

A Professional Association for the Electrical Contracting Industry



AECINEWS

Issue 13

WINTER 2005



PRESIDENT'S CHRISTMAS MESSAGE

Once again Christmas is just around the corner and I want to wish all AECl members, our sponsors and supporters and all our industry partners a very happy and peaceful Christmas and I hope that 2006 will be a safe, successful and prosperous one for us all.

I took the office of Presidency in May and as I said at the time, I was following in the footsteps of very impressive and excellent people. My main objectives were to ensure that Electrical Contractors were in a position to operate in an industry that is fair to all and is giving proper and profitable returns. I am working diligently with my Council Members and the office staff to achieve these goals.

Some of the activities that the AECl has carried out during 2005 are as follows:

- Conducted, with partners in the industry, a series of Information Evenings throughout the entire country. We were assisted in this by Ulster Bank, HLB Nathans and ESB Networks and more than twenty manufacturers and distributors of relevant industry products and services. These were extremely informative and successful meetings and were well attended in all centres. The feedback was constructive and educational for the AECl.
- We conducted a series of Pricing Training Programmes in twelve different locations. Again these programmes were well attended and as usual were of major educational assistance to Electrical Contractors in an effort to improve their pricing and tendering abilities.

- A well attended AGM in Athlone in April was full of debate and discussion on all major issues. We will continue to work on these issues throughout the coming year.
- The Annual Conference held in Athlone in May was a tremendous success. We had more than fifty trade stands and in excess of 600 visitors to our trade show. The seminars on ESB Networks, FAS and Marketing proved an outstanding success and added greatly to the success of the entire event.
- In September we introduced the "Management Development" Programme. This is a four module training programme geared to assist Electrical Contractors in the profitable planning, organisation and running of their businesses. It covers a wide range of business related areas such as Personnel issues, Financial issues, Customer Service issues, Legal issues etc. The programme has been held in eight separate areas of the country and the feedback to date is generally positive.
- We have tackled the area of Electrical Contractors who are not operating to the terms of the ENJIC Agreement. This non compliance is causing the compliant contractor massive problems and making it impossible to trade competitively in the face of a very unfair trading environment. We have met with Mr Micheál Martin, Minister for Enterprise, Trade and Employment, Mr Séamus Brennan, Minister for Social and Family Affairs, several governmental departments, all the relevant opposition spokespersons, the CER, the Unions and several other industry partners, in order to highlight the plight of the Electrical Contracting Industry. As you know this

type of lobbying is ongoing and requires patience and I guarantee that it will continue until we get resolution to our situation.

My plans for 2006

- In January we will begin our information evenings. We intend to deliver these in central areas throughout the country and we guarantee that they will be educational, informative and helpful to all Electrical Contractors.
- We will continue with our Programmes consisting of Health and Safety Training (all areas), Pricing and Tendering and Management Development training. We plan to add to and improve the content and quality of these programmes and make them even more beneficial to all Electrical Contractors.
- Our AGM will take place in the Lyrath Estate Hotel in Kilkenny on Saturday April 22nd 2006 and our Annual Conference will be held at the same location from May 26th to May 29th 2006. Both events are a must if Electrical Contractors want to make their business lives more profitable and successful. These are two dates that you must now plan in your 2006 diary.

Finally on behalf of the Executive Council, the office staff in Blackrock and myself, I offer you once again the season's greetings and look forward to working with you and helping you in whatever way we can in 2006.

Dermot McClannon
President



Branch Meetings:

The problems facing the Electrical Contracting Industry are many and varied. Not only are these problems costing Contractors valuable time and lots of money but they are also causing major stress and disruption to their lives. The chief problem areas are as follows:

- The understanding of the terms and implications of the ENJIC Agreement to the Electrical Contractor.
- The negative impact to the Electrical Contractor of the WEEE Directive.

- The impact of the new Health and Safety regulations on the Electrical Contracting Industry.
- The entire area relating to the legalities involved in employing staff, including employment contracts etc.
- Contacting problems with ESB networks.

To address these and other issues Branch meetings will be held on:

- January 23rd in Dublin North, Waterford and Newbridge

- January 25th in Dublin South and Cork
- January 30th in Athlone

It is **vital** that you attend the meeting in your area as your livelihood is at stake and it is very much in your interest that you let your voice be heard. There are many other areas where Branch Meetings should be held and I appeal to members to organise such meetings as a matter of extreme urgency.

