

**RESEARCH, LEGISLATION AND LABOUR  
STANDARDS DIVISION**

**SECURITY  
GUARDS**

**REMUNERATION ORDER**

**REGULATIONS 1986**



# THE INDUSTRIAL RELATIONS ACT

## Regulations made by the Minister under section 96 of the Industrial Relations Act

**Govt. Notice No. 126 of 1986 Effective 23.12.1986.** Reprint No.3 of 1988 wef  
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<i>GN No 144 of 1990</i>	<i>wef</i>	<i>01.02.1990</i>	<i>GN No 246 of 1990</i>	<i>wef</i>	<i>01.10.1990</i>
<i>GN No 193 of 1997</i>	<i>"</i>	<i>01.07.1997</i>	<i>GN No 139 of 1998</i>	<i>"</i>	<i>01.07.1998</i>
<i>GN No 180 of 1998</i>	<i>"</i>	<i>01.11.1998</i>	<i>GN No 128 of 1999</i>	<i>"</i>	<i>01.07.1999</i>
<i>GN No. 167 of 2000</i>	<i>"</i>	<i>01.07.2000</i>	<i>GN No 134 of 2001</i>	<i>"</i>	<i>01.07.2001</i>
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**1.** These regulations may be cited as the **Security Guards (Remuneration Order) Regulations 1986.**

**2.** In these regulations -

**"continuous employment"** means the employment of a worker under an agreement or under more than one agreement where the interval between one agreement and the next does not exceed 28 days;

**"earnings"** means--

- (a) basic wages; and
- (b) remuneration paid under paragraphs 2, 5, 6 and 11 of the Second Schedule;

**"prolonged illness"** means the period of illness of a worker which is--

- (a) wholly spent in a clinic or hospital; or
- (b) spent at home for the recuperation of his health, on the recommendation of a medical practitioner of a clinic or hospital or of a panel of doctors agreed upon between the employer and the worker or the worker's trade union representative;

**"security guard"**--GN No 246 of 1990

- (a) means a worker employed by a person **licensed under Section 20 of the Police 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 employees or customers of business establishments or private organisations and making reports of investigations.
- (b) does not include a worker to whom the Sugar Industry(Agricultural Workers) (Remuneration Order) Regulations 1983 apply;

**"spouse"** means the person with whom the worker had contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death;

**"trainee"** means a worker who is employed for the purpose of being trained as a security guard;

**"worker"** means a security guard and includes a trainee.

**3.(1)** Subject to paragraph (2) and to regulation 5, every worker shall be -

- (a) remunerated at the rate specified in the First Schedule; and
- (b) governed by the conditions of employment specified in the Second Schedule.

(2) (a) Where a trainee is undergoing training, he shall be remunerated at three fourths of the rate specified in the First Schedule.

(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.

(3) The rate specified in the First Schedule is inclusive of the additional remuneration payable under the Additional Remuneration Act.

(4) With the commencement of these regulations --GN No 246/1990

- (a) the entry point of a worker in the salary scale which now applies to him shall be determined in accordance with the number of completed years of service he reckons with his employer; and

- (b) the worker shall receive one increment in respect of every completed year of service.

4. Any agreement by a worker to relinquish his right to a paid holiday or to forego such holiday shall be void.

5. Nothing in these regulations shall -

- (a) prevent an employer from paying a worker remuneration at a rate higher than that specified in the First Schedule or from providing him with conditions of employment more favourable than those specified in the Second Schedule;
- (b) authorise an employer to reduce a worker's remuneration or to alter his conditions of employment so as to make them less favourable to the worker.

Made by the Minister on 23 December, 1986.

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## **SECOND SCHEDULE**

(regulation 3)

### **1. Normal working hours**

**GN No246/1990 & 180/1998**

- (1) A normal day's work for a worker shall consist of 12 hours, including time allowed for meal and tea breaks.
- (2) No worker shall be required to work for more than 6 days consecutively.
- (3) Every worker shall be entitled -
  - (a) on every working day to -
    - (i) a meal break of one hour; and
    - (ii) 2 tea breaks of 10 minutes each;
  - (b) to at least one rest day on a Sunday in a month.
- (4) The meal and tea breaks specified in sub-paragraph 3(a) shall be taken on site of work.
- (5) Where day and night shifts are in operation, an employer shall give equal opportunities to every worker to work on both shifts.

