

TO BE POSTED UP

SEC (2006 NO. 2)

NOTICE

SECURITY INDUSTRY JOINT LABOUR COMMITTEE

The Labour Court, pursuant to Section 48 of the Industrial Relations Act, 1990, has made an Employment Regulation Order dated 26th September, 2006 fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Committee operates. The Order gives effect to the proposals set out in the Notice of Proposals published on 9th June, 2006

This notice sets out full details of minimum remuneration and conditions of employment. The rates of remuneration incorporate the provisions of the National Minimum Wage Act, 2000.

As from the date specified in the Order, i.e. **1st January, 2007**, the workers for whom the Committee operates are legally entitled to rates of remuneration and conditions of employment which are not less favourable to them than those set out in the Order.

THIS NOTICE MUST BE POSTED UP IN A PROMINENT POSITION SO AS TO ENSURE THAT THE DETAILS THEREIN SHALL BE BROUGHT TO THE KNOWLEDGE OF AND CAN BE CONVENIENTLY READ BY ALL THOSE WORKERS AFFECTED BY IT.

The Labour Court
Tom Johnson House
Haddington Road
Dublin 4

NOTE:

1. Enquiries should be addressed to the Secretary, Joint Labour Committees, at the above address (Telephone 01-6136666, Extension Nos. 6639, 6640, 6641 and 6642. "Lo-Call" number (if calling from outside (01) area) 1890 220 228). E-mail: jlc@labourcourt.ie
Website: www.labourcourt.ie
2. Complaints of non-compliance with the wages and conditions of employment on this Notice should be addressed to the Labour Inspectorate, Department of Enterprise, Trade and Employment, Davitt House, Adelaide Road, Dublin 2 (Telephone 01-6312121. "Lo-Call" 1890 220 222).
3. General enquiries regarding Redundancy Payments Acts, Minimum Notice and Terms of Employment Act, Unfair Dismissals Acts, Payment of Wages Act, Terms of Employment (Information) Act, Protection of Young Persons (Employment) Act, Organisation of Working Time Act, National Minimum Wage Act and Protection of Employees (Part-Time Work) Act should be addressed to the Employment Rights Information Unit, Department of Enterprise, Trade and Employment (Telephone 01-6313131. "Lo-Call" 1890 201 615).
E-mail: erinfo@entemp.ie Website: www.entemp.ie

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 1.1.2007	From 1.1.2008
Start of employment	€8.62	€9.27
After 1 year's verifiable service in the industry	€9.03	€9.48
After 4 years' service with the company or 3 years' service with the company plus 1 year's verifiable service in the industry	€9.57	€10.15

	From 1.1.2009
Start of employment	€10.01
After 3 year's verifiable service in the industry	€10.75

(ii) Overtime

Overtime rates shall apply as follows:

From 1.1.2008

Hours in excess of an average 39 hours in the roster cycle will be paid at a rate of time and a quarter for the first three hours and time and a half thereafter.

From 1.1.2009

Hours in excess of an average 39 hours in the roster cycle will be paid at a rate of time and half.

Sunday Overtime

Hours in excess of an average 39 hours in the roster cycle will be paid at a rate of double the minimum rate of remuneration per hour.

N.B. Where Sunday is worked as overtime the Sunday Premium will not be applicable.

(iii) Sunday Premium

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

From 1.1.2007	€2.44 per hour worked
The minimum Sunday premium payable will be	€9.76.
From 1.1.2008	€2.94 per hour worked
The minimum Sunday premium payable will be	€11.76.
From 1.1.2009	€3.44 per hour worked
The minimum Sunday premium payable will be	€13.76.

(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 1.1.2007	€15.24 per shift
From 1.1.2008	€16.00 per shift
From 1.1.2009	€16.80 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 (excluding Christmas Day) will be paid at double time plus 8 hours.

Hours worked on Christmas Day (i.e 00.00hrs – 24.00hrs) will be paid at treble 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/her employer, on request, a certificate of service showing the period of his/her employment and the length of his/her service.

(viii) Sick Pay Scheme

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.
6. 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

From 1.1.2007

Benefit will be €60 per rostered week, or pro rata.

From 1.1.2008

Benefit will be €72 per rostered week, or pro rata.

From 1.1.2009

Benefit will be €86.40 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.

(x) **Training**

Where training is provided for and paid by the Company for New Entrants and the employee leaves the Company:

- within 3 months the Company can deduct 16 hours pay for training
- between 4 and 6 months the Company can deduct 8 hours pay for training

**NOTES REGARDING CERTAIN PROVISIONS OF THE INDUSTRIAL
RELATIONS ACTS, 1946 - 2004**

- (1) Agreements void:- Any agreement between a worker and his/her employer for payment of wages less than the minimum rate or for conditions of employment less favourable than the statutory conditions of employment is void.
- (2) Computation of Remuneration:- The minimum rates of wages set out in the Schedule above shall be payable clear of all deductions except any deduction lawfully made under any enactment for the time being in force requiring or authorising deductions to be made from remuneration.
- (3) Penalty for paying less than the statutory minimum rates:- The penalty for paying wages at less than the minimum rate is a fine not exceeding €952.30 for each offence.
- (4) Penalty for non-compliance with these statutory conditions of employment by the employer is a fine not exceeding €952.30 for each offence.
- (5) Permits authorising the employment of infirm and incapacitated persons at less than the statutory minimum remuneration:- If a Joint Labour Committee is satisfied that a worker is, by reason of infirmity or physical incapacity, incapable of earning the statutory minimum rate of remuneration, the Joint Labour Committee may grant a permit authorising his/her employment at less than the statutory remuneration subject to such conditions as the Joint Labour Committee may determine. Wages to be paid under the permit must at least equate to the National Minimum Wage. Forms of application for such permits may be obtained from the Secretary of the Joint Labour Committees.
- (6) Records:- An employer of any worker to whom a minimum rate is applicable is required to keep for a period of three years such records as are necessary to show whether or not the provisions of the Industrial Relations Acts, 1946 - 2004 are being complied with. Penalty for non-compliance is a fine not exceeding €634.87.
- (7) The above notes are explanatory only, and must not be regarded as a full or authoritative interpretation of the Industrial Relations Acts, 1946 - 2004.