For more assistance and guidance please call George Kennedy on 1 800 671 671.

The Dangers of Radon Gas

We would like to make you aware of the risks in workplaces from the harmful effects of radon gas. Radon is a radioactive gas, which is caused by the breakdown of naturally occurring uranium and radium. The gas is released from rocks and soil containing these two elements.

Radon naturally propagates through the soil and enters buildings through cracks in the floor, or openings for pipes entering the building. Over time radon can build up to unacceptably high levels. Radon is the second leading cause of lung cancer deaths in Ireland, after smoking. As with many cancers the effects from radon can go unnoticed and undiagnosed for many years. Exposure to natural radon is estimated to be responsible for approximately two hundred unnecessary lung cancer deaths each year in Ireland. As radon is a recognised Group A carcinogen it is advisable to reduce exposure by as

much as possible. As radon is a colourless, odourless and tasteless gas, the only way to establish the level of radon in the home is to perform a simple test.

If a business premises is located in a high radon area the employer is required to test for radon gas. Statutory Instrument No. 125 of 2000 sets a Reference Level for workplaces of 400 Bq/m³ averaged over any three-month period. Where it is shown that this Reference Level is exceeded, the employer must take measures to protect the health of workers. Employers, who do not adhere to the S.I No.125, can be prosecuted by the state, as highlighted in the media as of late.

The Ionising Radiation Order, 2000, which was made under the Radiological Protection Act, 1991, sets down regulations for the protection of workers from

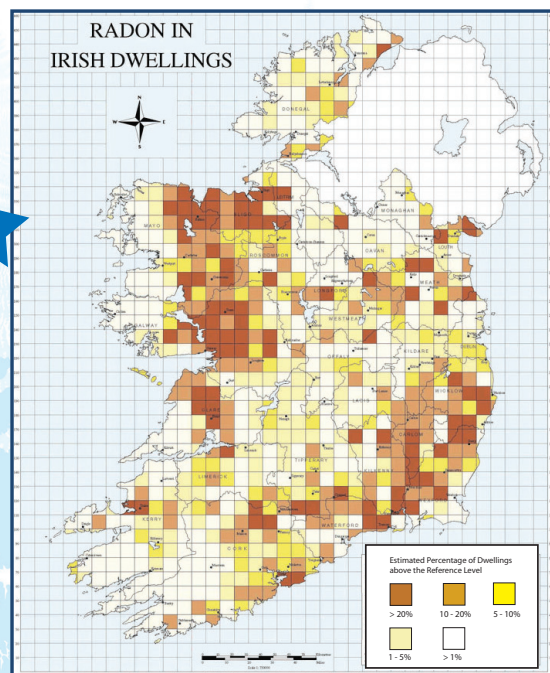
occupational exposure to radon gas. The Safety, Health and Welfare at Work Act, 1989, requires employers to identify hazards in the workplace, assess the risk to health and safety from these hazards and put in place measures to eliminate or reduce the risk. In order to assess the risk from radon, the Health and Safety Authority has stated that all indoor workplaces in High Radon Areas must have radon measurements carried out.

If you require any further information regarding radon or have any questions or comments please contact:

The AECl office at 1 800 671 671

Or contact:
David Doyle at alphaRadon, Milltown,
Dingle, Co. Kerry. Tel: 066 915 0900.

AlphaRadon is a fully accredited radon testing service to both commercial and domestic dwellings.



AECl & ESB CUSTOMER SUPPLY

Changes in the Electrical Industry continue apace and it is vitally important for you to remain abreast of that change. As you are already aware the Irish electricity market has been fully opened to competition since February 2005. ESB has been facilitating this, and has made changes in the way the company is structured. As a contractor your understanding of some of these changes can be vital to the smooth running of your contracting business.

What does Market Opening mean?

Historically in Ireland, the supply of electricity has been the sole responsibility of ESB. In accordance with the European Energy Directive, Ireland is now facilitating the establishment of a single European market for electricity. This means that competition is being introduced into the electricity market and that customers can choose their electricity supplier.

How does this affect my business?

For your business, Market Opening means you will have the freedom to choose from a number of independent licensed suppliers, as well as ESB Customer Supply.

Who is ESB Customer Supply?

