



STATUTORY INSTRUMENTS.

S.I. No. 417 of 2015



EMPLOYMENT REGULATION ORDER (SECURITY INDUSTRY
JOINT LABOUR COMMITTEE) 2015

S.I. No. 417 of 2015

EMPLOYMENT REGULATION ORDER (SECURITY INDUSTRY
JOINT LABOUR COMMITTEE) 2015

WHEREAS I, GERALD NASH, Minister of State at the Department of Jobs, Enterprise and Innovation, being in receipt of proposals of the Security Industry Joint Labour Committee that have been adopted by the Court and forwarded to me under subsection (1) of section 42C (inserted by section 12 of the Industrial Relations (Amendment) Act 2012 (No. 32 of 2012)) of the Industrial Relations Act 1946 (No. 26 of 1946) and being satisfied that sections 42A and 42B of that Act have been complied with and considering it appropriate to do so:

NOW, I, GERALD NASH, in exercise of the powers conferred on me by subsection (2) of section 42C (inserted by section 12 of the Industrial Relations (Amendment) Act 2012 (No. 32 of 2012)) of the Industrial Relations Act 1946 (No. 26 of 1946) (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011) and the Jobs, Enterprise, and Innovation (Delegation of Ministerial Functions) Order 2014 (S.I. No. 545 of 2014) hereby make the following order:

1. This Order may be cited as the Employment Regulation Order (Security Industry Joint Labour Committee) 2015.
2. This Order shall come into operation on the 1st day of October 2015.
3. This Order gives effect to the proposals set out in the Schedule.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th October, 2015.*

Proposal
SCHEDULE
PART I

Interpretation

In this Order:—

“Act of 2000” means the National Minimum Wage Act 2000 (Number 5 of 2000).

“Establishment Order” means the S.I. No. 377/1998 —Security Industry Joint Labour Committee Establishment Order 1998, as amended by S.I. No 30 /2014-Security Industry Joint Labour Committee Establishment (Amendment) Order 2014.

A word or expression that is used in this Order which is also used in the Establishment Order has, unless the contrary intention appears, the meaning in this Order that it has in the Establishment Order.

Workers to Whom this Order Applies

This Order applies to workers to whom the Establishment Order applies (the scope of which is set out in the Schedule to that Order).

PART II

STATUTORY MINIMUM REMUNERATION AND CONDITIONS OF EMPLOYMENT

Section 1

RATES OF REMUNERATION

- (1) Subject to paragraph (2) of this section a worker to whom this Order applies shall be remunerated by his or her employer at the rate of €10.75 per hour.

Where composite rates of pay higher than the rates of pay provided for in this section are paid to workers, it shall be necessary for the employer to keep such records as are necessary to show that the above Rates of Remuneration, as defined in this section, are being complied with.

- (2)(a) A worker who has not attained the age of 18 years shall be remunerated at an hourly rate of pay that is not less than 70 per cent of the rate specified in paragraph (1)
- (b) A worker who enters into employment for the first time after attaining the age of 18 years or, having entered into employment before attaining the age of 18 years and continues in employment on attaining that age, shall be remunerated at an hourly rate that is not less than:—

- (I) In the case of a worker commencing employment for the first time after attaining the age of 18 years:—
- (i) in his or her first year after having commenced employment, 80 per cent of the rate specified in paragraph (1);
 - (ii) in his or her second year after commencing employment, 90 per cent of the rate specified in paragraph (1).
- (II) In the case of a worker having entered into employment before attaining the age of 18 years and continuing in employment on attaining that age:-
- (i) in his or her first year after having attained the age of 18 years, 80 per cent of the rate specified in paragraph (1); and
 - (ii) in his or her second year after having attained that age, 90 per cent of the rate specified in paragraph (1).
- (c) Where a worker who has attained the age of 18 years undergoes a course of study or training authorised by the employer within the workplace or elsewhere during normal working hours, such courses or training to be prescribed in regulations made by the Minister pursuant to section 3 of the Act of 2000 for the purposes of section 16 of that Act, the worker shall be remunerated by his or her employer in respect of his or her working hours at a rate of pay that is not less than the following:
- (i) in respect of the first one-third period (but not exceeding 12 months) of the total study or training period, 75 per cent of the rate specified in paragraph (1);
 - (ii) in respect of the second one-third period (but not exceeding 12 months) of the total study or training period, 80 per cent of the rate specified in paragraph (1);
 - (iii) in respect of the third one-third period (but not exceeding 12 months) of the total study or training period, 90 per cent of the rate specified in paragraph (1).
- The conditions specified at section 16 of the Act of 2000 shall apply, with necessary modifications, to the application of this subparagraph.
- (3) Overtime rates shall apply as follows:
- (a) all hours worked in excess of an average 48 hours per week in the roster cycle will be paid at a rate of time and a half;
 - (b) a rostered cycle shall be a predetermined working pattern, which can be up to a maximum of six weeks, which has been issued to the employee in writing prior to the commencement of the roster cycle.

