and cohesion on the recommendations of the interim report.

Unite also refer to a report entitled Discovering the Archaeologists of Ireland 2012 - 2014 (DISCO 2012 - 2014)¹. We note that report was commissioned as part of a transnational project with the objective of surveying the archaeological profession across Europe. Ireland was one of 12 EU member states in which a survey occurred and data was gathered for the report in 2013. Based on the data gathered the survey estimated the number of archaeologists employed in Ireland as 338 (75 employed in large companies, 28 employed in medium companies, 65 employed in small company/sole trader, 54 employed in national bodies, 16 in local authority, 80 in Educational and research bodies and 20 in museums). Similar to the WGRPR report, the data gathered in the DISCO report does confirm certain aspects of the industry. This report does not attempt to make recommendations in relation to the sector. This report confirmed the prevalence of short term assignments and the lack of availability of full time work.

Both of these reports capture to an extent the reality of the archaeology profession and industry. However the reports do not distinguish between employees and independent contractors. These reports do not examine whether entities/companies referred to are actually employers (that is an entity that actually employs employees under contracts of employment). Neither of these reports considered the impact on employment and competitiveness in the sector as a result of any change in minimum pay rates nor is there any consideration of industrial relations within the industry.

¹ http://www.discovering-archaeologists.eu/national_reports/2014/IE%20DISCO%202014%20Ireland%20national%20report%20english.pdf
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Comparators

Section 16 of the Act provides that when making a recommendation, the Court shall have regard to *"the general level of remuneration in other economic sectors in which workers of the same class, type or group are employed"*.

We note Unite have undertaken to compare employees in commercial archaeology to those employed in the public sector, a comparison that is clearly devoid of any similarity of commercial reality. We submit that a realistic comparison cannot be drawn between the Irish government as an employer and the private sector employers within the archaeology industry, who by Unite estimates number just 47 and who are predominantly employing five or less staff. We also submit that engineers as a profession are not comparable to archaeologists. The level of accreditation and responsibility is higher for engineers and the work is quite different.

We note the reference by Unite to the construction sector. We submit that the workers referred to (mechanical craft worker, electrical craft worker and technical operatives) are not of the same class, type or group as commercial archaeologists. We submit that Unite have acknowledged this as they state that the "qualification structure differs radically" in construction.

We also note that Unite have drawn a comparison to the pay levels in the industry in the UK, whilst also stating that external competition is rare within the industry due to the unique nature of the cultural heritage and differences in local legislation. The basis of the comparison between these two very different sized industries operating in two different economies is therefore wholly unclear. Notwithstanding this, we note that there is no legislative instrument regulating pay within the archaeology industry in the UK.

The Chartered Institute for Archaeologists (CIFA) is the leading professional body representing archaeologists working in the UK and has in the region of 3,100 members across all sectors and more than 70 registered organizations (RO's) notwithstanding this there are 300+ archaeological companies in the UK. RO status is a requirement when tendering to certain bodies in the UK. RO's have to adhere to the CIFA pay minima for staff to retain their RO accreditation. CIFA also have recommended pay levels which are generally not paid. The pay minima which have to be adhered to are at similar levels to the equivalent Irish pay rates.

CIFA have three levels of membership which are 'member' (MCIFA), 'Associate Member' (ACIFA) and 'Practitioner member' (PCIFA), the latter of which has the

highest level of professional responsibility and competence in line with the CIFA competence matrix (appendix D).

The 2015/16 minimum salary recommendations for these three levels² are

- | | | |
|----------|------------|--|
| 1. PCIFA | £17,646.00 | (equates to € 20,391.28 ³) |
| 2. ACIFA | £20,561.00 | (equates to € 23,759.78) |
| 3. MCIFA | £26,568.00 | (equates to € 30,701.32) |

Equating these roles to the site assistant, Site supervisor and site director roles which Unite have focused on in their December 2015 wage tracker and utilising the 37.5 hour week that Unite have suggested, one can see that the Irish salaries are in fact higher for all three roles.

- | | |
|--------------------|---------|
| 1. Site Assistant | €22,425 |
| 2. Site Supervisor | €25,662 |
| 3. Site Director | €32,448 |

It should be noted that there is no standard working week across the Irish archaeology industry and that some employers represented by Ibec utilise a 40 hour working week.

We note that Unite have also focused on the website of the British Archaeological Jobs & Resources (BAJR) for the basis of their comparison with the UK industry. This is an online archaeology jobs portal where companies post job adverts. BAJR has recommended minimum pay for each grade and posts comparisons of packages being offered by different companies. The website has guides and training resources for archaeologists.

A review of this website confirms that the proprietor's intent is to maintain a single minimum below which no fulltime position (non trainee) can be advertised (appendix E). Interestingly, the BAJR comment that a "blanket site staff rate that is used by the majority of contractors does not seem to take into consideration the skills and experience that is accrued by those with several years of fieldwork and other skills".

The BAJR set out a single minimum rate of £17,650 (€ 20,395.90⁴) per annum which is described as a "statement of intent to accept only those adverts that lie above the minima". We submit that the very clear intention of this minimum and others set out in the website must be noted by the Court. Further, the minimum BAJR rate compares favourably with the Unite data for Ireland.

² <http://www.archaeologists.net/practices/salary>

³ Conversion rate of 1 euro to 0.86537 pound sterling. conversion rate applicable on 20 August 2016

⁴ Conversion rate of 1 euro to 0.86537 pound sterling. conversion rate applicable on 20 August 2016

Finally, we submit that none of the comparators relied upon by Unite constitutes "*workers of the same class, type or group*" as provided for in the Act. We submit that this language is specific and that broad ranging comparisons such as those undertaken by Unite or those referred to in the WGRPR report are misleading. Notably, the latter recognised that "Comparisons with cognate professions are difficult as no single profession necessarily provides the best fit for archaeology" (section 4.5).

