



STATUTORY INSTRUMENTS

S.I. No. 215 of 2009



EMPLOYMENT REGULATION ORDER (LAW CLERKS JOINT
LABOUR COMMITTEE), 2009

EMPLOYMENT REGULATION ORDER (LAW CLERKS JOINT
LABOUR COMMITTEE), 2009

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), dated 20th March, 2007 (S.I. No. 118 of 2007) (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), 2009.
- (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 June 22nd, 2009 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, 6641 and 6642. “Lo-Call” number (if calling from outside (01) area) 1890 220 228).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th June, 2009.*

CONTENTS

Paragraph		Page
PART 1 — Scope and Definitions		
1	Workers to whom this Order applies	3
2	Exclusions from scope of this Order	3
PART 2 — Minimum Weekly Rates of Pay		
3	Minimum Weekly Rates of Pay	3
4	Hourly Rate	5
5	Overtime	5
6	Payment for Sundays and Public Holidays	5
PART 3 — Minimum Conditions of Employment		
7	Normal Working Week	5
8	Meal Intervals	5
9	Annual Holidays	5
10	Sick Pay Scheme	6
11	Bullying/Harassment/Grievance/Disciplinary Procedure	6
PART 4 — General Provisions		
12	General	8
ANNEX	Qualification, experience etc. for various positions	8

PART 1 — Scope and Definitions

1. Workers to whom this Order applies

Subject to paragraph 2 of this Schedule, this Order shall apply to workers whether whole-time or part-time employed by Solicitors in connection with their professional work and Bodies Corporate in their law departments under the direction of their law agents, including office managers, law clerks, book-keepers, legal secretaries and office assistants.

2. Exclusions from Scope of Order

This Order shall not apply to Solicitors and Solicitors' Apprentices.

PART 2 — Pay**3. Minimum Weekly Rates of Pay**

The qualifications and experience, as well as the functions and responsibilities applying to each of the positions for whom rates are set out in this paragraph, are contained in the Annex to this Schedule.

It should be noted that the scales as specified in this Schedule 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.

(a) Office Manager

From 22nd June 2009	€547.74
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(b) Law Clerk / Bookkeeper

	From 22nd June 2009
First year of employment	€437.58
Second year of employment	€457.98
Third year of employment	€478.38

(c) Legal Secretary

	From 22nd June 2009
First year of employment	€369.24
Second year of employment	€386.58
Third year of employment	€403.92
Fourth year of employment	€421.26
Fifth year of employment	€438.60
Sixth year of employment and thereafter	€449.82

(d) Office Assistant

	From 22nd June 2009
First year of employment	€370.26
Second year of employment and thereafter	€391.68

4. 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.

5. Overtime

All hours worked in excess of the normal hours in any week shall be overtime and shall be paid for at one-and-a-half times the hourly rate as defined in paragraph 4.

6. Payment for 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 paragraph 4, i.e. at double time.

PART 3 — Minimum Conditions of Employment**7. Normal Working Week**

The normal number of hours to be worked by workers to whom this Order applies 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 more than five working days, a worker who works the normal working hours so prescribed shall be entitled to the appropriate weekly rate set out in Paragraph 3.

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

8. Meal Intervals

Meal intervals shall not be reckoned as time worked.

9. Annual Holidays

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

10. Sick Pay Scheme

- (a) (i) Employees will be entitled to coverage under the Sick Pay Scheme after two years' service.
- (ii) No payment will be made for the first three days of any absence on sick leave.
- (iii) For entitlement to payment, a certificate signed by a medical practitioner is required on the fourth day and on a weekly basis thereafter.
- (iv) 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.

- (v) Under the Scheme, employees will be entitled to three weeks' pay at appropriate Employment Regulation Order rates.
- (vi) The employer will reserve the right to refer an employee for assessment by the employer's nominated doctor.
- (vii) The Sick Pay Scheme will operate on a rolling twelve months basis.

(b) 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 recouped from another source in respect of absence from work.

- (c) 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.

11. Bullying / Harassment, Grievance and Disciplinary Procedures

- (a) Each employer will include, in the conditions of employment, details of the procedures to apply in the event of issues arising in relation to bullying, harassment, grievance and discipline. In this regard, the following Codes of Practice are to be noted:
 - (i) Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000 — S.I. No. 146/2000.
 - (ii) Industrial Relations Act, 1990 (Code of Practice Detailing Procedures For Addressing Bullying in The Workplace) (Declaration) Order, 2002 — S.I. No. 17/2002.
 - (iii) Employment Equality Act, 1998 (Code of Practice) (Harassment) Order 2002 — S.I. No. 78/2002.
 - (iv) Code of Practice for Employers and Employees on the Prevention and Resolution of Workplace Bullying, published by the Health and Safety Authority, effective 1 May, 2007.

The procedures will also state that an employee may be represented, at any stage of the procedure, by a colleague, Trade Union official of his/her choice or legal representation.

In relation to the Code of Practice referred to at subparagraph (iii), regard shall be had to the provisions on harassment and sexual harassment inserted in the Employment Equality Act 1998 by Section 8 of the Equality Act, 2004.

- (b) The following provisions shall apply in the event of a dismissal:
- (i) In the event of a dismissal, the procedures will include the warning stages to apply prior to dismissal and will make reference to verbal and written warnings and to the fact that, depending on the nature of the misconduct/performance, the preliminary stages of the procedures may be bypassed.
 - (ii) In the event of a summary dismissal, no decision will be taken until the matter has been fully investigated by management.
 - (iii) An employee may wish to challenge a dismissal to a Rights Commissioner, the Labour Relations Commission, the Labour Court, the Equality Authority or the Employment Appeals Tribunal or may pursue the matter under common law.

The procedures will also state that an employee may be represented, at any stage of the procedure, by a colleague, Trade Union official of his/her choice or legal representation.

PART 4 — General Provisions

12. 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.

ANNEX

Qualifications / experience and functions / responsibilities applying to positions for which rates are set out in paragraph 3.

Office Manager

Qualification and Experience

Leaving Certificate or other completed 2nd Level Education and 5 years in Legal Office or legal environment.

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;

8 [215]

- 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 Solicitor's diary; use and deal with; telephone, voicemail, fax, e-mail, scan;
- 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.

Law Clerk / Bookkeeper

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 Solicitor's diary in area of speciality;

- use and deal with; telephone, voicemail, fax, e-mail, scan;
- 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;
- Bookkeeper;
- reports, as appropriate, to Office Manager, Legal Executive or Solicitor.

Legal Secretary

Qualification

None, but see note below.

Experience

6 months in Legal Office or legal environment or recognised qualification as a Legal Secretary; see also, Note below

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 Solicitor's 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: 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.

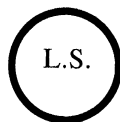
Qualification; FAS/N.S.C. or recognised equivalent for Legal Secretary and

Experience: 1 year in Legal Office or legal environment

Office Assistant

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.



GIVEN under the Official Seal of the Labour Court this 11th day of June, 2009.

(Signed) CAROLINE JENKINSON.
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 22nd June, 2009 for certain workers employed in Solicitors' Offices. It is made by the Labour Court on the recommendation of the Law Clerks Joint Labour Committee.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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€3.05