Section 2

CONDITIONS OF EMPLOYMENT

(1) 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.

(2) Public Holidays

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

(3) Working Hours, Rest Periods & Breaks

The employees to whom this Order refers will, pursuant to section 4 (6) Organisation of Working Time Act 1997, be exempt by agreement from the provisions of sections 11, 12 and 13 of that Act.

Each employer to whom this Order 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 Organisation of Working Time Act 1997.

(4) Hours of Work/Rosters

Completed rosters setting out all hours of work for a minimum period of one week will be made available to employees in writing. Other than in exceptional circumstances completed rosters will be issued and made available to the employee a minimum of 3 days in advance of commencement. Rosters are subject to flexibility relating to operational and business needs.

(5) 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.

A copy of the Health and Safety Risk Assessment will be available at each site

(6) Death in Service Benefit

A non-contributory Death in Service Benefit, equal to one year's basic pay is payable after 6 months' service in the Company, and up to the age that State Pension becomes payable to the employee.

The death in service benefit shall apply whether the employee was on duty or not at the time of death.

(7) Personal Attack Benefit

A non-contributory Personal Attack Benefit will apply, after 6 months' service in the Company, to all employees covered by this Employment Regulation Order, 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

An employer shall ensure that appropriate physical and psychological support is available, on request, to any employee who has been subjected to violence as a result of carrying out his/her duties. (Ref: PSA Standards 28 of 2013 Section 4.6.7)

(8) Certificate of Service

Each worker shall be entitled to receive from his/her employer a certificate of service showing the period of their employment and the length of his/her service.

(9) Sick Pay Scheme

- (a) The Sick Pay Scheme will be non-contributory.
- (b) No payment will be made for the first 3 days of any absence.
- (c) The employer must be contacted at least 1 hour before the rostered commencement time on the first day of absence.
- (d) 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.

- (e) 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.
- (f) The Scheme will apply to full-time workers based on a 39 hour week, and part-time workers on a pro rata basis.
- (g) Any employee found to be abusing the Sick Pay Scheme will be subject to disciplinary procedures up to and including dismissal.
- (h) 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.
- (i) The Sick Pay Scheme will not cover absences arising from or relating to the following:
 - (1) Traffic accidents (excluding those incurred during the course of employment)
 - (2) Substance abuse
 - (3) Sports injuries
 - (4) Injuries sustained while working for another employer.

(10) Benefits

Employees will be entitled to the following benefit:

After 2 years' service — 3 weeks' benefit

After 3 years' service — 4 weeks' benefit

After 4 years' service — 5 weeks' benefit

Benefit will be €120 euro 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.

(11) 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
- after 3 months up to 6 months the Company can deduct 8 hours' pay for training

(12) Uniforms

Subject to normal wear and tear the cost of all uniform items supplied and provided to employees during their employment will be borne by the employer subject to the following:

- if an employee leaves the organisation within 3 months of the issuance of uniform item(s) to him/her, the employer may deduct 100% of the actual verified cost of the uniform item(s);
- if an employee leaves the organisation after 3 months but before 6 months of the issuance of uniform item(s) to him/her, the employer may deduct 50% of the actual verified cost of the uniform item(s);
- where an employee leaves an organisation and the uniform items are not returned to the organisation, the cost of the uniform items may be deducted from any payment due to the employee.

(13) Grievance and Disciplinary Procedures

Grievance and Disciplinary hearings will be carried out in accordance with the procedures set out in the Code of Practice on Grievance and Disciplinary procedures S I 146 of 2000.

(14) Existing Agreements

This Employment Regulation Order does not affect in any way already existing agreements (if equal or better) be they local, national, official, or in company.

(15) 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.

EXPLANATORY NOTE

Scope of the Order

(This Note is an extract from the SCHEDULE to the Establishment Order and is not part of the Instrument and does not purport to be a legal interpretation)

Workers to whom this Schedule applies

Security operatives.

Meaning of ‘security firm’

‘security firm’ means an employer who employs one or more security operatives.

Meaning of ‘security operative’

'security operative' means a person employed by a security firm to—

- (i) provide a security service for contract clients of that firm, and**
- (ii) perform one or more of the primary functions set out below.**

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.**
- (iv) The protection of individuals from bodily harm.**

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.**
- (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.**

GIVEN under my hand,
1 October 2015.

GERALD NASH,
Minister of State at the Department for Jobs, Enterprise and
Innovation.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B31541). 305. 10/15. Essentra. Gr 30-15.