Impact of an SEO

Of the responses received by the Court, we note differing views on the proposed review by the Court of the industry.

The representations received from the parties in four educational institutions, whose predominant view of the sector is driven by the experience of new graduates in the sector, is helpful to confirm that the industry is undervalued from a heritage and cultural point of view. However we submit that these four parties are not employers and they will not face any statutory requirements as a result of an SEO. Therefore their views have to be considered in light of their role as educational institutions. These views do not represent the commercial concerns of businesses within the industry and do not take account of factors such as competitiveness and unemployment levels where an SEO to be introduced. We also note that the majority of these responses welcome a "review" of the sector, rather than referring to any enhancement in terms and conditions.

We note a significant convergence of views on the employer side. We note that Courtney Deery Heritage Consultancy recognised that commercial success is directly attributed to the flexibility within the company to work at different tasks or varying levels in order to deliver a project. We fully agree that the implementation of an SEO would restrict a company's ability to react to external forces in the economy and that implementation of an SEO would present significant challenges.

We submit that it is apparent that the views reflected in the Unite submission are those of the persons who would receive higher wages and benefits or who would benefit commercially by virtue of their introduction within the sector.

In actuality, any SEO would impact on a small number of employers disproportionately and the costs of pay hikes and increased sick pay/pension costs would be prohibitive to the continuation of these businesses. Companies that currently employ full time staff already operate on a tight margin and any increase in pay costs has an immediate impact. Archaeology is very labour intensive business both on site and off site and the majority of costs are wage related. Smaller entities

which rely on the principal undertaking the majority of tasks (essentially a self employed arrangement) and which may take on employees or independent contractors on a short term as needed basis only would not be so severely impacted.

The net result of an SEO would be lower levels of employment and, in particular, a reduction in permanent jobs for the most experienced and longer serving employees. It has been accepted that temporary work rather than permanent work is commonplace in the industry. We submit that a reduction in permanent roles would not only be damaging to employment levels but it would lead to a loss of knowledge and experience across the sector.

The IAI have confirmed that employers in this industry are tied in to existing fixed price contracts which would make the potential implementation of an SEO commercially damaging to those businesses. Many employers across the industry are tied in to these existing commercial contracts. For example, Irish Water has this year established a framework for archaeological suppliers. The qualification criteria for this were purely based on lowest price. This framework is fixed for three to five years. If an SEO were to be implemented, the companies on the framework would be in a loss making situation for any work done for Irish Water. We note that the other employer who responded to the Court (Courtney Deery Heritage Consultancy) also echoed this view.

The conduct of business across the border in Northern Ireland as referenced by Ibec and the IAI is an important market for Irish companies, one that would be difficult for them to enter if an SEO created legal minimum higher salaries in ROI. For most projects it is necessary to use either full-time or temporary staff who are based in the Republic of Ireland. As the SEO will not apply to NI companies, then companies based in the Republic will be at a competitive disadvantage when tendering for projects in Northern Ireland and would effectively be cut out of this market. This situation would also have a negative knock-on effect on employment.

To a lesser extent archaeology companies also undertake projects in the UK. The same issues as NI would also affect these Irish companies and would create difficulties in tendering competitively in the UK.

It is noted that due to the nature of this industry, there would be no manner in which to police the application of an SEO in smaller entities and thus the larger employers would be most impacted. This would detrimentally affect the ability of those employers to be competitive. The reality is that a one man operation or a two man operation acting as a partnership will be able to significantly undercut the employer companies in tender applications.

It is submitted that these entities which have one or two principals are by default operating with enormous flexibility. In the absence of permanent staff other than the company owners/directors, all tasks from answering the phone, through fieldwork to post-excavation and reporting is undertaken by the principals.

These people are almost invariably licence eligible and would therefore, if employed elsewhere, be included at the highest grade proposed by Unite. These small companies generally take on additional staff, usually at the lower grades (assistant and sometimes supervisor) when larger fieldwork projects arise. These staff will be on fixed term contracts or will be independent contractors and will often only be taken on for the fieldwork, working under the direction of the principals and being let go after a week or two once the excavation is finished. If a project is particularly large a small number of lower grade staff may continue with the business to do some of the more labour intensive post-excavation tasks such as sieving samples and cleaning artefacts. The principals will then finish the other elements of the projects themselves, undertaking a wide range of tasks, each for a short period of time. If an SEO were introduced and had the effect of increasing the minimum rate of pay for certain grades of staff, these short term employment contracts, will by necessity be offered for shorter duration and at lower grade roles. Thus the impact on levels of employment is highly likely to be negative.

A further feature of the archaeology industry is that many persons are self employed. The nature of archaeology is such that it lends itself to the use of independent contractors. If an SEO were introduced it is submitted that this overly rigid pay structure imposed by statute would likely increase the instances of self employment. This would serve to reduce the employment levels in archaeology.

These employers represented by Ibec are extremely concerned about their ability to remain competitive if an SEO is introduced. These employers together employ large numbers of full-time staff in the industry and they are already competing against sole traders/small companies who are trading with little or no overhead. Often these companies/individuals are operating on a part-time/ basis as opportunities arise, where they have work outside archaeology to supplement their income and they dip-in and dip-out archaeology as the opportunity arises. Many of these operators are self-employed and are not subject to the PRSI, annual leave costs, etc. that larger companies are. It is accepted that any SEO rates will apply to smaller companies if they are actually employing site staff once they win a piece of work but those staff will be let go once that job is over while the larger companies will still retain full-time site staff once the job is over. This will impact on the financial viability of these larger employers.

