



Private Security Workers – Request for categorization as Skilled / Highly Skilled workers under Central & State Minimum Wages

Background

With the exponential growth of the Indian economy over the last two decades, the need for security arrangements of small manufacturing units, large industrial complexes, offices, IT parks and other public infrastructure like airports, metro stations, shopping malls and public utilities has risen manifold. In order to meet this demand of the manufacturing and services sector establishments, the private security industry has scaled its operational capabilities significantly to supplement the government machinery towards maintaining safety and security of citizens and their assets.

Today, the private security sector operates across over 550 districts in the country directly employing over 50 lakh individuals. This makes private security sector amongst one of the largest employment generating sectors in the country. It is pertinent to note that the sector is involved in skill development and employment of backward, economically weaker sections of our society, particularly from the rural and semi urban areas of the country.

Through the efforts of the private security sector, over 3 – 4 lakh unemployed youth not only secure permanent jobs each year but also come within the ambit of organised workforce of the country claiming various benefits stipulated by the government under Minimum Wages Act (1948), Provident Fund Act (1952), Employee State Insurance Act (1948), Payment of Bonus Act (1965), Payment of Gratuity Act (1972) amongst others.

Issue at hand

Despite of the vast scale of operations of the sector across India and the volume of employment generation, the sector has not received its due attention from the state governments or the departments of Government of India.

Even today, despite discharging highly skilled functions like access control using baggage x ray machines and metal detection equipment at five star hotels or guarding industrial complexes through use of CCTV surveillance systems or managing entry / exit of thousands of workers and vehicles outside IT parks or managing complex functions at private ports and airports, the private security guard continues to be categorised as 'unskilled worker' and draws wages as per state minimum wages for 'unskilled category'. Even the Central Minimum wages notification No. SO 2232 (E) & 2233 dated 18.09.2008, private security guards are categorised as semi-skilled workers.

This is not only gross injustice to over 50 lakh plus workers employed in the sector but also in direct contravention to the laws of the land and directives of the Supreme Court of India.

- In 2005, the Government of India enacted the **Private Security Agencies (Regulation) Act**. The model rules framed under the act clearly define eligibility criteria for private security guards and supervisors and also detail the subjects that need to be covered under the training programmes of private security workers. The Act clearly stipulates a minimum of 160 hours of training for private security guards describing them as trained workers in multiple sections of the Act.
- More recently, the honourable Supreme Court of India, through Justice P Sathasivam and J S Khehar also commented that private security guards must be trained for a minimum period of 100 hours of classroom training and 60 Hours of Field Training. It further emphasised the need for only engaging fully trained and physically fit individuals to work as private security personnel.

Further, the Gazette Notification No. S.O. 1286(E) dated 20.05.2009 issued by the Ministry of Labour & Employment defines semi-skilled work as "Work which involves some degree of skill or competence acquired through experience on the job which is capable of being performed under the supervision or guidance of a skilled employees and include supervisory work." Similarly, the same notification defines "Skilled Work" as "Work which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiative and judgment." Further, "Highly Skilled Work" has been defined as "Work which calls for a high degree of perfection and full competence in the performance of certain task acquired

through intensive technical or professional training or practical work experience for long years and also requires of a worker to assume full responsibility for his judgment or decision involves in the execution of these tasks.”

Going by the job descriptions and job specification of the security personnel as mentioned above and under the law, it goes without saying that the un-armed security guards undoubtedly satisfy the definition of ‘skilled work’ and the security supervisors as well as armed guards satisfy the definition of ‘Highly skilled work’.

Recommendations

Based on the above facts, we humbly request you to kindly consider the following actions to do justice to over 50 lac private security workers who work day and night to assist the government agencies in discharging their homeland security mandate effectively across all the states in the country.

1. Direct the Central Advisory Board, Ministry of Labour & Employment to consider the case for change in category of security workers from unskilled to skilled and highly skilled categories as issue a suitable notification at the earliest.
2. Advise the State Labour Ministries to follow the guidelines of the Central Government with regards to the private security workers.
3. Consider formation of special “taskforce” under the Ministry of Labour & Employment, including representatives from the industry to look into issues affecting the private security workers.

A favourable consideration of our recommendations shall directly enhance the lives of over 2.5 crore Indians who are directly dependent on the workers of the private security industry.

It would be a privilege for the FICCI Private Security Sector committee to interact with the concerned officials and provide further Industry data and other information to facilitate their decision making process.
