

**S.I. NO. 88 OF 2002**

**EMPLOYMENT REGULATION ORDER (LAW CLERKS JOINT LABOUR COMMITTEE),  
2002**

**WHEREAS** the Labour Court (hereinafter called "the Court"), pursuant to the provisions of the Industrial Relations Acts, 1946 - 2001, made an Employment Regulation Order (Law Clerks Joint Labour Committee), 2001 dated 2<sup>nd</sup> April, 2001 (S.I. No. 122 of 2001) (hereinafter called "the said Order") fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Law Clerks Joint Labour Committee (hereinafter called "the Committee") operates;

**AND WHEREAS** the Committee has submitted to the Court a proposal for revoking the said Order;

**AND WHEREAS** the Committee has also submitted to the Court the proposals set out in the Schedule hereto for fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Committee operates;

**AND WHEREAS** the provisions of Section 48 of the Industrial Relations Act, 1990 have been complied with;

**NOW, THEREFORE**, the Court, in exercise of the powers conferred on it by Section 43(4) of the Industrial Relations Act, 1946, and by Section 48(4) of the Industrial Relations Act, 1990 hereby Orders as follows:-

- (1) This Order may be cited as the Employment Regulation Order (Law Clerks Joint Labour Committee), 2002.
- (2) Effect is hereby given to the proposals set out in the Schedule hereto.
- (3) The provisions set out in the Schedule hereto shall have effect as from 1<sup>st</sup> April, 2002 and as from that date the said Order shall be revoked.

Published by the Stationery Office, Dublin.

Price: € 1.27

**NOTE:** Enquiries should be directed to the **Secretary, Joint Labour Committees, The Labour Court, Tom Johnson House, Haddington Road, Dublin 4** (Telephone 01-6136666 Extension Nos. 6639, 6640, 6641 and 6642. "Lo-Call" number (if calling from outside (01) area) 1890 220 228).

**SCHEDULE****PART I****STATUTORY MINIMUM REMUNERATION****FOR WORKERS EMPLOYED IN ALL AREAS**

**Lump Sum Payment:** On 1<sup>st</sup> April, 2002, all workers covered by this Employment Regulation Order must be paid a once-off lump sum payment, equal to 1% of the annual basic pay of the individual worker concerned at that date.

**FROM 1 April, 2002**

**Per Week**

<b>SECTION I</b>	<b>MANAGING CLERK</b>  <b><u>A Managing Clerk</u></b> is a legal assistant (not being a Solicitor) who is fully experienced in all branches of a Solicitor's work conducted in the office in which he/she is employed and who is able to, and habitually does, conduct legal cases including the interviewing of clients, in that office, without constant supervision.	€397.58
<b>SECTION II</b>	<b>CONVEYANCING CLERK/COST CLERK</b>	
	1st year of employment	€330.94
	2nd year of employment	€344.29
	3rd year of employment & above	€353.16
	<b><u>A Conveyancing Clerk</u></b> is a person who is wholly or mainly engaged in title work in all its branches, including the preparing of contracts, investigation of title, drawing and completion of conveyances, mortgages and other deeds.	
	<b><u>A Cost Clerk</u></b> is a person who is wholly or mainly engaged in the drawing and taxation of his employer's costs, and who is not remunerated on a commission basis by his/her employer.	

**FROM 1 April, 2002**

**Per Week**

<b>SECTION III</b>	<b>GENERAL LAW CLERK</b>	
	<b>17 YEARS OF AGE AND OVER</b>	
	First six months of employment	€257.76
	Second “ “ “ “	€257.76
	2nd year of employment	€257.76
	3rd year of employment	€257.76
	4th year of employment	€257.76
	5th year of employment	€269.68
	6th year of employment	€279.31
	7th year of employment	€289.45
	8th year of employment	€305.47
	9th year of employment	€318.13
	10th year of employment & above	€330.94
	<b><u>A General Law Clerk</u></b> is a person other than a managing clerk, a conveyancing clerk, a cost clerk, a shorthand typist or a typist but who may be a court clerk or a book-keeper and who is wholly or mainly engaged on clerical or book-keeping duties.	