Contents of a recommendation

Section 16 of the Act provides that a recommendation by the Court may provide for pay and employment conditions. We note the Unite list of requested enhancements in pay and conditions and submit that the purpose of the legislation is not to process pay claims or related claims for enhancements in terms of employment. Of the list of demands, we submit that they are made without any consideration of the commercial impact and conditions in similar industries and professions.

We submit that Unite's request to the Court to introduce significant and wide ranging improvements in pay and conditions which includes over time rates, weekend rates, mandatory membership of a construction workers pension scheme and a sick pay scheme is wholly unreasonable and divorced from the reality of this industry. For the avoidance of doubt, the employers represented by Ibex cannot support or implement sector wide pay increases in the magnitude suggested by Unite, much less these further and additional wage costs. This list of demands was also not referenced in Unite's earlier correspondence to employers in the sector.

In particular as it relates to pay levels, we submit that employees working in this industry may have significant lengths of service that is not aligned to the seniority of their role. There is no recognised standard or skill with the exception of the license from NMS which is only needed by certain persons within an archaeology company. Thus there is no clear basis on which the Court could recommend rates of pay.

Conclusion

In conclusion we submit any review of this sector for the purposes of considering an SEO must be a broad ranging exercise informed by economic considerations owing to the particular and extensive powers that this legislation allows for which can result in pay and conditions across an entire employment sector being amended.

We point to the fact that this request to the Court has been made on a unilateral basis and that therefore there is a particular responsibility to consider the views of those who were not represented in the initial request.

We also refer to the unregulated and fragmented nature of this industry and submit, consistent with the views of the majority of others parties, that this would need to be addressed, before an SEO or any similar instrument could even be considered.

ENDS

Appendix A

From: Jean Odewald <jean.odewald@hotmail.com>
Date: 12 January 2016 at 14:37:13 GMT
To: Info <[\[REDACTED\]](#)>
Subject: Email Template as Discussed

Hi [\[REDACTED\]](#)

Re conversation, below is a template only, use as is or as a guide. Richie is the man to email it to (email below). Thanks for the continued support!

Jean.

I we are an archaeological consultancy practicing in the Republic of Ireland. We support the idea of a Sectoral Employment Order for the commercial archaeological sector in order to set reasonable minimum rates of pay for archaeologists employed in it. We agree in principle with the rates proposed by Unite the Union. We cannot agree to a rise in rates which would not apply across the board as this would produce an unacceptable advantage for our competitors.

Yours etc.

To:

richie.browns@unittetheunion.org

Appendix B

List of companies who provided letter to Unite

	company	signature	number of ees
1	Aegis	Frank coyne	4
2	ACAS	Aisling Collins	1
3	Archaeological Projects Ltd	Clare Walsh	2
4	Archaeology and built hertigage	Franc Myles	2 to 3
5	Archaeology Plan heritage solutions	Antoine Giacometti	4
6	Archaeological Service Provicers Ltd	Ros O Maolduin	1
7	Alantic Archaeology	angela wallace	2 to 3
8	Byrne Mullins and associates	Clare Mullins	2
9	Citywest Archaeology and heritage consultancy	Stephen Johnston	1
10	Dermot Neils Archaeology	Dermot Neils	1
11	Eachtra Archaeological Projects	John Tierney	2 to 4
12	Earthsound archaeological geophysics	James Bonsall	2 to 3
13	Icon Archaeology	john kavanagh	1
14	John purcell archaeology consultancy	John purcell	1
15	Judith carroll & co	Judith carrol	2 to 3
16	Kilkenny archaeology	Coilin O'Driscoll	2 to 3
17	Lane Purcell Archaeology	Avril Purcell	2 to 4
18	Sligo leitrim archaeology services	marion dowd	1
19	Mary henry archaeological services	mary henry	2 to 3
20	Munster Archaeology	Aidan Harte	1 to 2
21	Reliqua Archaeology	Neil O'Flanagan	1
22	SIA	Mark Kelly	educational entity

Appendix C

Unite Ireland
66/66 Middle Abbey Street
Dublin 1
Republic of Ireland
Tel: 01 852 4801/4801/4801/4801/4801
Fax: 01 852 4801/4801/4801/4801/4801



Republic of Ireland Head Office

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

30th October 2015

Dear Sir/Madam,

We are writing subsequent to our recent efforts to arrange talks on the future pay structure of Irish commercial archaeology. Having recognised the importance of this initiative, the IAI kindly agreed to chair the talks. Unfortunately however, talks have not taken place to date.

We would like to thank those companies who have committed themselves to this process and also to those that already pay reasonable rates and who have wished us well with this initiative. Many other consultancies, however, failed to respond in any way to our invitation; the third such invitation aimed at moving towards a collective agreement in the archaeological sector. Because of the reluctance of some companies to participate, the talks did not proceed. Consequently, we now outline our path towards securing fair and reasonable pay rates

We aim to achieve minimum rates of pay for four main grades of qualified archaeologist. The proposed minimum pay rates are aimed at reaching the IAI minimum recommended rates over a series of stages (Table 1).

Table 1: Pay claim minimum rates for archaeologists

Position	Hourly rate (€)
Archaeological Trainee	€11.50
Site Assistant/Post-excavation Assistant	€15.85
Site Supervisor/Post-excavation Supervisor	€19.00
Excavation Director/Project Officer	€26.85

The proposed minimum rates would apply for a three year period before being reviewed. The rates recognise that archaeologists are highly qualified professionals who work in precarious jobs, typically with contracts of fluctuating length and often without any compensation for subsistence or accommodation. Yet at the same time these professionals are expected to be highly mobile, flexible and committed.

The competencies for these roles are detailed below (Table 2).

