

S.I. NO. 249 OF 2006

EMPLOYMENT REGULATION ORDER (LAW CLERKS JOINT LABOUR COMMITTEE), 2006

WHEREAS the Labour Court (hereinafter called "the Court"), pursuant to the provisions of the Industrial Relations Acts, 1946 - 2004, made an Employment Regulation Order (Law Clerks Joint Labour Committee), 2005 dated 25th April, 2005 (S.I. No. 214 of 2005) (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), 2006.
- (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 19th May, 2006 and as from that date the said Order shall be revoked.

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**

SECTION I	OFFICE MANAGER	From 19th May, 2006 Per Week
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Qualification and Experience: Leaving Certificate or other completed 2nd Level Education and 5 years in Legal Office or legal environment.	€486.88
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Function/Responsibilities:

- legal assistant (not being a Solicitor or Legal Executive) fully experienced with wide knowledge in all branches of a Solicitor's work conducted in the office in which he/she is employed;
- can conduct cases including interviewing of clients (without constant supervision);
- competent in use of keyboard operations including file management systems;
- word processing, spreadsheets, databases, and document presentation;
- draft letters and legal documents, type (if necessary), and file (if necessary);
- manage Office and Solicitors diary;
- telephone/voicemail/fax/e-mail/scan: use and deal with;
- record financial transactions;
- data input to various Registers e.g. deeds, wills and undertakings;
- supervise Law Clerks, Legal Secretaries and Office Assistants;
- miscellaneous administrative duties including ordering and purchasing of office machinery, equipment (hardware and software), and stationery;
- cover for Legal Secretary and Law Clerk when necessary;
- reports to Legal Executive or Solicitor.

Note: Employees will be assimilated onto the new rates so as to reflect their job, experience and service.

SECTION II	LAW CLERK / BOOKKEEPER	From 19th May, 2006 Per Week
	1st year of employment	€389.50
	2nd year of employment	€407.44
	3rd year of employment	€425.38
	[may be Conveyancing, Probate, Cost, General, or other Speciality]	

Qualification and Experience: Leaving Certificate
or other completed 2nd Level Education and 4 years
in Legal Office

Function/Responsibilities:

- legal assistant fully experienced in the branch
with which they are concerned;
 - can conduct cases including interviewing of clients
(without constant supervision);
 - competent in use of keyboard operations including
file management systems;
 - word processing, spreadsheets, databases,
and document presentation;
 - draft basic letters and legal documents, type
(if necessary), and file (if necessary);
 - manage Solicitors diary in area of speciality;
 - telephone/voicemail/fax/e-mail/scan:
use and deal with;
 - record financial transactions;
 - data input to various Registers e.g. deeds,
wills and undertakings;
 - supervise Legal Secretaries and Office Assistants;
 - miscellaneous administrative duties;
 - cover for Legal Secretary, when necessary;
 - reports, as appropriate, to Office Manager,
Legal Executive or Solicitor.
- Bookkeeper

**Note: Employees will be assimilated onto the
new rates so as to reflect their job,
experience and service.**

SECTION III	LEGAL SECRETARY	From 19th May, 2006 Per Week
	1st year of employment	€328.00
	2nd year of employment	€343.38
	3rd year of employment	€358.75
	4th year of employment	€374.13
	5th year of employment	€389.50
	6th year of employment & above	€399.75
	Qualification: None	
	Experience: 6 months in Legal Office or legal environment or recognised qualification as a Legal Secretary	

Function/Responsibilities:

- competent accurate and efficient dictating (including digital dictation) machine typist or operating from hand-written drafts for all keyboard operations including file management systems for all letters and legal documents whether in word processing, spreadsheet, database or document presentation;
- receive clients and deal with routine enquiries;
- manage Solicitors diary;
- telephone/voicemail/fax/e-mail/scan : record and deliver messages;
- record financial transactions;
- copying, filing, post (including scanning and despatch), dealing with courier;
- specialised messages - collections and deliveries including other Offices, Courts, Banks, Registries, and Post Offices;
- data input to various registers e.g. deeds, wills, and undertakings;
- supervise Office Assistant;
- miscellaneous administrative duties;
- cover for Office Assistant, when necessary;
- reports, as appropriate, to Office Manager, Law Clerk, Legal Executive, or Solicitor.

Note: Employees will be assimilated onto the new rates so as to reflect their job, experience and service.

SECTION IV	OFFICE ASSISTANT	From 19th May, 2006 Per Week
	1st year of employment	€307.50
	2nd year of employment and above	€328.00
	Function/Responsibilities:	
	- messages, copying, filing, posting (including scanning and despatch) and faxing;	
	- collections and deliveries of letters messages and documents to/from other Offices including Courts, Banks, Registries and Post Offices;	
	- telephone answering, recording and delivery of messages;	
	- data input to various Registers e.g. deeds, wills and undertakings;	
	- basic computer skills with some typing/keyboard ability;	
	- miscellaneous administrative duties associated with trainee;	
	- reports to, and subject to supervision of, as appropriate, Legal Secretary, Law Clerk, Office Manager, Legal Executive or Solicitor	
	 Note: Employees will be assimilated onto the new rates so as to reflect their job, experience and service.	

NOTE: A Legal Secretary fulfilling the following shall be entitled to advancement on the salary scale by 2 increments over any existing increment to which they would be entitled without such qualification or experience.

Qualification : FAS/N.S.C. or recognised equivalent for Legal Secretary and
Experience: 1 year in Legal Office or legal environment.

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 not exceeding three years due to domestic situations or otherwise.

SECTION V - 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.

SECTION VIII - 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.

SECTION IX - Bullying/Harassment/Grievance/Disciplinary Procedures

Each employer will include, in the conditions of employment, details of the procedure to apply in the event of issues arising in relation to bullying/harassment, grievance and discipline. In this regard the codes of practice contained in S.I. No. 17 of 2002 (Bullying in the Workplace), S.I. No. 78 of 2002, Employment Equality Act, 1998 (Code of Practice) (Harassment) Order, 2002 and S.I. No. 146 of 2000 (Grievance and Disciplinary Procedures) are to be noted.

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

Workers 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 office managers, law clerks/bookkeepers, legal secretaries and office assistants but excluding Solicitors' Apprentices and Solicitors.

**Given under the Official Seal
of the Labour Court this
10th day of May, 2006.**

**L.S. (SIGNED) RAYMOND McGEE
DEPUTY 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 **19th May, 2006** for certain workers employed in Solicitors' Offices. It is made by the Labour Court on the recommendation of the Law Clerks Joint Labour Committee.