ESB Customer Supply is the business within ESB Group that sells electricity on the basis of published tariffs. ESB Customer Supply currently provides electricity to 1.8 million residential and 140,000 Business customers. We aim to provide you with services that meet your needs and with appropriate advice to help you use electricity more efficiently, while also saving you money.

Typically you would contact ESB Customer Supply for the following:-

- Opening New Accounts
- Closing Accounts
- Change of Address
- Billing and account queries, residential and business
- Pricing and Tariffs
- Energy Efficiency Advice
- Online Account Queries
- Contact No's — Residential queries 1850 372 372. Business Queries 1850 372 787

Who are ESB Networks?

ESB Networks builds, owns and maintains the electricity network throughout the Republic of Ireland. ESB Networks connect all customers to the electricity system regardless of their supply company.

Typically you would contact ESB Networks for the following:-

- New Connections
 - Increased Supply
 - Metering Services
 - Quality of Supply Complaints
 - Supply failure and Fault repair
 - Notification of Maintenance Outages
 - Fallen Lines and other matters of Public Safety
- Contact number 1850 372 757



AECl president Dermot McClannon is pictured here attending the Energy Efficiency Awards ceremony held in the Berkeley Court Hotel. These awards are run by Sustainable Energy Ireland and sponsored by ESB Customer Supply and participants are awarded on the basis of achieving excellence in a number of energy efficiency categories.

ESB Customer Supply are wholly committed to supporting energy efficiency measures and are currently running an Energy Efficient Lighting Promotion in conjunction with AECl, RECl, ECSSA & ECA. Members of these organisations will have received details of the promotion in the post last September. This is supported by electrical wholesalers (members of AEW) and by selected lighting manufacturers. The promotion means contractors can save 25% off the purchase cost of a range of energy efficient lamps. Contact your local wholesaler for details.

AECl's George Kennedy and Dermot McClannon have been working with ESB Customer Supply's, Colman Kenny, and as part of that co-operation we will be featuring occasional articles with updates on matters that are relevant to you our members. The first of these appear in this issue.



L-R: Dermot McClannon President AECl, Minister Noel Dempsey, Colman Kenny ESB Customer Supply and Noel Simpson President EIFI and member of AEW.

PORTABLE APPLIANCE TESTING

PATESTING!!!

The new safety health and welfare at work act 2005 came into effect on 1st September 2005. This new act updates previous regulations and includes heavy penalties and fines (up to 3 million Euro and 2 years imprisonment). It is also known as **S.I. 328 of 2005**. This new act also gives HSA inspectors the powers to issue on the spot fines. The regulation pertaining to **PATESTING** can be found in **S.I. 188 of 2001** which has now been incorporated into **S.I. 328 of 2005**.

While all of **S.I. 328** is too much to print (95 pages) we list the following issues that need to be carried out in order to conform to **PATESTING**:

- Periodic Testing and inspections.
- Work equipment, which is exposed to conditions where deterioration may cause danger to safe use by employees or members of the public.
- Special inspections due to

exceptional circumstances.

- Safety and health conditions are maintained and deterioration is detected and remedied in good time.

- The results of inspections carried out are recorded and kept available for inspection by inspectors of the authority for 5 years from the date of last inspection.

- When work equipment is used in another place of work, it needs to be accompanied by evidence of the last inspection carried out.

To undertake **PATESTING** and fully conform to the regulations we offer a complete solution for all your testing requirements:

- **Supernova Plus / Primetest 300 (Bluetooth) PATERSTER.**
- **Test n Tag Printer (also available in Bluetooth version) with carry case.**
- **Unique software package (Patsguard Plus) test results and**

reports.

- **IEE Code of Practice manual.**
- **Barcode labelling system (user i.d/test date /pass-fail markings).**
- **Bar code reader.**

With all of the above you will be able to fully conform to the regulations now required under **S.I. 328 of 2005**. At this point, we would also advise that we train personnel in the understanding of the regulations and all issues in relation to **PATESTING**. To do this we supply a purchase and training package with all of the above items and the following:

- **One-day full training course (City and Guilds IRL/UK Trainers). Lunch Included.**
- **First calibration at end of first year.**
- **Full telephone and help desk facility.**
- **10 cartridges for print test and tag results. (1200 results)**
- **Half Day refresher course**

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- **Work place accidents cost businesses €1.6 billion a year.**
 - 50 people were killed in Irish work places in 2004.
- **41 companies were convicted for breaches of health and safety.**
 - Companies were fined a total of €1.5 million.