Table 2. Minimum competencies for specified roles of archaeologists

Job/membership category	Responsibilities	Expected experience/qualifications
Archaeological Trainee	Capable of performing tasks assigned to them by and under supervision of senior staff	Newly qualified to qualified archaeologist with less than 6 months archaeological experience
Site Assistant Grade 1	Responsibility for all tasks assigned to them by site supervisor/excavation director. In office they may work on entering data from excavation, processing data and gathering information for assessments	Qualified archaeologist with greater than 6 months postgraduate archaeological field experience
Supervisor	Assist Excavation director/Post Excavation Manager in proper conduct of excavations or post excavation and the management of archaeological staff. Can monitor machinery in consultation with a licensed site director. In office they may work on archaeological reporting and impact assessments	Fully qualified archaeologist with minimum two years postgraduate field experience. This is also the minimum grade for those involved in archaeological impact assessments.
Excavation Director	Responsible for carrying out excavation in accordance with agreed methodology and good professional practice, managing excavation staff, overseeing post-excavation, managing Health and Safety on-site. In office responsibility for overseeing archaeological assessment, reporting and publication	Fully qualified archaeologist, min. level 7 (HETAC) or equivalent qualification in archaeology or equivalent discipline; fully qualified archaeologist eligible to receive a licence from Dept of AHG; have at least 5 years postgraduate field experience


We now intend to immediately ballot our membership to seek their support of the rates outlined above and these rates should be regarded as our pay claim. If accepted by the membership we reserve the right to take appropriate industrial action in furtherance of our claim.

We will next prepare documentation in order to make an application to the Labour Court for a Sectoral Employment Order under the Industrial Relations (Amendment) Act 2015, which if successful, will be binding on all employers within the sector.

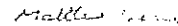
We remain available to discuss our pay claim; however, after the end of November 2015, and in the absence of any meaningful discussions towards reaching an agreement, we will proceed with our application to the Labour Court in addition to progressing our pay claim up to and including industrial action.

We look forward to your response.

Yours sincerely,



Richie Browne
Regional Co-ordinating Officer



Matthew Seaver
Branch Chair

Appendix D

Matrix of technical competence – to be used when writing a statement of competence

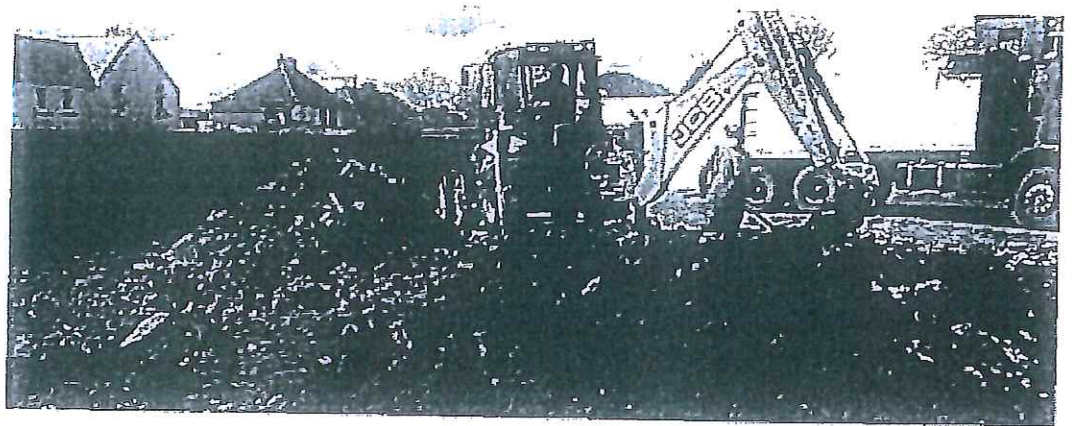
	Knowledge	Autonomy	Coping with complexity	Perception of context
Practitioner (PCIFA)	Good working knowledge of key aspects relevant to area of historic environment practice, and competence in its application	Some responsibility for achieving tasks using own judgement and autonomy, whilst working under general supervision. Collaboration with others is expected	Appreciates complex situations within the role held and able to achieve partial resolution alone. Some activities are complex and non-routine*	Sees actions as a series of steps and recognises the importance of each role in the team
Associate (ACIFA)	High level of working and background knowledge relevant to area of historic environment practice and a broad range of activities within that area	Considerable responsibility for own work using own judgement and autonomy, in a wide variety of contexts, but within an established framework. Control or guidance of others may often be required	Copes with complex situations through deliberate analysis and planning. Most activities are complex and non-routine*	Sees actions at least partly in terms of longer-term or wider goals
Member (MCIFA)	Authoritative knowledge and depth of understanding of sector and a broad range of historic environment practices	Substantial autonomy, takes full responsibility for own work. Where applicable, will also have significant personal accountability for others and/or the allocation of resources, in a wide variety of contexts	Deals with complex situations holistically, demonstrates confident decision-making in a broad range of complex, technical or professional activities	High level of understanding of overall 'picture', sees alternative approaches and how they might be tackled

*We recognise that evaluations, desk-based assessments, watching briefs, conservation plans, environmental assessments, etc, can be complex pieces of work.

Appendix E



Pay and Conditions - 2016 / 2017



DAVID CONNOLLY
BRITISH ARCHAEOLOGICAL JOBS & RESOURCES

WWW.BAJR.ORG

A better future for archaeology are becoming realities with several initiatives bearing fruit and a greater acceptance that skills and training as well as reward will be key to the longterm future of the profession ; major infrastructure projects and the upcoming HS2 for example. Though we are conversely losing curatorial posts - an essential part of ensuring archaeology is carried out and carried out well

Recognition of this does of course need concrete proposals followed by action.

