

**JOINT CONCILIATION COMMITTEE OF THE
HEATING, VENTILATING AND DOMESTIC ENGINEERING INDUSTRY**

COMPRISING:

Heating and Ventilating Contractors' Association (HVCA)

104

Unite the Union

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15 November 2010

**TO EMPLOYERS AND EMPLOYEES IN THE HEATING, VENTILATING,
AIR CONDITIONING, PIPING AND DOMESTIC ENGINEERING INDUSTRY**

Dear Sir/Madam

**Simplification of Clause 6 of the H&V National Agreement (Grading Definitions) and
Agreed Notes for Guidance to Clause 6**

1. Introduction and Summary

The purpose of this letter is to advise you of a number of textual changes to **Clause 6** of the Operative National Agreement and the associated **Agreed Notes for Guidance** following agreement reached by the Parties.

2. Changes to the Operative National Agreement

2.1 The Association and the Union have agreed that the following changes shall be included in the interest of simplifying the existing text contained at Clause 6 and the associated Agreed Notes for Guidance.

i **Appendix 1** to this JCC Letter: Clause 6 of the National Agreement: Grading Definitions

ii **Appendix 2:** Agreed Notes for Guidance to Clause 6

2.2 The Parties recognise that by agreeing to simplify the text at Clause 6 no individual Operative shall derive any benefit from, or be disadvantaged by, these textual changes, which are aimed merely at simplifying the wording of the existing provisions.

2.3 All changes to the National Agreement shall become effective from **15 November 2010**.

3. Permanent Document

- 3.1 The Parties plan to reprint the text of the Operative National Agreement in its entirety in the coming months, and this will incorporate the changes outlined in this JCC Letter.

Signed on behalf of and as authorised by
HEATING AND VENTILATING CONTRACTORS' ASSOCIATION
R.J. HIGGS OBE, Chief Executive

Signed on behalf of and as authorised by
UNITE – THE UNION
T. HARDACRE, Construction Industry Lead Officer

H&V OPERATIVE NATIONAL AGREEMENT – CLAUSE 6

6: GRADING DEFINITIONS

- a Operatives covered by the Agreement shall be graded in accordance with the definitions in Clause **6e - k**.
- b The rates of wages for each grade shall be agreed from time to time between the Association and the Union and shall be enumerated in an Appendix to this Agreement.
- c When an Operative is re-graded, the rate for the new job shall apply from the date of the re-grading. (See agreed Notes for Guidance)
- d Any dispute between an Employer and an Operative as to the grade which is appropriate for the Operative or in connection with any other matter relating to grading including a refusal or delay on the part of the Employer to consider re-grading shall be dealt with in accordance with Clause **25**, Conciliation, of the Agreement.
- e The definition of the grade **Mate** shall be:

In order to secure maximum utilisation of manpower and optimum economic production, Mates shall be required to provide a range of support activities for Craftsmen and Senior Craftsmen. However, the work of a Mate shall not be confined to the manual work of fetching and carrying. Mates shall within their capability carry out semi-skilled tasks with one objective of improving productivity and the other objective of permitting those who wish to do so to qualify for consideration for appointment as an Adult Trainee. While not required to demonstrate developed technical skills, Mates shall be able to undertake semi-skilled repetitive tasks, including the use of power tools.

A Mate must also be aware of the basic safety requirements of the job, having had appropriate health and safety training.

- f The definition of the grade **Adult Trainee** shall be:

An Adult Trainee shall be graded the same as a Mate but shall be undergoing recognised training or pursuing accreditation of prior learning and/or experience with a view to achieving National Vocational Qualification/Scottish Vocational Qualification (NVQ/SVQ) Level 2 in H&V Installation.

- g The definition of the grade **Installer** shall be:

An Installer shall be able, under close, but not constant supervision, to carry out the installation of domestic or industrial/commercial pipework and/or ductwork, and associated components and systems. An Installer shall be able to:

- i demonstrate a basic knowledge of how the components within a system relate to each other;
- ii plan the installation of system components;
- iii install and test system components;
- iv carry out pre-commission testing; and

v de-commission systems.

An Installer shall also be able to demonstrate competence in the health and safety, human interaction, quality control and environmental requirements appropriate to their scope of work.