Pass Label



The message is clearly flouting Health and Safety legislation and can result in criminal conviction, a hefty fine and damage to a company's reputation. Health and Safety in the workplace has to be taken very seriously and avoiding exposure to risks of any kind to employees has to be a priority.

Barcode Scanner



Supernova Plus



Patsguard Plus



Test N Tag Printer



PrimeTest 300 (Bluetooth)



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Safety Health and Welfare at Work

Main provisions of the Safety Health and Welfare at Work Act, 2005 (No. 10 of 2005)

The Safety, Health and Welfare at Work Act 2005 represents a modernisation of occupational health and safety law and it sets the scene for achieving further improvements in the national record on safety and health over the next few decades.

Its primary focus is on the prevention of workplace accidents, illnesses and dangerous occurrences and it provides also for significantly increased fines and penalties aimed at deterring the minority who continue to flout safety and health laws.

Important Elements of the Act

One of the aims of the Act is to encourage a responsible attitude on the part of both employers and employees. A system of on-the-spot fines by inspectors is provided for in Section 79 which provides that the level of on-the-spot fine, not to exceed €1,000, will be detailed in Regulations. The Minister will be proposing a relatively low fine initially. He will identify in regulations the employment sectors and the minor offences to which this will apply. The Authority will not initiate a prosecution before the due date of payment of an on-the-spot fine and, if the payment is made in time, no prosecution will be launched. If a prosecution is taken, the onus is on the accused to prove that payment has been made.

Under the heading of duties of employees, in general employees must:

- comply with relevant safety and health laws,
- not be under the influence of an intoxicant at the place of work to the extent that the state he or she is in is likely to endanger his or her own safety, health or welfare at work or that of any other person.
- not engage in improper conduct or behaviour;
- wear personal protective clothing where necessary,
- co-operate with their employer and look out for one another,
- not do anything which would themselves or others at risk.

Where an employee is working in a safety critical situation, he or

she, subject to regulations, may be required to undergo a periodic medical assessment of fitness to work.

There has been a certain level of concern expressed and not an insignificant amount of misinformation about one of the provisions of Section 13, that relate to possible tests for intoxicants. The Minister has stated on a number of occasions that it is only in particular circumstances or sectors that regulations may set down requirements whereby an employee must, if reasonably required by his or her employer, submit to independent tests by a competent person which are appropriate, reasonable and proportionate. There will be widespread consultation on these regulations.

On the matter of Safety Statements, it will continue to be a requirement on every employer to have a written Safety Statement, which identifies the risks and hazards in the place of work.

Safety Statements of course will be informed by risk assessments which will be based on identification and assessment of all hazards in a workplace. Both risk assessments and safety statements will have to be kept up to date.

In the new Act the Minister has moved to reduce the onus on small business and the farming sector and small businesses by providing that an employee with three or less employees can meet the Safety Statement requirement by adhering to a special Code of Practice to be developed by the Health and Safety Authority for a particular industry or sector. However, this is not the law at present and will only apply when the law comes into effect.

The Act, in Section 77 provides for two categories of offences. The first category applies to less serious matters and the second category covers all of the more serious offences under health and safety laws.

The Bill, (Section 78) provides for a fine under summary jurisdiction not exceeding €3,000 for a person guilty of an offence under the first category of offences set out in Section 77 applying to less serious offences. A person guilty of any other offence set out in Section 77 is liable, on summary conviction, to a fine not exceeding €3,000 or imprisonment up to 6 months or both. On conviction on indictment for a more serious offence, the maximum fine is €3 million or imprisonment for up to 2 years or both.

Registered Employment Agreement for the Electrical Contracting Industry (ENJIC Agreement)

It appears that some Electrical Contractors, throughout the country, are not fully aware of their obligations under the terms of the Electrical Joint Industrial Council Agreement for the Electrical Contracting Industry.

Please be advised that **ALL ELECTRICAL CONTRACTORS** are governed by the terms and conditions of the Registered Electrical Contracting Industry Agreement, as registered with the Labour Court on 24th September 1990 and varied for the twelfth time on 15th July 2005.