Following on from last year BAJR will continue to;

1. Maintain a single minimum below which no fulltime position (non trainee) can be advertised.
2. Support and promote the methods of gaining and recording skills required for work in the commercial sector via the Skills Passport (*in addition to the various internal company schemes*)
3. Promote the commercial companies for the additional benefits they offer AND the need for archaeology within a developer funded setting.

The recommendations on advertising archaeological jobs, and on travel and away work have been accepted by BAJR which now requests details on accommodation, travel and subsistence for work outwith the standard radius of the main office (normally more than 1 hour drive from the main office)

The payment and insurance for drivers must be considered.

BAJR Grades have given a sense of progression in the past, and should continue to be used to gauge the level of responsibility required; However a single minimum will continue to be applied that represents the most basic grade – the G2 – where a person's experience is counted in months. After this, it should be for the contractor to consider internal progression and reward for skills. A Skilled Workforce is more efficient and faster.

We suggest you look at ensuring skilled fieldstaff are paid incrementally more than newly qualified staff, and prepare a training scheme to allow to progression of new trainees into the workforce.

Many of you will already know and use the Archaeology Skills Passport and we are grateful for this support. It is moving now into universities, and within 3 years is expected to be a universal document recording the early skill training in practical archaeology.

Utilisation of the skills passport – and the adoption as a basic training record that allows for progression (*a cross profession measure of what is required to be a field archaeologist at the lowest level*) – fits with the progression to the lowest pay rate.

This creates a singular goal for staff and makes it clear what is required to be a field archaeologist, more so that a CV ever was.

The blanket site staff rate that is used by the majority of contractors does not seem to take into consideration the skills and experience that is accrued by those with several years of

fieldwork and other skills. I therefore urge a differential pay based on skills offered and experience, where a 10 year Field Archaeologist is not on the same rate as a 6 month new graduate.

To attract the best employee, the most attractive pay and conditions will be a useful inducement and it may be time to clarify the additional benefits that can help a prospective employee make an informed choice. (you will have been sent a document to either update or create the Company Benefits form.) You will also notice a "Going Rate" on the employment page that charts the current median rate of average posts. It will give you a chance to see what you may have to offer to get the staff, given that currently there are more jobs than staff to fill them, especially at the level of supervisor and above.

This document is not a demand to raise or lower pay rates – It is a statement of intent to accept only those adverts that lie above the minima that are set out in this document.

I am only too aware that Council Unit and other groups that are tied to Council pay bargaining will have difficulties meeting some requirements, - however, it is possible to place staff at a position within the pay scale that does help with this issue as has been the case on several posts over the last year. With BAJRs help, it is often possible to force a shift in salary structure.

We also need to accept who we are, what we do, and what our value is.

I hope that 2015/2016 sees a movement forward, with defined roles and a serious attempt to clarify skills and remuneration – this will help take Archaeology and the Heritage Industry in the direction we all need to move.

Membership of the CIFA and RO status should be encouraged as a benchmark of quality, however, it should be not perceived as a minimum standard to be achieved, but one to be exceeded. It should also be accepted that membership should not be the only criteria for work in the commercial sector, but can be used as an (rather than 'the') indicator of quality and standards.

Please remember:

Many employers do not give their employees a written statement of the main terms and conditions of the job even though the law says they have to. If you do not give a written statement within two months from the date on which the employee started work, you will be breaking the law.

David Connolly
2nd April 2016

In keeping with the CIFA recommendations to ROs, and BAJRs commitment to support this across the industry these following criteria

THE LABOUR COURT
TOM JOHNSON HOUSE
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AN CHÚIRT OIBREACHAIS
TEACH THOMÁS MAC SEÁIN
BÓTHAR HADDINGTON
BAILE ÁTHA CLIATH 4

E-MAIL: INFO@LABOURCOURT.IE
WEBSITE: WWW.WORKPLACERELATIONS.IE

Submission to the Court

Courtney Deery Heritage Consultancy

COURTNEYDEERY

Heritage Consultancy

Archaeological
Barrister & Solicitor
Dublin 4

Services provided to:
Heritage Consultancy
Lisa Courtney 087 6383783
Siobhán Deery 086 8294150
www.courtneydeery.ie

The Secretary
Labour Court
Tom Johnson House
Haddington Road
Dublin 4

By E-mail: info@labourcourt.ie

25th April 2016

RE: Examination into Terms and Conditions of Commercial Archaeologists

To whom it may concern,

Courtney Deery Heritage Consultancy is a small business consisting of five full time employees. We provide a range of services that include desk based assessments, impact statements, archaeological monitoring, test excavation, building survey, field inspection, consultancy and advice on heritage matters and excavation. We work on large scale infrastructural projects as well as small scale research programmes throughout the country and pride ourselves on providing the relevant level of experience to projects and specialised advice to our clients. Our approach and methodology is tailor made to provide an understanding of the complexities involved for each individual project. The strength of our company is directly attributed to the technical, educational and professional experience of our personnel and the flexibility within the company to work at different tasks at different and or varying levels in order to deliver a project.

As a small archaeological company trading since 2010 we welcome a discussion on terms and conditions including pay, sick pay and pensions for commercial archaeologists. Previous to this initiative we have signed up to the living wage of €11.45 to be implemented on all sites and throughout the sector.

We understand that these discussions have been brought about by an application for a Sectoral Employment Order (SEO) to the Labour Court. The outgoing Minister of State for Business and Employment, Ged Nash is on record promoting the benefits of an SEO which he puts forward as ensuring greater protection for the worker and greater stability for employers especially in relation to tendering for large contracts. However, as a small business, we have to voice our concern over the implementation and management of such an order across the archaeological profession and how it will directly affect our organisation which we have independently worked hard to build up over the last 5 years and our employees.