### **2. Extra work and notional calculation of basic rate**

**GN No 246/1990**

- (1) Subject to paragraph 11, where a worker -
  - (a) works on a public holiday, he shall be remunerated -
    - (i) for the first 12 hours, at twice the basic rate;
    - (ii) thereafter, at three times the basic rate.
  - (b) performs more than a normal day's work on any day, other than a public holiday, he shall be remunerated at one and a half times the basic rate in respect of the additional hours of work which he performs.
- (2) For the purpose of determining remuneration due for extra work or for any other reasons -
  - (a) a month shall be deemed to consist of 26 days; and
  - (b) a day shall be deemed to consist of 12 hours.

### **3. Work in cyclonic weather**

**GN No 246/1990**

Where a worker works on a day on which a cyclone warning **class III or IV** is in force he shall in addition to any remuneration due to him, be entitled to an allowance equivalent to not less than 3 times the basic rate in respect of every hour the worker remains at work.

### **4. Payment of remuneration**

**GN No246/1990**

- (1) Every worker shall be paid his wages during working hours -
  - (a) in the case of a monthly paid worker, not later than the second working day in the following month ;
  - (b) in any other case, not later than the last working day of the week.
- (2) Every employer shall, according to the worker's preference, pay remuneration either in cash, by cheque or through a bank.
- (3) Every employer shall, within 72 hours of every payment of wages, issue to a worker a pay-slip containing the following particulars -
  - (a) the name of the worker;
  - (b) his total wages and allowances ;
  - (c) the number of working days;
  - (d) the number of days on which he was present at work;
  - (e) hours of extra work performed together with the corresponding pay;
  - (f) his contribution to the National Pension Scheme; and
  - (g) any amount paid as check-off.

### **5. Annual leave**

**GN No 180/1998**

- (1) Every worker who has remained in continuous employment with the same employer for 12 consecutive months shall, in the following 12 months, be entitled to 18 days' annual leave on full pay.
- (2) Nine days of the annual leave may be taken consecutively at such time as the worker may, on application made to and approved by the employer, elect.

- (3) The remaining 9 days of the annual leave shall be taken at such time as the worker and the employer may agree or, in default of agreement, at such time as the employer may determine.
- (4) Every worker shall be paid a normal day's wages in respect of each day's annual leave still due to him at the end of the period of 12 consecutive months, except where, before the end of the period, he has -
  - (a) been dismissed from his employment for misconduct; or
  - (b) broken his agreement.

## **6. Sick leave**

- (1) Subject to subparagraph (2), where a worker who has remained in continuous employment with the same employer for 12 consecutive months is sick, he shall, during the following 12 months, be entitled to -
  - (a) 21 days' sick leave on full pay; and
  - (b) a further period of 15 days' sick leave on half pay for prolonged illness.
- (2) Where a worker is absent on grounds of illness, he shall -
  - (a) except where his employer is aware of his illness, notify his employer of the illness on the first day of his absence and at least 4 hours before he is scheduled to start work, unless good and sufficient cause is shown; and
  - (b) if the illness continues for more than 4 consecutive days, forward a medical certificate to his employer so as to reach the latter not later than on the fifth day of his absence.
- (3) An employer may, at his own expense, cause a medical practitioner of his choice to examine a worker who is absent on grounds of illness.

## **7. Special leave**

- (1) Every worker shall be entitled to 5 continuous working days' leave on full pay on the occasion of his marriage.
- (2) No worker shall claim the privilege specified in subparagraph (1) more than once.

## **8. Travelling benefits**

**GN No 180/1998**

- (1) Where the distance between a worker's residence and place of work exceeds 3 km and the employer does not provide transport, the worker shall be entitled to the equivalent of the return bus fare.
- (2) Where a worker is required by his employer to attend or cease work at any time when no bus service is available, the employer shall provide appropriate means of transport from the worker's residence to or from his place of work or both, as the case may be.

## **9. Subsistence allowance**

**GN No 180/1998**

- (1) Subject to subparagraph (2), where a worker who has completed a normal day's work is required to remain on duty on a second shift he shall, in addition to any remuneration due under paragraph 2, be entitled to a meal allowance of **Rs 20** per day or an adequate free meal.
- (2) The meal allowance or the adequate free meal specified in subparagraph (1) shall accrue to the worker after he has completed 2 hours' work in the second shift.

## **10. Protective clothing and equipment**

**GN No 246/1990 180/1998**

- (1) Subject to subparagraph (2) every employer shall provide every worker with -
  - (a) 2 uniforms and 2 pairs of shoes every year;
  - (b) one cap and one pullover every two years;
  - (c) a 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.

