
Government Notice No. 223 of 2019

THE EMPLOYMENT RELATIONS ACT

**Regulations made by the Minister under section 93 of
the Employment Relations Act**

1. These regulations may be cited as the Private Security Services Employees (Remuneration) Regulations 2019.

2. In these regulations –

“private security service” means the business of providing, for remuneration or reward, a security service, the services of a security guard, including the secure transportation, delivery and handling of property and also includes the provision of security through electronic means or any other device;

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing workers;
- (b) a detrimental effect on the ability to meet customers’ demand;

“security guard” –

(a) means an employee employed by a person licensed under section 4 of the Private Security Services Act to provide security and property protection services and who does one or more of the following duties –

- (i) guarding industrial plants, warehouses or other property against hazards, theft and illegal entry;
- (ii) making periodic inspection tours in respect of buildings and grounds and recording such entries as required;

- (iii) keeping watch for suspicious persons or activities;
 - (iv) conveying, or guarding messengers conveying, valuables to and from banks or other establishments;
 - (v) investigating shoplifting, theft, dishonesty or other undesirable conduct among workers or customers of business establishments or private organisations and making reports of investigations;
- (b) includes –
- (i) an employee who is employed to provide security and property protection services where, regardless of the sector in which he operates, his employer employs more than one employee to perform such duties;
 - (ii) a trainee; but
- (c) does not include an employee –
- (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
 - (A) Part II of the First Schedule; and
 - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers' Rights Act 2019;
 - (ii) whose conditions of employment are governed by any other Remuneration Regulations;
 - (iii) employed by a statutory body or local authority, as the case may be, whose conditions of employment are governed by the recommendations made in a report of the Pay Research Bureau or a salary commission, by whatever name called;

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- (iv) to whom the Sugar Industry (Agricultural Workers) (Remuneration) Regulations 2019 apply;

“trainee” means an employee who is employed for the purpose of being trained as a security guard.

3. (1) Subject to the other provisions of this regulation and regulation 8, a security guard shall be –

- (a) governed by the conditions of employment specified in –
 - (i) the Workers’ Rights Act 2019; and
 - (ii) the First Schedule;
- (b) remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers’ Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.

(3) The rates specified in the Second Schedule include –

- (a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and
- (b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

(4) Where a scale of wages applies to a security guard, the security guard shall be entitled to –

- (a) the initial wages specified in the scale which applies to him; and

- (b) one increment for every completed year of service he reckons with his employer, other than a trainee, until he reaches the top wages of the scale corresponding to the category applicable to him.

(5) (a) Where a trainee is undergoing training, he shall be remunerated at 95 per cent of the basic wages in the entry grade in which he is serving as trainee.

- (b) The period of training shall not exceed 3 months.

(c) No person shall be employed as a trainee more than once by an employer.

4. A security guard who –

- (a) performs duties involving armed guarding, cash handling, dog handling and driving; or
- (b) is in charge of a patrol vehicle,

shall be entitled to a monthly allowance of 10 per cent of his basic wage.

5. Where a watchperson is employed in a sector where the terms and conditions of employment are not covered by the provisions of a Remuneration Regulations, the terms and conditions of employment of the watchperson shall be deemed to be in accordance with these regulations.

6. Notwithstanding paragraphs 1(1) and 2 of the First Schedule, for the period ending 31 December 2019 –

- (a) the normal working week for a security guard, shall consist of 72 hours' work, made up of 6 days of 12 hours, including time allowed for meal and tea breaks; and

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- (b) the security guard shall be remunerated at one and a half times the basic rate for every additional hour of work performed after 12 hours' work in every day.
7. Every security guard shall be entitled to a rest of not less than 11 consecutive hours in any day.
8. Nothing in these regulations shall –
- (a) prevent an employer from –
 - (i) providing a security guard with conditions of employment which are more favourable than those specified in the First Schedule; or
 - (ii) remunerating a security guard at a rate higher than that specified in the Second Schedule;
 - (b) authorise an employer –
 - (i) to reduce the wages of a security guard; or
 - (ii) subject to section 57 of the Employment Relations Act, to alter the conditions of employment of the security guard so as to make them less favourable;
 - (c) prevent an employer to come up with a classification based on the level of protection required and/or the risk element involved in each type of activity and to reward the security guards according to same;
 - (d) authorise an employer to increase the normal working hours of a security guard who, before the coming into force of these regulations, was working less than 48 hours a week.
9. The Security Guards (Remuneration Order) Regulations 1986 are revoked.

10. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

FIRST SCHEDULE

[Regulations 2, 3, 6 and 8]

CONDITIONS OF EMPLOYMENT

PART I – GENERAL CONDITIONS

1. Normal working hours

(1) The normal working week for every security guard, may begin on any day, whether or not a public holiday and shall consist of 48 hours, including time allowed for meal and tea breaks provided that –

- (a) where the security guard performs shift work, any shift does not exceed 12 hours;
- (b) extra work does not exceed an average of 24 hours in a fortnight;
- (c) a security guard is not called upon to work on another shift immediately following a night shift work;
- (d) the security guard is entitled to at least one rest day in any working week and the rest day shall, at least twice a month, be a Sunday.

(2) Notwithstanding subparagraph (1), a security guard, other than a part-time security guard, engaged in shift work, may agree with his employer to work in excess of 48 hours in a week without extra remuneration provided that –

- (a) the average number of hours covered in a fortnight does not exceed 96 hours or such lesser number of hours as may be specified in an agreement;
- (b) the security guard is entitled to at least one rest day as provided in subparagraph (1)(d);

(3) Every security guard shall be entitled on every working day to –

- (a) a meal break of one hour; and
- (b) 2 tea breaks of 10 minutes each.