We realise the responsibility that is ours is to value our profession if we want to see it grow and attract new practitioners. And as employers we are working to provide a secure and sustainable work place for ourselves and our employees in this difficult and often volatile financial climate.

Our concerns in relation to an SEO are, but are not limited to the following:

- The implementation of a wage setting mechanism without discussion throughout the profession;
- The implementation of setting new salary levels too high and therefore acting as a barrier to growth for small scale operators within the profession;
- The implementation of an SEO and how this may restrict a company's ability to react to external forces in the economy, limiting the choices we have available to us as a small company;
- The imposition of new wage settings and the difficulties of absorbing these increases in a fluctuating and changeable economy;
- The imposition and feasibility of a minimum wage scale not set by practitioners and employers within the profession;
- The imposition of a minimum pay scale without regard to the direct and germane experience of the person. Relevant and specific experience is often required and this varies from site to site, whether it is rural or urban in nature and the type of archaeology encountered;
- The restrictive range of pay rates to be affected by such an order. It is our understanding that 3 categories/grades will be evaluated and this may have a disruptive influence within a company culture. For example, the practitioners outside of those categories/grades could potentially have similar length of service but professionally different qualifications/specialities that are not recognised in the selected category/grades;

In addition, we have concerns regarding:

- The determination of grade scales as there is no agreement or formal acknowledgement within the profession. Continual professional development and career mapping should be considered when assessing archaeological grades, length of service does not equal professional development or the appropriate or indeed relevant experience;
- Imposition of a wage scale in a profession where flexibility is required. For instance, an archaeologist may be required to fulfil tasks that are billed at higher and lower charge out rates and this needs to be taken into account when devising pay scales for differing grades. A salary band is more desirable as this would reflect room to grow within a specific category.
- Clarity is required as to what is an appropriate comparable sector, as the WGRPR report¹ came to the conclusion that 'comparisons with cognate disciplines are difficult as no single profession necessarily provides the best 'fit' for archaeology';
- The governance of such an order and how sole traders or partnerships will adhere;
- If implemented, the potential loss of competitiveness on fixed price contracts that are currently ongoing due to wage increases. Ongoing projects can extend over a large period of time.

While we are in favour of a review of salaries across commercial archaeology we have concerns in relation to the sustainability of the SEO process and how potential competitiveness may be impacted. As a small company we have a fear that the imposition of rates may have the adverse effect of reducing competitiveness in a profession that is still recovering from the recession and directly impact our current employees and future employment levels.

As an employer we value our employees and we will seek to improve pay and conditions as the economy improves. We are committed to providing a stable work environment for our full time employees with holiday, sick pay, expenses and pensions included in the work package. We would like to see the implementation of equitable and sustainable terms and conditions relating to

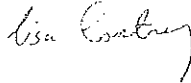
¹ Final report of the Working Group for the review of pay rates commissioned by the Institute of Archaeologists of Ireland, March 2014, pg 26

remuneration across commercial archaeology, having taken into consideration the complexities of the sector. A review should not be based on short term contracts alone as different companies offer different pay and conditions and different services to the client.

Having given some thought on this matter, it is our opinion that an SEO as per the provisions of Section 15(2) and (3) of the Industrial Relations (Amendment) Act 2015 is not an appropriate mechanism for securing an equitable and sustainable review of wages and salaries within the commercial archaeology sector and may undermine the tentative steps that have been taken to rebuild this industry and threaten the employment security of its professionals. Remuneration should be built on productivity, competitiveness, affordability and the multi-faceted nature of the job.

Thank you for the opportunity to comment, we look forward to your response.

Yours sincerely,

Lisa Courtney & Siobhan Deery
Courtney Deery Heritage Consultancy

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Submission to the Court

UCD



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archaeology@ucd.ie
www.ucd.ie/archaeology

The Secretary,
The Labour Court
Tom Johnson House
Haddington Road
Dublin 4

April 28th 2016

To whom it may concern,

Re. Sectoral Employment Order: Commercial Archaeological Sector

I am writing to express the very strong support of the UCD School of Archaeology for the establishment of a Sectoral Employment Order (SEO) for the Commercial Archaeological Sector.

UCD School of Archaeology are the largest providers of archaeological education and training in Ireland and we have a keen interest in the working conditions and professional standards of the archaeological discipline and profession.

Archaeology contributes significantly to Ireland's national identity and cultural heritage. Beyond the inherent value of cultural heritage, it is also widely recognised as having a significant role in driving tourism and as having economic benefit. It is evident that Ireland needs to have the sectoral capacity to provide high quality archaeological advice and intervention in the context of the delivery of infrastructural or commercial developments. Indeed, the State requires a viable archaeological profession to fulfil its statutory commitments in this regard under the National Monuments Acts and associated policy instruments.

Despite the value of archaeology, substantial problems exist in the sector. The *Final Report of the Working Group for the Review of Pay Rates of the Institute of Archaeologists of Ireland* argues that the problems with pay and conditions mean that commercial archaeology is 'unsustainable in its current form' and highlights that conditions have declined precipitously following 2007. In brief, rates of pay and levels of responsibility are out of line with European practice, and very variable. This is especially concerning as archaeologists are a highly trained workforce: most have Masters degrees. Many site assistants are receiving little more than the minimum wage and substantially less than the living wage of €11.50 per hour. Job security is very limited, whilst unsatisfactory and short contracts are common. Many are forced to leave the profession. A considerable loss of expertise is taking place, which is damaging to the sector and weakens its ability to serve the needs of the State.



