

S.I. NO. 631 OF 2003

**EMPLOYMENT REGULATION ORDER (SECURITY INDUSTRY JOINT
LABOUR COMMITTEE), 2003**

WHEREAS the Labour Court (hereinafter called "the Court"), pursuant to the provisions of Section 48 of the Industrial Relations Act, 1990 (hereinafter called "the Act"), made an Employment Regulation Order dated 13th February, 2001 (S.I. No. 35 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 Security Industry 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 Act 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 (Security Industry Joint Labour Committee), 2003
- (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 1st January, 2004 and, as from that date, the said Order shall be revoked.

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Note: Enquiries should be addressed 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 1

Workers to whom this Schedule applies

Security operatives, namely persons employed to provide a security service as described hereunder for contract clients of their employer, and performing one or more of the functions set out hereunder.

Meaning of “security service”:

A service of a security or surveillance nature, the purpose of which is to protect persons and property.

Primary functions of security operatives:

- (i) The prevention or detection of theft, loss, embezzlement, misappropriation or concealment of merchandise, money, bonds, stocks, notes or other valuables.
- (ii) The prevention or detection of intrusion, unauthorised entry or activity, vandalism or trespass on private property either by physical, electronic or mechanical means.
- (iii) The enforcement of rules, regulations and policies related to crime reduction.

BUT EXCLUDING

- (i) Workers affected by an Employment Agreement, that is “an agreement relating to the remuneration or the conditions of employment of workers of any class, type or group made between a trade union of workers and an employer or trade union of employers or made at a meeting of a registered joint industrial council between members of the council representative of workers and members of the council representative of employers.” [Industrial Relations Act, 1990, Section 46].
- (ii) Workers to whom an Employment Regulation Order made as a result of proposals received from another Joint Labour Committee applies.
- (iii) Managers, assistant managers and trainee managers.

PART 11

**STATUTORY MINIMUM REMUNERATION AND CONDITIONS OF
EMPLOYMENT**

Section 1

Rates of remuneration

(i) **Minimum rate of remuneration per hour**

	From 1.1. 2004	From 1.7.2004	From 1.1.2005
Start of employment	€7.19	€7.41	€7.56
After 1 year's <u>verifiable</u> service in the industry	€7.59	€7.82	€7.98

(ii) **Overtime**

Overtime rates shall apply as follows:

Hours in excess of an average 40 hours in the roster cycle will be paid at a rate of time and a quarter for the first five hours and time and a half thereafter.

(iii) **Sunday Premium**

Employees who work on a Sunday shall be paid a Sunday premium, as follows:

From 1st January, 2004

€1.80 per hour worked

The minimum Sunday premium payable will be **€6.75**.

(iv) **Unsocial Hours**

An unsocial hours premium will be paid for hours worked between 21:00 hours and 07:00 hours, provided the worker works at least 3 hours in that period. This will apply as follows:

From 1st January, 2004

€13.50 per shift

Section 11

Conditions of employment

(i) Annual Leave

Annual leave entitlement shall be in accordance with the terms of the Organisation of Working Time Act, 1997.

Regular rostered overtime is to be included for the purposes of holiday pay. Regular rostered overtime will be averaged over the previous 13 weeks worked, prior to the taking of annual leave, subject to a maximum of 48 hours per week.

(ii) Public Holidays

Hours worked on public holidays will be paid at double time plus 8 hours.

(iii) Working Hours, Rest Periods & Breaks

The employees to whom the order refers will, pursuant to Section 4 (6) of the Organisation of Working Time Act, 1997, be exempt by agreement from the provisions of Sections 11, 12 and 13 of the Act.

Each employer to whom this agreement applies shall ensure that each employee shall have a rest period and break which can be regarded as equivalent to those provided for in Sections 11, 12 and 13 of the Act.

(iv) Facilities

Security firms will provide, or make arrangements with clients to provide, appropriate facilities and protection to ensure the safety, health and welfare of their employees at their place of employment. Such facilities / protection shall include: protective clothing, shelter, toilet, heat, light and access to canteens or means to heat / cook food, communication equipment and first aid. The employer shall also ensure adequate monitoring procedures to ensure the safety and security of workers.

(v) Death in Service Benefit

A **non-contributory** Death in Service Benefit, equal to one year's basic pay, will apply after 6 months' service in the Company, **to those under 65 years of age.**

(vi) Personal Attack Benefit

A **non-contributory** Personal Attack Benefit will apply, after 6 months' service in the Company, to **employees under 65 years of age**, who are attacked in the course of their duty, resulting in an injury.

The amount payable will be as follows:

After 6 months' service	10 weeks' basic pay, less Social Welfare
After 18 months' service	15 weeks' basic pay, less Social Welfare
After 30 months' service	20 weeks' basic pay, less Social Welfare
After 42 months' service	26 weeks' basic pay, less Social Welfare

(vii) Certificate of Service

Each worker shall be entitled to receive from his employer, on request, a certificate of service showing the period of his employment and the length of his service.

(viii) Sick Pay Scheme (to come into effect on 1st January 2005)

- 1. The Sick Pay Scheme will be non-contributory**
- 2. No payment will be made for the first 3 days of any absence.**
- 3. The employer must be contacted at least 1 hour before the rostered commencement time on the first day of absence.**
- 4. Benefit will only be payable where a medical certificate, signed by a medical practitioner and specifying the nature of the illness, is submitted on the fourth day of absence. Medical certificates must be submitted on a weekly basis thereafter.**
- 5. The Sick Pay scheme will apply on a calendar year basis, either from 1st January to 31st December or in line with the holiday year as it applies in each company.**
- 5. The Scheme will apply to full-time workers and part-time workers on a pro rata basis.**

7. Any employee found to be abusing the Sick Pay Scheme will be subject to disciplinary procedures up to and including dismissal.
8. The employer will reserve the right to refer an employee for an assessment by the Company doctor. The cost of the referral will be met by the employer.
9. The Sick Pay Scheme will not cover absences arising from or relating to the following:

Traffic accidents (excluding those incurred during the course of employment)
Substance abuse
Sports injuries
Injuries sustained while working for another employer.

10. Employees will be entitled to the following benefit:

After 2 years service - 2 weeks benefit.
After 3 years service - 3 weeks benefit
After 4 years service - 4 weeks benefit

Benefit will be €50 per rostered week, or pro rata.

Employees will retain the social welfare payment and it is their responsibility to apply for and collect this payment.

There will be no transfer of benefit from one year to the next.

(ix) General

Nothing in this Employment Regulation Order shall be taken to exclude, limit or be in any way inconsistent with the rights of any employee under any statutory enactment.

Given under the Official Seal of the
Labour Court this 24th day of
November, 2003.

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, with effect from 1st January, 2004, statutory minimum rates of remuneration and regulates statutory conditions of employment for certain workers employed in the Security Industry. It is made by the Labour Court on the recommendation of the Security Industry Joint Labour Committee.