## **11. Public holidays**

A worker who has remained in continuous employment with the same employer for 12 consecutive months shall be entitled, in the following 12 months, to a normal day's wages in respect of every public holiday, other than a Sunday, that occurs while he is in the service of the employer and on which he is not required to work.

## **12. Death grant**

**GN No 180/1998**

Where a worker who has been in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of **Rs 2000** rupees to --

- (a) the worker's spouse; or
- (b) if the worker leaves no spouse, the person who has borne the funeral expenses.

## **13. End of year bonus**

**GN No 246/1990**

(1) Where a worker has remained in continuous employment with the same employer for one year, he shall be entitled at the end of the year to a bonus equivalent to 1/12 of his earnings for that year.

(2) Every worker who -

- (a) takes employment during the course of the year;
- (b) is still in employment as at 31 December; and
- (c) has performed a number of normal days' work equivalent to not less than 80% of the working days during his employment in that year,

shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.

(3) Seventy five per cent of the expected bonus shall be paid not later than 5 clear working days before 25 December and the balance not later than on the last working day of the same year.

## **14. Maternity benefits**

**GN No 144/1990 & 246/1990 & 180/1998**

(1) Subject to subparagraph (2), where a female worker has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, she shall, on production of a medical certificate, be entitled to -

- (a) 12 weeks' leave on full pay to be taken at her discretion before and / or after confinement provided that at least 6 weeks' leave shall be taken immediately following the confinement; and
  - (b) an allowance of **Rs 500** payable within 7 days of her confinement.
- (2) Where the worker specified in subparagraph (1) suffers a miscarriage, she shall, on production of a medical certificate, be entitled to a maximum of 2 weeks' leave on full pay.
  - (3) Where a female worker who has at any time had 3 confinements is pregnant, she shall not be entitled to the benefits specified in subparagraph (1) but she shall be entitled to only the leave specified in subparagraph(1)(a) or (2) as the case may be, without pay.

### **15. Overseas leave**

**GN No 246/1990**

- (1) Every employer shall grant to every worker reckoning continuous employment with him for a period of at least 15 years one overseas leave of at least 2 months to be wholly spent abroad.
- (2) At least one month of the leave specified in subparagraph (1) shall be with pay, such pay being effected in advance and at least 7 days before the worker proceeds abroad.
- (3) For the purposes of annual and sick leave and end of the year bonus, such leave shall be deemed to constitute attendance at work.

### **16. Gratuity at death or on retirement before 60**

**GN No 246/1990**

- (1) Subject to subparagraph (2), every employer shall pay a gratuity where a worker -
  - (a) dies; or
  - (b) retires before the age of 60 on ground of permanent incapacity to perform his work duly certified by a Government Medical Practitioner,provided the worker has been in continuous employment for not less than 10 years with the same employer.
- (2) Where the death of a worker occurs after the age of 60 , the gratuity under subparagraph (1) shall be payable only if the worker has not been paid severance allowance by the employer in accordance with the Labour Act after reaching the age of 60.

- (3) The gratuity shall be paid -
- (a) in a lump sum and calculated according to the formula  $N \times W/2$ ; where "N" means the number of years of service and "W" means the last monthly wage;
  - (b) to the worker or the deceased worker's surviving spouse or where he leaves no surviving spouse, in equal proportions to his dependants;
  - (c) irrespective of any benefits the worker or the deceased worker's surviving spouse or his dependants, as the case may be, may be entitled to under the National Pensions Act.
- (4) For the purpose of subparagraph (3) -
- (a) "**spouse**" means the person with whom the worker had contracted a civil or a religious marriage and with whom he lived under a common roof at the time of his death;
  - (b) "**dependant**" means any person who was living in the deceased worker's household and was wholly or partly dependent on his earnings at the time of his death.

### **17. Refund of bus fares and telephone calls**

**GN No 246/1990**

Every employer shall pay to every worker expenses incurred at the request of management in relation to bus fares and telephone calls.

### **18. Posting**

**GN No 180/1998**

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

### **19. Medical check-up**

**GN No 180/1998**

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

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## **Section 20 of the Police Act**

### **Application for Licence**

1. No person shall, unless he holds a licence, undertake a private investigation or provide security and property protection services for a fee or reward.
2. Any person wishing to be licensed for the purposes of subsection (1) shall make an application for a licence to the Commissioner in such forms as the Commissioner may require.
3. Where the Commissioner is satisfied that the applicant can properly conduct the business of private investigations or security and property protection services, he may, with the approval of the Minister and subject to such conditions as he thinks fit to impose, issue a licence to the applicant