All Installers entering the grade other than by re-grading from the former Assistant and Improver grades shall demonstrate that they have satisfactorily completed training or received formal accreditation for the skills and experience they possess, howsoever acquired, in accordance with the requirements of NVQ/SVQ Level 2 H&V Installation (whether Industrial and Commercial, Domestic or Ductwork options) which may be amended from time to time – as approved by the appropriate national accreditation bodies.

Operatives graded Installer who wish to consider qualifying for entry to the Craftsman grade by achieving NVQ/SVQ Level 3 should contact their Employer to ascertain whether arrangements can be made through an appropriate agency for the assessment of their skills and experience.

See Clause **6m** on obtaining information about the definition of the former Assistant and Improver grades.

h The definition of the grade **Apprentice/Trainee** shall be:

An Apprentice/Trainee – as distinct from an Adult Trainee – shall be undertaking an approved course of training as follows:

- i in accordance with the Agreement on Apprenticeships at **Appendix G**; or
- ii in the case of Ductwork Installation Trainees, an approved in-company scheme of training (further details are given in Clause **23**).

i The definition of the grade **Craftsman** shall be:

A Craftsman shall be able without supervision to carry out the installation of domestic or industrial/commercial pipework and/or ductwork, and associated components and systems. A Craftsman shall be able to:

- i demonstrate a greater depth of technical knowledge and level of responsibility than an Installer: in particular, a Craftsman shall be able to demonstrate detailed knowledge of a system's operating principles;
- ii set, identify and establish the requirements of the job, whether from drawings or customers' other instructions;
- iii liaise with other trades, suppliers and customers, as appropriate;
- iv solve problems within the scope of the work carried out;
- v ensure compliance with all relevant standards;
- vi specify and monitor programmes for installing and commissioning systems;
- vii commission and test systems.

A Craftsman shall also be able to demonstrate competence in the health and safety, human interaction, quality control and environmental requirements appropriate to their scope of work. Where work is undertaken on gas systems, it shall comply with the requirements of relevant regulations and the nationally accredited scheme for the certification of gas-fitting personnel.

A Craftsman shall:

have worked in the industry for four consecutive years; **and**

have successfully completed an apprenticeship approved by the former National Joint Industrial Council (NJIC); **or**

have completed a Modern Apprenticeship/an Apprenticeship; **or**

have completed a training programme as a Ductwork Installation Trainee; **or**

have received formal accreditation for the skills and experience they possess, howsoever acquired

in accordance with the requirements of NVQ/SVQ Level 3 in H&V Installation (whether Industrial and Commercial, Domestic or Ductwork options) which may be amended from time to time – as approved by the appropriate national accreditation bodies.

A listing of the former qualifications previously required for entry into the grade of Craftsman as recognised by the Parties can be found in the agreed Notes for Guidance.

j The definition of the grade **Senior Craftsman** shall be:

A Senior Craftsman shall have at least the same qualifications as a Craftsman, except that a Senior Craftsman shall have gained not less than five years' experience of working in the industry after achieving status as a Craftsman.

A Senior Craftsman shall:

i have experience beyond that of a Craftsman by virtue of additional proficiency, speed and flexibility, and have other special skills over and above that detailed in the definition of a Craftsman; and

ii agree to undertake the day-to-day on-the-job training and instruction of Adult Trainees, Apprentices and other trainees/candidates undergoing, for example, the accreditation of their prior learning aimed at the achievement of industry-recognised Vocational Qualifications; and

iii be able to take responsibility for the day-to-day supervision of work squads with an average labour force of three other Craftsmen/Senior Craftsmen.

General

Subject to the agreed Notes for Guidance concerning this Clause, re-grading as a Senior Craftsman shall be on the basis of the Craftsman having the capabilities required by the grade, rather than the Employers' requirement for such level of work to be performed.

k The definition of the grade **Foreman** shall be:

A Craftsman who satisfies the qualifications of a Senior Craftsman may be designated by the Employer as a Foreman, provided he is competent to perform all the duties listed below (or the vast majority of them as appropriate to and in accordance with the requirements of the Employer):