**FROM 1 April, 2002**

**Per Week**

<b>SECTION IV</b>	<b>SHORTHAND TYPIST/TYPIST</b>	
	First six months of employment	€257.76
	Second “ “ “ “	€257.76
	2nd year of employment	€257.76
	3rd year of employment	€257.76
	4th year of employment	€257.76
	5th year of employment	€263.35
	6th year of employment	€272.88
	7th year of employment	€282.58
	8th year of employment	€293.11
	9th year of employment & above	€305.47
	<p><b><u>A Shorthand Typist or Typist</u></b> is a person who is wholly or mainly employed on one or more of the following duties, viz: shorthand, typing, dictaphone, reception, copying, scrivenerly, filing, post work, despatch and telephone operation.</p> <p>Where a Shorthand Typist/Typist has been trained and is performing duties appropriate to a law clerk, such person shall be paid the rate appropriate to a law clerk.</p>	

<b>FROM 1 April, 2002</b>  <b>Per Week</b>
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<b>SECTION V</b>	<b>MESSENGER</b>	
	1st year of employment	€257.76
	2nd year of employment	€257.76
	3rd year of employment & above	€257.76
	<b><u>A Messenger</u></b> is a person wholly or mainly engaged in post work, collection and delivery.	

**N.B.** It should be noted that the scales as specified in the Order apply, having regard to previous employment experience in a Solicitor's Office and whether or not there has been a break in service due to domestic situations or otherwise.

#### **SECTION VI - OVERTIME RATES**

The minimum hourly rates for all hours of overtime shall be as follows:-

One-and-a-half times the hourly rates as defined in Section II, Part II below, i.e., time-and-a-half.

### **PART II**

#### **CONDITIONS OF EMPLOYMENT**

The following conditions of employment shall apply to all workers referred to in Part I above.

#### **SECTION I - NORMAL WORKING WEEK**

The normal number of hours to be worked by workers in relation to whom the Committee operates shall be 38 hours per week.

Where the normal working hours prescribed by an employer are 38 or less in any one week of not less than five working days, a worker who works the normal working hours so prescribed shall be entitled to the appropriate weekly wage set out in Part I.

In relation to workers under the age of 18, the provisions of the Protection of Young Persons (Employment) Act, 1996 shall apply.

## **SECTION II - THE HOURLY RATE**

For full-time workers or for part-time workers the hourly rate shall be the appropriate weekly wage divided by the appropriate normal number of hours worked per week.

## **SECTION III - MEAL INTERVALS**

Meal intervals shall not be reckoned as time worked.

## **SECTION IV - OVERTIME**

All hours worked in excess of the normal hours in any week shall be overtime and shall be paid for at the overtime rates as outlined in Section VI of Part I of this Order.

## **SECTION V - SUNDAYS AND PUBLIC HOLIDAYS**

All hours worked on Sunday or on a statutory Public Holiday shall be paid for at twice the hourly rate as defined in Section II above, i.e. at Double Time.

## **SECTION VI - ANNUAL HOLIDAYS**

All employees are entitled to annual leave in accordance with the provisions of the Organisation of Working Time Act, 1997.

## **SECTION VII - SICK PAY SCHEME**

1. Employees will be entitled to coverage under the Sick Pay Scheme after two years' service.
2. No payment will be made for the first three days of any absence on sick leave.
3. For entitlement to payment, a certificate signed by a medical practitioner is required on the fourth day and on a weekly basis thereafter.
4. The employee will be responsible for claiming his/her Social Welfare entitlements while on sick leave and for paying over such payments to the employer.
5. Under the Scheme, employees will be entitled to three weeks' pay at appropriate Employment Regulation Order rates.
6. The employer will reserve the right to refer an employee for assessment by the employer's nominated doctor.
7. The Sick Pay Scheme will operate on a rolling twelve months basis.

### **Exclusions**

The Sick Pay Scheme will not cover absences from work as a result of injury received when working for another employer.

Sick pay will be refundable to the employer under this Scheme where loss of wages can be or is re-couped from another source in respect of absence from work.

### **NOTE**

***Nothing contained in this Order shall prevent an employer and employee from continuing with or entering into a sick pay scheme, the terms and conditions of which are more favourable to the employee than the terms of this Order.***

**PART III****WORKERS IN RELATION TO WHOM THE COMMITTEE OPERATES**

Clerical workers and messengers, whether whole-time or part-time employed by Solicitors in connection with their professional work and by Bodies Corporate in their law departments under the direction of their law agents including managing clerks, general law clerks, cost clerks, typists, stenographers and book-keepers, but excluding Solicitors' Apprentices and Solicitors.

**Given under the Official Seal  
of the Labour Court this 19<sup>th</sup>  
day of March, 2002.**

**L.S.**

**(SIGNED) Finbarr Flood  
CHAIRMAN**

**EXPLANATORY NOTE**

This note is not part of the Instrument and does not purport to be a legal interpretation.

This Instrument fixes statutory minimum rates of pay and regulates statutory conditions of employment as from **1<sup>st</sup> April, 2002** for certain workers employed in Solicitors' Offices. It is made by the Labour Court on the recommendation of the Law Clerks Joint Labour Committee.