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Pay and conditions are at the heart of this crisis which is both a challenge for the individuals who are faced with very difficult working conditions and for the ways in which the profession can discharge its responsibilities. Employers in the Commercial Archaeological Sector argue that regularising pay and conditions can be done without impact on the capacity of companies to thrive and make profits (*Final Report of the Working Group for the Review of Pay Rates*). It therefore seems timely to make changes that will support the capacity of the sector and improve the lot of those working within it. The provision of an SEO with recommendations of minimum rates for defined grades would provide benefits in terms of both equity and efficiency. It is not the only change that is needed to improve the archaeological profession, but it is a very important step.

The UCD School of Archaeology therefore strongly supports the introduction of an SEO for the Commercial Archaeological Sector. We believe that the opportunity to agree a SEO is of great significance for the profession of archaeology and that it will be seen as a historical turning point: for good if agreement is made, for the worse if it is not.

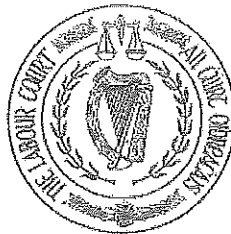
Please do not hesitate to contact us if you have any queries.

Yours sincerely,

Professor Gabriel Cooney,
Head, UCD School of Archaeology

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Submission to the Court

NUIG



26th April 2016

Re: The Labour Court's review of terms and conditions in the commercial archaeological sector

To the Secretary of the Labour Court,

A significant proportion of our archaeology graduates from NUI, Galway enter the commercial archaeological sector. This sector was hit hard by the recession and is one in which it is increasingly difficult for graduates to become established. In order to ensure continued high quality protection and investigation of our collective heritage, we need our graduates to have a realistic chance of building a solid career. For this reason, we welcome the Labour Court's review of terms and conditions in the commercial archaeological sector. We also strongly support the principle of a Sectoral Employment Order and see it as crucial to ensuring our graduates are afforded the same opportunities as other young professionals.

In ensuring a proper career path for young archaeologists in the commercial archaeological sector, it is worth thinking about the valuable role archaeological heritage and, indeed, archaeologists play in cultural tourism, the development of local pride and community cohesion.

Yours sincerely,

Kieran O'Connor

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Submission to the Court

Institute of Archaeologists of
Ireland



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The Secretary
The Labour Court
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27 April 2016

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**Re- Notice of Intention to Conduct an Examination into Terms and Conditions of
Commercial Archaeologists**

Dear Secretary,

Further to the Notice of Intention to Conduct an Examination into Terms and Conditions of Commercial Archaeologists, published on 4 April 2016, please find contained herein a submission on behalf of the Institute of Archaeologists of Ireland.

The Institute of Archaeologists of Ireland was founded in 2001. It is a non-regulatory body which aims through the representation of our members, to advance and strengthen the profession of archaeology in Ireland. Membership of the Institute is open to professional archaeologists working in either Ireland or Northern Ireland. We represent members working in the public sector, the private or commercial sector, as well as those working in museums and higher level education institutes.

One of the Institute's core objectives is to strive for better recognition of the value of the archaeological profession across the island of Ireland in terms of delivering sustainable development requirements and contributing to economic and community development.

The practice of commercial archaeology in Ireland is a very competitive sector. There are over 40 archaeological companies employing currently somewhere between 300-400 archaeologists of mixed and varied qualifications and experience. Archaeological assessments are typically carried out prior to the commencement of building works and developments and our sector has suffered severely over the recent economic downturn. The dramatic fall in construction activity heavily impacted the number of archaeologists working in Ireland, many of whom found their chosen career path unsustainable- surveys indicate an 80% drop in employment in our profession since 2007.

The drop in sectoral activity led to a severe drop in prices and fees for archaeological tenders/projects over recent years. Other professions also experienced financial distress, though perhaps not to the same degree. The competitive low pricing of projects has undoubtedly contributed to the current poor state of pay and conditions for archaeologists. The low pricing of tenders is facilitated by an absence of agreed, mandatory archaeological standards. The blame for this ultimately lies in a failed self-regulated environment and an absence of adequate resources within the public

sector to oversee the implementation of standards; it is a collective failure by the profession itself, including all private and public sector stakeholders, and including this Institute, to lobby for and develop a coherent professional structure. The situation in Ireland is not unique. Across Europe, the management of archaeology presents similar challenges.

The Institute sees the current Review as an opportunity for the relevant stakeholders to develop the profession as it should be. It is the view of the Institute that the Review cannot take place in isolation from addressing other serious fundamental issues around the profession. The Institute is ready to play its part with others in this process.

The Institute would like to make the following points regarding the Review and the current state of archaeology:

1. Archaeology in Ireland remains a graduate profession. The archaeological workforce in Ireland is highly educated, 98% of the workforce having at least a primary degree [44% also hold a postgraduate qualification while 9% have a doctorate and 7% have held a post-doctorate position. Incidentally the gender balance is more or less equal].
2. The issue of low pay and poor - if any - remuneration for subsistence or accommodation in the private/commercial archaeology sector has long been a concern to our members. This was formally assessed by a Working Group for the Review of Pay Rates (WGRPR), commissioned by the IAI, which was distributed to our members in March 2014.
3. Given our diverse professional membership and our all-island nature, the IAI has maintained neutrality on the issue of pay and remuneration which varies across the public and private sector and between national boundaries. The IAI is not a union and cannot enforce or negotiate any sectoral pay rates for our members, many of whom are members of various trade unions. In the recent discussions around pay and conditions, led by the Unite union, our Institute has been willing to facilitate discussion between the union and the archaeological employers.
4. The Institute has been made aware of concerns regarding the impact of any future SEO on the financing of long-term archaeological contracts which can last several months or years. Some companies are contractually tied in to an agreement of specified costs which may have a number of years to still run, particularly for School Building Work Programmes, Irish Water, Bord Gáis, ESB, Coillte, Eircom, Transport Infrastructure Ireland, etc.
5. These long-term contractual arrangements will be complex to resolve in terms of any future pay level determinations, but the Institute feels that this matter should not become a means to avoid in engagement on the wider issue of pay and conditions and wider structural issues regarding the profession.
6. As well as complexities around long-term existing contracts, the review should recognise that many Irish companies operate also in Northern Ireland, with staff actively mobile between both jurisdictions.
7. The Institute feels that any determination of pay and conditions must, as a priority, also address the matter of professional grading. There are currently no standardised agreed professional grades for the Archaeological sector, and various conterminous and confusing informal levels of employee grades have emerged over time for the archaeological sector in Ireland (e.g. General Operative, Assistant, Site Assistant, Archaeological Worker, Archaeological Technician, Site Supervisor, Surveyor, Illustrator, Draftsperson, Director, Project