- i assign tasks to Senior Craftsmen with supervisory responsibilities and other Operatives under his direct control
- ii redeploy Senior Craftsmen with supervisory responsibilities or other Operatives under his direct control, in order to achieve the optimum productivity including on-site batch production and fabrication
- iii decide methods to be used for individual operations and instruct other Operatives accordingly
- iv ensure variation work does not proceed without authority from the office
- v maintain site contract control procedure
- vi requisition and progress supply of necessary equipment and materials to other Operatives when required
- vii ensure that other Operatives take all reasonable steps to safeguard, maintain and generally take care of Employer's tools and materials
- viii maintain day to day liaison and programme of work with main contractor and other sub-contractors
- ix inspect and review progress of work of sub-contractors
- x monitor progress to main contractors, in order that agreed programme is met
- xi measure and record progress of work
- xii inspect the work of other Operatives for quality, progress and satisfactory completion
- xiii check weekly progress against programme and identify deviations therefrom
- xiv verify bookings on time and job cards and despatch them promptly to the office
- xv notify office of impending delays likely to affect progress or give rise to a claim
- xvi establish reasons for delays to work and notify office
- xvii provide information for cost variation investigations when necessary
- xviii forecast labour requirements
- xix ensure company instructions and standards of discipline, workmanship and safety are maintained on site

- xx ensure that the conditions of the National Agreement and any other conditions of employment are complied with
- xxi supervise training of Apprentices assigned to his control
- xxii take overall charge of all his Employer's labour on site and act where necessary as the Employer's site agent
- xxiii evolve and/or agree order of work within overall programme and control its progress
- xxiv decide or agree locations of site office, site stores, site workshop and other work stations and adjust same to suit site progress and changing conditions
- xxv ensure compliance of all work, whether executed by own Operatives or sub-contractors, with drawings and specifications
- xxvi organise, supervise and record such tests (e.g. hydraulic) and/or inspections as are required during progress of contract
- xxvii requisition or otherwise procure such attendances and facilities as are required of the main contractors and/or of other sub-contractors
- xxviii attend site meetings (if so required by Employer)
- xxix ensure that safe methods of work are adopted by other Operatives under his direct control
- xxx ensure clearance of rubbish as specified
- xxxi arrange and supervise testing on completion, including compliance with specifications, snagging and operational handing over as directed and final site clearance
- xxxii such other details as are reasonably required by the Employer.

Alternatively

A parallel route to demonstrating the capabilities required of a Foreman will also exist through the achievement of the NVQ Level 3 Technology and Project Management qualification, or (in Scotland) the National Higher Certificate in Building Services Engineering – which may be amended from time to time as approved by the appropriate national accreditation bodies. Details of the previous qualifications can be found in the agreed Notes for Guidance.

The Employer is not obliged to re-grade every Senior Craftsman as Foreman who may have the capabilities required by the Foreman grade or the NVQ Level 3 Technology and Project Management or (in Scotland) the National Higher Certificate in Building Services Engineering. A Senior Craftsman who is graded as a Foreman does not necessarily carry the Foreman grade with him to a new Employer.

See Clause **6m** on obtaining information about the grade definition of the former Foreman and Foreman (Ductwork) grades.

Registration with Engineering Services SKILLcard

- l** All Operatives should register with Engineering Services SKILLcard by completing an application form and returning it with two passport sized photographs and evidence of meeting the health and safety awareness requirements of SKILLcard. Further details of Engineering Services SKILLcard are available in the SKILLcard scheme booklet which can be downloaded from the SKILLcard website at: www.skillcard.org.uk or can be obtained from the SKILLcard office at:

Engineering Services SKILLcard Ltd
Old Mansion House
Eamont Bridge
Penrith
Cumbria
CA10 2BX

Tel: 01768 860406
Fax: 01768 860401
e-mail: skillcard@welplan.co.uk

Employers will assist where practically possible with the registration of Operatives.

Upon payment of the relevant registration fee and subject to the principles of SKILLcard, Operatives will be sent a credit card-sized SKILLcard registering their details.

Employers should ask to see the Operative's SKILLcard to verify an Operative's qualifications. Any queries about an individual Operative can be addressed to the SKILLcard office on the telephone number above, but, under no circumstances, will lists of Operatives registered by Engineering Services SKILLcard be supplied to any enquirer.

Information about Former Grade Definitions

- m** Details of former grade definitions are obtainable from either of the Parties, by writing or telephoning the relevant body shown at **Appendix J**.