It should also be noted that Electrical Contractors must have their employees, who are between the age of 20 and 65, in a Pension, Sick pay and Mortality scheme, equal in conditions and benefits to the

terms of the Pension, Sick Pay and Mortality scheme of the Registered Agreement for the Construction Industry (CFOPS).

PRSA's do not meet the terms of this Agreement. Hereunder is an extract from the Labour Court website which clarifies the status of the Agreement. "Registered Employment Agreement(s) when registered with the Court, are legally binding, not only to the parties to the agreement but also to others who are in the class, type or group to which the agreement(s) are expressed to apply"

Hopefully this clarifies the situation and if you need further information on Pay rates or Pension rates etc. please contact the office on **1 800 671 671**.

EPACE

As you may be aware the EPACE organisation is actively inspecting Electrical Contracting Businesses throughout the country. As many contractors have questions and concerns about the inspections, EPACE has issued the following statement to the AECl:

"By now the majority of Electrical Contractors have received at least one communication from EPACE. This has led to many questions and as you can imagine some contractors are more concerned than others.

The good news is that if you are complying with the Registered Employment Agreement for the Electrical Contracting Industry then you have nothing to worry about. EPACE is contacting you to ensure that you are aware of your obligations under the agreement and that you are fulfilling those obligations.

For those contractors who are not complying with the agreement the matter is more serious. The Registered Employment Agreement *is* registered with the Labour Court and *is* legally binding on all contractors in the Electrical Contracting Industry. Therefore if you are not complying with the agreement then you *are* subject to prosecution in the Labour Court.

The primary function of EPACE is to monitor and ensure compliance to the Registered Employment Agreement in the Electrical Contracting Industry. By ensuring compliance to the agreement EPACE is attempting to create an equal playing field in the electrical contracting industry so that all contractors can fairly compete for contracts and not be forced to cut back on profit margins by contractors who are not paying the correct rates.

In order to determine compliance/non-compliance EPACE carry out random inspections across the country. During the inspection the EPACE representative will review the Registered Employment Agreement with the contractor and will advise as to their obligations under the agreement. A standard questionnaire is used in the inspection which focuses on the requirements of the REA i.e. pay rates, overtime rates etc. The EPACE representative will look for documentation to support the information provided including payslips showing the current rates of pay and a statement from your pension provider showing the number of employees registered and payment status.

If the contractor is found to be compliant they will be issued with a Certificate of Compliance from EPACE.

If the contractor is found to be non-compliant EPACE will advise the contractor as to the areas that need to be rectified and a time frame for the contractor to become compliant. If the contractor co-operates and becomes compliant then EPACE work with them on this basis. If the

contractor does not co-operate then the matter will be referred to the Labour Court.

During the course of their activities EPACE have met with some resistance from contractors. There are those who have tried to avoid EPACE by not responding and there are those that have refused to meet with EPACE some in more colourful language than others. The response from EPACE, in these cases is uniform – they advise the contractor of their obligations under the agreement and then refer the matter to the Labour Court.

The following is a brief description of the process followed by the Labour Court when they receive a complaint:

- When the Court receives a complaint, it passes it to the Labour Inspectorate in the Department of Enterprise, Trade and Employment for examination.
- Following this examination a formal court hearing is arranged.
- If the Court finds the complaint is valid, it issues an order requiring the company to pay any arrears due. The company in default has one month to pay the arrears due.
- If the payment is not made, the Labour Court applies to the Minister for Labour Affairs, requesting that a prosecution for non-compliance with the Order of the Court is taken in the District Court. The penalty for non-compliance with an order is an initial fine of €3,000, and a further €1,000 per day for each day which the Order is not complied with.

The Labour Inspectorate can request company records covering a time period of up to 6 years.

In the last 3 months EPACE has conducted almost 100 inspections nationwide, approximately 30% of which have been referred to the Labour Court.

Ultimately EPACE has been established to improve the current situation in the Electrical Contracting Industry. They will succeed in their objective in one of two ways: by gaining the co-operation of the contractors in the industry and assisting those contractors in becoming compliant with the Registered Employment Agreement or by spending a lot of time in the Labour Court".