(4) The meal and tea breaks specified in subparagraph (3) shall be taken, in the case of a security guard effecting guarding duties, on site of work.

(5) Where shift work is in operation, an employer shall give equal opportunities to every security guard to work on all shifts.

2. Extra work

(1) Where a security guard –

- (a) works on a public holiday, he shall be remunerated –
 - (i) for the first 8 hours, at twice the basic rate; and
 - (ii) thereafter, at 3 times the basic rate,

for each hour of work;

- (b) performs more than 48 hours or such lesser stipulated number of hours in any week, not being hours of work referred to in subparagraph (a), shall be remunerated at one and a half times the basic rate for every additional hour of work.

(2) For the purpose of computation of extra work, any authorised leave shall be deemed to be a day at work.

3. Refund of telephone calls

Where an employer does not provide a security guard with free and easily accessible telephone facilities, the security guard shall be

entitled to a monthly mobile phone package of not less than 150 rupees.

4. Posting

Every employer shall, as far as possible, post a security guard to a site of work nearest his residence.

5. Shift work

(1) An employer may request a security guard to work on shift work.

(2) Where work is performed on night shift, an employer shall not, without a security guard's consent, require the security guard to work –

- (a) on more than 6 consecutive nights; or
- (b) for more than 12 hours a day.

(3) For the purpose of subparagraph (2), night work means any period during which a worker is required to work or to remain at his workplace for at least 6 consecutive hours between 6 p.m. and 6 a.m. the following day.

(4) Where a female security guard who may be required to perform night shift work produces a medical certificate certifying that she is pregnant, her employer shall not require her to perform night shift work during a period of at least 8 weeks before confinement.

(5) Shift work shall be scheduled –

- (a) on a monthly basis; and
- (b) organised in 2 or more shifts during a period of 24 consecutive hours.

(6) (a) A copy of the monthly schedule of duty worked out on a roster basis indicating the date and time at which a security guard shall attend duty shall be handed over to the security guard.

(b) The monthly schedule of duty shall be posted up in a conspicuous place at the place of work at least one week before the schedule is due to take effect.

(7) Where a security guard is employed on shift work, he shall be paid an allowance of 15 per cent of his basic wage in addition to his normal day's wage for work performed during night shift as specified at subparagraphs (2)(a) and (3).

6. Vacation leave

(1) Subject to subparagraphs (2) and (3), a security guard, other than a migrant security guard, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the security guard resumes work after the vacation leave under subparagraph (1).

(3) Where a security guard would have been eligible to take overseas leave under the revoked Security Guards (Remuneration Order) Regulations 1986 prior to, or within a period of less than 5 years from, 24 October 2019, the security guard shall, upon completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under subparagraph (1).

(4) The vacation leave shall be –

- (a) for a period of not less than 6 consecutive days; and
- (b) with pay and such pay shall, in case the security guard opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the security guard proceeds abroad.

(5) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(6) A security guard shall, except in exceptional circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

(7) Where an employer cannot, on reasonable business grounds, accede to the request of a security guard under subparagraph (6) –

- (a) the security guard and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall pay to the security guard a normal day's wage in respect of each day's leave applied for and such payment shall be effected in the month in which the leave was due to start.

(8) Where a security guard is paid wages in lieu of the vacation leave under subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

PART II – HEALTH AND SAFETY CONDITIONS**7. Protective clothing and equipment**

(1) Subject to subparagraph (2), every employer shall provide every worker with –

- (a) 3 sets of uniform and 2 pairs of shoes every year;
- (b) one cap and one pullover every 2 years;
- (c) a two-piece raincoat of good quality with a hood every 3 years; and
- (d) a serviceable flashlight where the worker is required to perform night work.

(2) Every protective clothing and equipment specified in subparagraph (1) shall be issued not later than 31 March of every year in which it is due and shall remain the property of the employer.

(3) Where a worker works in marshy places, his employer shall provide him with a pair of boots, to be replaced as soon as it becomes unserviceable.

8. Medical facilities

(1) Every employer shall, at his own expense, cause every worker to undergo a complete medical check-up once every 6 months.

(2) (a) Where in the course of the medical examination under subparagraph (1), a medical practitioner detects any work-related health problem which, in his opinion necessitates further medical examination and/or treatment, the medical practitioner may refer the worker to a medical institution for appropriate investigations and all the corresponding expenses shall be borne by the employer.

(b) The employer shall provide adequate release time to the worker to attend to such treatment.

SECOND SCHEDULE
[Regulations 3 and 8]

Category	Year of service	Monthly basic salary prior to 1 December 2019 (Rs cs)	Monthly basic salary as from 1 December 2019 (Rs cs)	Monthly basic salary as from 1 December 2020 (Rs cs)	Monthly basic salary as from 1 December 2021 (Rs cs)
Security Guard	1st year	9,634.75	9,982	10,408	10,834
	2nd year	9,732.50	10,097	10,523	10,949
	3rd year	9,798.00	10,212	10,638	11,064
	4th year	9,877.00	10,327	10,753	11,179
	5th year	9,944.25	10,442	10,868	11,294
	6th year	10,050.00	10,557	10,983	11,409
	7th year	10,150.00	10,672	11,098	11,524
	8th year	10,251.00	10,787	11,213	11,639
	9th year	10,403.25	10,902	11,328	11,754
		10th year and thereafter	10,522.50	11,017	11,443