H&V OPERATIVE NATIONAL AGREEMENT – AGREED NOTES FOR GUIDANCE TO CLAUSE 6

6: NOTES FOR GUIDANCE – GRADING DEFINITIONS

Clause c

The Operative should be advised of his grade or re-grading in writing by his Employer. In the normal course of events this responsibility will be discharged by issue of the statutory statement of the main terms and particulars of the employment contract. In the case of a re-grading of an existing Operative, this change must be communicated in writing to the individual at the earliest opportunity, but no later than one month after the change becomes effective. If an Operative ceases to have the necessary qualifications for his grade he must be transferred to the grade appropriate to his qualifications.

When engaging an Operative the Employer has the right to assure himself that the Operative has the necessary qualifications for his grade.

Clause e – Mate

For avoidance of doubt, the semi-skilled tasks that can be undertaken by Mates may include, among other things, the installation of support systems and modularised components but only on large sites and not to the detriment of senior grades.

Clause i – Craftsman

Before 24 August 1998

- i A Craftsman shall have successfully completed an apprenticeship approved by the National Joint Industrial Council (NJIC), and have passed the practical examination of an appropriate City and Guilds of London Institute basic craft course which has been recognised by the NJIC and approved by the Parties. Approved City and Guilds of London Institute courses include:-

City and Guilds H&V Fitting 337 (until 1969)

City and Guilds H&V Fitting 618 (until 1975)

City and Guilds H&V Fitting 597 (until 1991)

City and Guilds H&V Fitting 604 (until introduction of NVQ's/SVQ's)

City and Guilds Gas Fitting 598; **or**

- ii have already been employed as a “tradesman” in the industry, within the terms of the National Agreement on 24 February 1969, **or**
- iii have already been employed as a Ductwork Erector in the industry (within the terms of the National Agreement as at 19 October 1997).

Before 31 May 1999

- iv A Craftsman shall have one of the qualifications as documented at clause i in the substantive body of Clause 6; having attained formal accreditation for the skills and experience in accordance with the following requirements:-

NVQ/SVQ Level 2 and/or 3 – H&V Industrial and Commercial Installation

NVQ/SVQ Level 2 and/or 3 – H&V Industrial and Commercial Installation

HVCA Interim Certificate and/or NVQ/SVQ Level 3 – H&V Ductwork Installation

Clause j - Senior Craftsman

Welding Qualifications

In order to progress from the Craftsman grade to the Senior Craftsman grade, an employee must meet all the previously established criteria and must, in addition, hold (and maintain) a current certificate of competence in at least one welding skill. A Craftsman meeting the other criteria for progression, but not holding a welding certificate, will not be allowed to progress to the Senior Craftsman grade, but will remain as a Craftsman until such time as he gains a current welding certificate.

Payment for the first welding skill is incorporated into the basic hourly rate for the Craftsman and Senior Craftsman grades. This covers all existing Craftsmen and Senior Craftsmen, irrespective of whether they actually undertake welding or not.

The NVQ/SVQ Level 3 in H&V Installation includes an optional welding unit, which means that all employees completing this qualification (including the welding unit), and subsequently becoming a Craftsman, will be able to weld.

However, it is recognised there will be a sizeable number of employees who have completed a qualification entitling them to Craftsman status, but who gained their qualification at a time before welding was formally incorporated into the qualification. It is quite possible that some of these people have never undertaken welding training, nor held a certificate of welding competence, but – following consolidation of the welding supplements into basic rates – they are paid the same as a Craftsman or Senior Craftsman who actually does undertake welding.

Employers not requiring welding skills

It is recognised by the Parties that Employers in some sections of the H&V industry may not require their Senior Craftsmen to weld. In these circumstances, a Craftsman may progress to Senior Craftsman status without holding a welding certificate (provided that he meets the other criteria for progression) as long as the employer expressly states that welding competence is not required.

A Senior Craftsman shall retain his grade as a Senior Craftsman while in the employment of the employer re-grading him and when moving to any subsequent employer. However, where a Senior Craftsman moves from a previous Employer, who had allowed the individual to attain that grading by expressly stating that welding competence was not required, to a new Employer who does, the Senior Craftsman, where feasible, must undertake such training as required to acquire and subsequently maintain the certificate of welding competence, in order to retain his Senior Craftsman grading, in his new employment.

Clause k - Foreman

Prior to June 2005 the approved qualification required as a recognised parallel route to demonstrating the capabilities required of a foreman was NVQ/SVQ Level 3 Building Services Engineering Supervision.

Information about Former Grade Definitions

Details of former grade definitions are obtainable from either of the Parties, by writing or telephoning the relevant body shown at **Appendix J**.

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