Rebecca Vega
EPACE Administrator

If you have any queries or problems regarding the above, contact George at our office on 1-800-671-671

Management Development Programme

This four modular programme commenced on September 26th in Dublin. The programme, which is FAS approved, covers all aspects of the day to day running of businesses. Particular emphasis is placed on the legal aspects of operating businesses in terms of employment contracts for employees, contractors obligations to the terms of the ENJIC agreement, particularly pay, conditions, pensions, subsistence and travel. The whole area of customer relations, dealing with customers, service and quality of workmanship is also covered, amongst several other important issues in the day to day running of the Electrical Contractor's business.

The programme's four modules have now been completed in Dublin North and South, Cork, Newbridge, Athlone, Kilkenny, Drogheda and Waterford with eighty six contractors completing the programme and receiving their certificates.

As a result of the feedback from the programme it is now clear that many Electrical Contractors need in-depth help and mentoring to aid and assist them to be more successful and professional in the manner in which they conduct their businesses. As a result of many queries, the AECl will explore the manner and method of making this service readily and affordably available to members nationwide.

In general the programme's content was found to be relevant and helpful to participants. However the syllabus will be adjusted for future programmes to cover the needs of all types of Electrical Contractors.

It is planned to run the programme again commencing in early February. For details please contact Gillian or Siobhán on 1 800 671 671

Information Evenings

A series of information evenings will commence in February. It is planned to include Technical, Financial and Legal advice in these meetings. Also included will be new and innovative products which should prove helpful and interesting to our industry.

We have been specifically requested to include staff from the ESB networks to try and solve the massive problems being encountered by Contractors in this area. Also we will cover the entire area of the implications to Electrical Contractors of the WEEE directive.

These meetings will have a major bearing on the life of an Electrical Contractor and are a must if you are serious about carrying out your business in a legal, correct and profitable manner, so do not miss them when they are held in your area.

The office staff at Blackrock will contact you in writing and by telephone and advise you when and where the meeting in your area will be taking place.

The Private Security Authority

We would like to make members aware of the establishment of the Private Security Authority under the Private Security Services Act, 2004. The main functions of the Authority are to control and monitor the private security industry generally and the improvement of standards within the industry. This remit extends inter alia to both companies and employees involved in security guarding, door security, event management, alarm installation and receiving, private investigators, locksmiths and security consultants.

The Authority will licence both companies and employees based on criteria of relevant competence to work in these sectors, previous criminal history and a person's general suitability as a fit and proper person to work within the industry. There will be a phased roll out of licensing for companies and employees. Licensing of contractors providing security guarding and door security services has commenced from October 2005. Licensing also commenced in November 2005 for companies involved in the installation of intruder alarms and alarm receiving centres.

Companies will be legally required to have a Private Security Authority Contractor's Licence for intruder alarm installation and alarm receiving centres with effect from 1 August 2006. Beyond that time a security company operating without licence or anyone who contracts an unlicensed operator is liable for prosecution under the Private Security Services Act 2004.

Further details of key licensing dates are available on our website – www.psa.gov.ie. The website contains up to date information on the criteria required to apply for a licence, the schedule of the phased rollout of licenses by the PSA and the crucial dates from which it will be an offence for a security contractor or employee to operate without a licence. Future features will include a register of licensees.

Should you require any further information on licensing contact the Private Security Authority on 062-31588.

As there could be serious implications for Electrical Contractors with this issue we will monitor this situation closely and advise you accordingly.

AIB

AIB customers who wish to use a newly launched money transfer and self service options will be required to use a new code card to carry out these transactions. This card, the size of a credit card, will contain 100 codes unique to the person's registration number. Bank customers will be required to enter a random code from the list in order to complete a transaction. Each code can be used only once and when most of the 100 codes have been used AIB will issue the customer with a new card. This system will be introduced on a phased basis between early December and the end of February 2006 to coincide with the introduction of other new online banking services. The code card can be ordered online from

www.aib.ie/internetbanking.



ARE YOU PAYING TOO MUCH FOR YOUR MORTGAGE ?

Quite simply, we are all creatures of habit. We are happy that the bank or building society have provided us with the mortgage amount we need and never review it again. We never ask ourselves the question..

"Can I get my mortgage for a cheaper monthly repayment ?"

During 2005 we have spoken to many clients that are paying more than they should be to their bank or building society each month for their mortgage. On reviewing their current mortgage payments we have been able to secure the same amount of money for a cheaper monthly payment.

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- 1 Reduce their monthly payments to the bank or building society
- 2 Keep the monthly repayments the same and will pay off the mortgage sooner

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