

Early Action and the Provision of Information

Background

The NAECI contains a number of provisions that require the implementation of early action, advanced notice and the early provision of resourcing information prior to the commencement of a NAECI project and for oncoming contractors during the course of a project. While these requirements apply to UK based contractors and employees, they are especially important where non-UK contractors and Non-UK employees are to be involved.

There will be occasions when, for varying reasons, a client or managing contractor may award a package of work to a non-UK contractor, many of whom are already in membership of a signatory employers' association. Non-UK contractors may already employ some labour resource which they may have used on previous projects and which they may choose to utilise on the work they have secured in the UK.

Relevant NAECI References include:

NAECI 5.4.2(f), Grades – states that employees with non UK training, qualifications and/or experience shall be assigned to the most appropriate of Grades 1-6, taking into account all relevant sources of information about the individual concerned and applying the principle of substantial equivalence to the criteria set out in 5.4.2(a)-(e).

NAECI 3.2(a)(iii), Skills – includes reference to competence assessment and the opportunity of shop stewards and statutory trade union site safety representatives to request details of the employer's competence assessment procedures.*

NAECI Appendix G.3, Advance notice – requires that the Managing (or Major) Contractor ensures that, at the earliest opportunity, there is meaningful consultation with the local trades union officers/site stewards to discuss with them:

- The name of the appointed contractor
- The relevant scope of work
- The resourcing strategy to be pursued.

NAECI Appendix G.5, Continue dialogue with non-UK Contractor prior to mobilisation – requires that the non-UK contractor is aware of the UK H&S legislation requirements and that it is satisfied that its workforce has the competence to perform the tasks required to complete the contract.

Guidance

Where it is known that non-UK contractors and non-UK employees will be involved it is essential that the relevant NAECI provisions, particularly NAECI Appendix G, are understood, referred to and implemented by the local stakeholders at the earliest opportunity.

This can best be achieved with early action by the Managing Contractor when developing the tender documents. Its procurement department, particularly if based outside the UK, must be fully aware of the principles and guidelines contained in Appendix G. This should ensure that any appointed non-UK contractor will be in full compliance with the NAECI terms, the Employers' Association membership conditions and their information sharing responsibilities.

Reinforcement of these requirements will be undertaken at "Section 20" Meetings with the ECIA for Categorised projects and the NJC Regional Operations Manager will ensure that they are further discussed at the Supplementary Agreement development meetings.

* With reference to NAECI 3.2(a) Skills, where an employer has neither an appointed Shop Steward nor a statutory Trade Union Site Safety Representative, a National Officer or their designated representative can request details of that employer's competence assessment procedure.

Reference: NAECI 5.4.2(f), 3.2, Appendix G