



STATUTORY INSTRUMENTS.

S.I. No. 374 of 2009



EMPLOYMENT REGULATION ORDER (RETAIL GROCERY AND
ALLIED TRADES JOINT LABOUR COMMITTEE) 2009

EMPLOYMENT REGULATION ORDER (RETAIL GROCERY AND ALLIED TRADES JOINT LABOUR COMMITTEE) 2009

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 (Retail Grocery and Allied Trades Joint Labour Committee) 2008, dated 25th January, 2008, (S.I. No. 5 of 2008) (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 Retail Grocery and Allied Trades 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 48(4) of the Act and Section 43(4) of the Industrial Relations Act, 1946, hereby Orders as follows:—

- (1) This Order may be cited as the Employment Regulation Order (Retail Grocery and Allied Trades 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 25th October 2009 and as from that date the said Order shall be revoked.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th September, 2009.

SCHEDULE

PART I

WORKERS TO WHOM THIS SCHEDULE APPLIES

1. All workers employed anywhere throughout the State in any undertaking or any branch or department of an undertaking being an undertaking, branch or department engaged wholly or mainly in the retail grocery and allied trades and who are engaged on any of the following duties, that is to say:

- (a) operations in or about the shop or other place where the sale by retail aforesaid is carried on being operations for the purpose of such sale or otherwise in connection with such sale;
- (b) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (a) of this sub-paragraph.

BUT EXCLUDING

(1) independent off-licences and shops exclusively for the sale of bread and flour confectionery;

(2) beef butchers and apprentice beef butchers;

(3) workers to whom another Employment Regulation Order made as a result of proposals received from another Joint Labour Committee applies;

(4) 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, provided that the remuneration and conditions of employment are not less favourable than those set out in the Employment Regulation Order made as a result of proposals received from the Joint Labour Committee for the Retail Grocery and Allied Trades;

(5) workers to whom a Registered Employment Agreement applies, provided that the remuneration and conditions of employment provided for in the Registered Employment Agreement are not less favourable than those provided for in the regulation order made as a result of proposals received from the Joint Labour Committee for the Retail Grocery and Allied Trades;

(6) Managers, Assistant Managers and Trainee Managers.

2. For the purposes of this schedule “the retail grocery and allied trades” consist of the sale by retail of:

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- (a) bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking but does not include the sale, by retail, of other meat;
 - (b) all other food (including bread or flour confectionery, articles of sugar confectionery and chocolate confectionery and ice cream) or drink for human consumption other than for immediate consumption on the premises at which the sale is effected;
 - (c) tobacco, cigars, cigarettes, snuff and smokers' requisites.
3. For the purpose of this schedule:
- (a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a trade or group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in those trades;
 - (b) an undertaking or branch or department of an undertaking which is engaged in any operation in a trade or group of trades shall be treated as engaged in those trades.

PART II

DEFINITION OF JOB CLASSES AND STATUTORY MINIMUM RATES OF REMUNERATION PER WEEK/PER HOUR.

1. Classes of workers

(a) General Sales Assistant

A worker who is wholly or mainly engaged in one or a combination of the following duties; serving customers, accepting payment for goods, operating cash register system, receiving, checking and stocking merchandise, stock taking, stock listing, stock checking and price checking, preparation of food for subsequent sale, packing stock, displaying stock, pricing stock, rotating stock and merchandising stock.

(b) General Ancillary Worker

A worker whose duties are confined to the following; collection, distribution, control of shopping trolleys and baskets, packing of customers' purchases, tidying, sweeping and cleaning etc.

(c) Clerical Worker

A person wholly or mainly engaged in clerical or other office work carried out in establishments covered by the Employment Regulation Order.

(d) Posts of Responsibility

A person is designated to be the holder of a Post of Responsibility if he/she has been designated by the employer to be responsible for the work of other staff or for the operation of a shop or of a department within a premises as defined within the Establishment Order.

2. Statutory Minimum Rates of Remuneration

(a) General Sales Assistant and (c) Clerical Worker	From 25th October 2009		From 25th October 2010 (for 3 months)	
	Per Hour	Per Week	Per Hour	Per Week
-				
Under Age 18	€6.56	€255.84	€6.72	€262.08
Job Entrant: First year after date of first employment over age 18	€7.49	€292.11	€7.68	€299.52
Second year after date of first employment over age 18	€8.43	€328.77	€8.64	€336.96
Experienced Adult Worker				
Point 1	€9.36	€365.04	€9.59	€374.01
Point 2	€9.46	€368.94	€9.70	€378.30
Point 3	€9.66	€376.74	€9.90	€386.10

Note: Progression up the scale will be on the anniversary of the commencement of employment.

(b) General Ancillary Worker	From 25th October 2009		From 25th October 2010 (3 months)	
	Per Hour	Per Week	Per Hour	Per Week
-				
Under Age 18	€6.56	€255.84	€6.72	€262.08
Job entrant: First year after date of first employment over age 18	€7.49	€292.11	€7.68	€299.52
Second year after date of first employment over age 18	€8.43	€328.77	€8.64	€336.96
Experienced Adult Worker	€9.36	€365.04	€9.59	€374.01
(d) Post of Responsibility 7.5% differential over the maximum point of the General Sales Assistant Scale	€10.38	€404.82	€10.64	€414.96