Archaeologist, Senior Archaeologist, Specialist etc.). The Review must recognise that a formal, agreed, standardised grading system with minimum/required levels of qualification and experience, across the entire sector, public and private, must be established.

8. The reality is that low pricing of archaeological tenders, amid a recession and downturn in activity has contributed to the current poor state of pay and conditions for archaeologists, as companies seek to remain in business. This low pricing is facilitated by an absence of agreed, mandatory archaeological standards. This should be addressed by the relevant stakeholders, including this Institute, and we are engaged with the state authorities on this matter.
9. The Institute of Archaeologists of Ireland considers it essential that specialist archaeological advice is sought in the preparation of all tenders and contract documents for all archaeological work. This should be in place from the earliest possible stage of project design, through to the post-excavation stage and all the contract deliverables in terms of publication and community involvement. We have made these arguments to the state authorities.
10. The Institute recognises that there are legal complexities in terms of competition law which will clearly have to be addressed as part of any ongoing determinations.

The Institute welcomes the Review and while maintaining our neutrality, we will continue to support better pay and conditions for our profession through all possible means, including through raising the value and recognition of our professional work and the creation of a coherent professional grouping.

We would of course be willing to engage further with the Court if required.

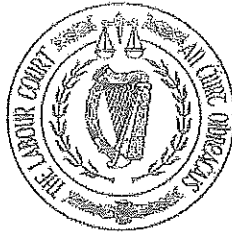
Yours sincerely,

Michael MacDonagh M.I.A.I
Chairman

Institute of Archaeologists of Ireland

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Submission to the Court

IT Sligo

Dept. of Environmental Science,

School of Science,

Institute of Technology Sligo,

Ash Lane,

Sligo.

1st May 2016

For the attention of the Secretary of the Labour Court.

The School of Science at I.T. Sligo has been offering an honours degree in Applied Archaeology for 13 years now. Over that time we have seen excellent students graduate with both the practical and academic skills necessary to be skilled, employable archaeologists. However, the impact of the recession and the subsequent deterioration of pay and work conditions for our graduates (and indeed, generally for our colleagues in the field) has been demoralizing and disheartening. Few professions have been so damaged, and irreparably so, by the economic downturn. Our profession has seen an enormous 'brain drain', and it has become almost impossible for field archaeologists and commercial archaeologists to make a viable income.

We wholeheartedly welcome the Labour Court's review of the terms and conditions of employment for archaeologists working in the commercial sector. If we wish to see Ireland's cultural, archaeological and historical heritage afforded the quality of work and research it deserves, and if archaeological professionals are to be afforded a decent standard of living befitting their qualifications and expertise, such a review is timely.

Yours sincerely,

Dr. Marion Dowd, Dr. Fiona Beglane, Dr. James Bonsall, Shirley Markley, Sam Moore, and Christopher Read,
Archaeology Lecturing staff, School of Science, IT Sligo.

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Submission to the Court

UCC

1st May, 2016

To the Secretary of the Labour Court

Dear Sir/Madam

The Department of Archaeology in University College Cork wishes to express strong support for a Labour Court submission made by the trade union, Unite, to have a *Sectoral Employment Order* put in place for all grades of commercial archaeologists. As an educational body funded by the State for the purpose of training archaeologists, we consider such a measure vital to ensure proper employment structure and working conditions for our graduates.

Commercial archaeologists play a critical role in facilitating key infrastructure projects and other areas of economic activity in Ireland (forestry, windfarms, urban regeneration etc). At a time when the State has largely withdrawn from direct involvement in rescue archaeology fieldwork, commercial archaeologists have direct responsibility for dealing with impacts from such developments. Their training and professionalism allows the controlled removal of this cultural heritage, ensuring preservation by record, or else mitigating the physical impact on the ground. This is not widely recognized outside the profession,

with their work often presented by the media and other commentators as an impediment to progress. Such an image is unfair, inaccurate, and quite unjust at a time of poor remuneration and employment conditions. The current trend towards cost-cutting and fixed-price contracts is seriously detrimental to working conditions, leading to minimum wages and a growing casualization of employment. This means that many experienced archaeologists leave the profession, which is a serious loss to the discipline and to the State and taxpayer who invested in their training in third-level institutions.

In these employment conditions it is increasingly difficult for universities to promote archaeology as a viable career option. Leaving aside the basic rights that all workers should enjoy, it is very much in the State's interest to maintain a strong cohort of professional and well-trained archaeologists to support its economic strategy. This is also necessary to comply with national and EU legislation dealing with the protection of archaeological heritage, which includes a legal requirement that suitably qualified professional archaeologists should be available to undertake same.

For the above reasons we welcome the proposed Labour Court review of terms and conditions in the commercial archaeological sector. The introduction of a *Sectoral Employment Order* will help to ensure our graduates are afforded the same opportunities as other young professionals.

Yours sincerely



Dr William O'Brien MIAI, MRIA

Professor of Archaeology,

University College Cork.