THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (No. 3) ORDER, 1951, DATED 1ST MAY, 1951, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1951. No. 84

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Baking Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to certain workers in relation to whom the Council operates in substitution for the minimum remuneration fixed by the Baking Wages Council (Northern Ireland) Wages Regulation (No. 4) Order, 1949 (**a**) dated the 22nd day of December, 1949, (hereinafter referred to as " Order N.I.Bk. (109) ") ;

NOW, THEREFORE, the Ministry by virtue of section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

Statutory minimum remuneration.

1. As from the specified date the statutory minimum remuneration set out in the Schedule to this Order shall be paid to the workers therein specified.

Commencement.

2. In this Order the expression "the specified date" means the 10th day of May, 1951. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression " the specified date " means, as respects that worker, the beginning of the next such period following that date.

Short title, interpretation and revocation.

3.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) Wages Regulation (No. 3) Order, 1951.

52 & 53 Vict., Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I. Bk. (109) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this first day of May, nineteen hundred and fifty-one in the presence of

(L.S.)

R. W. Steele,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

(a) S. R. & O. 1949, No. 219.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

GENERAL MINIMUM TIME RATES

	Area A	Area B	Area C
	The respective areas are defined in paragraph 10		
	Per week of 44 hours		
	s. d.	s. d.	s. d.
MALE WORKERS (other than night workers as defined in paragraph 3) :—			
PARAGRAPH 1.			
TRANSPORT WORKERS—			
(*a*) Carters	*106 0*	*104 6*	*97 6*
(*b*) Motor Drivers—			
(i) Lorries, carrying capacity over 2 tons	*115 0*	*113 6*	*108 6*
(ii) Lorries, carrying capacity 2 tons and under	*107 0*	*105 6*	*101 0*
(*c*) Loaders at Quays	*106 0*	*104 6*	—
(*d*) Motor Lorry Boys—			
15 and under 16 years of age ...	*44 0*	*42 0*	*41 0*
16 ,, 17 ,, ...	*45 9*	*43 6*	*42 6*
17 ,, 18 ,, ...	*51 3*	*49 0*	*47 9*
18 ,, 19 ,, ...	*62 6*	*59 6*	*58 3*
19 ,, 20 ,, ...	*74 0*	*70 6*	*68 9*
20 ,, 21 ,, ...	*84 0*	*80 0*	*78 0*
21 years of age and over ...	*97 0*	*92 6*	*90 3*
PARAGRAPH 2.			
MALE WORKERS, 21 YEARS OF AGE AND OVER, WHO ARE WHOLLY OR MAINLY EMPLOYED AS—			
(*a*) Stablemen	*102 6*	*97 9*	*95 3*
(*b*) Harness cleaners or van washers ...	*102 6*	*97 9*	—

NIGHT WORKERS

PARAGRAPH 3.

The general minimum time rates for male workers whose hours of work on week days entail employment for at least three hours a night between the hours of 6 p.m. and 8 a.m. shall be increased by the appropriate amount specified hereunder :—

(i) Transport Workers (All Areas) ... 9s. 0d. per week of 44 hours

(ii) Stablemen (All Areas) ; Harness Cleaners and Van Washers (Areas A and B only) ... 4s. 6d. ,, ,,

CALCULATION OF HOURLY RATES

PARAGRAPH 4.

For the purpose of ascertaining the minimum rate payable in respect of each hour of employment the respective rates set out above must be divided by 44.

OVERTIME

PARAGRAPH 5.

Overtime rates shall be payable as follows :—

(*a*) On any day other than the weekly short day, Sunday or a customary holiday—

(i) For the first two hours worked in excess of 8 hours—TIME-AND-A-QUARTER.

(ii) Thereafter ... ... TIME-AND-A-HALF.

Provided that where it is or may become the established practice of an employer to require the worker's attendance on only five days in the week, the said overtime rates of time-and-a-quarter and time-and-a-half

shall be payable on each of the days Monday to Thursday after 9 and 11 hours' work respectively, and on Friday after 8 and 10 hours' work respectively.

(*b*) On the weekly short day, not being a Sunday or a customary holiday—

(i) For the first two hours worked in excess of 4 hours—TIME-AND-A-QUARTER.

(ii) Thereafter ... ... TIME-AND-A-HALF.

(*c*) On Sunday or a customary holiday—

For all time worked ... ... DOUBLE TIME.

PARAGRAPH 6.

For the purpose of determining whether overtime rates are payable on any " day," a period of work which commences before and continues after midnight shall be deemed to have occurred on the day on which it was completed.

PARAGRAPH 7.

For the purpose of the application of overtime rates the term " week " shall be deemed to mean in relation to any worker, the pay week observed for him in the establishment.

PARAGRAPH 8.

The expression " customary holiday " means :—

(*a*) In the case of a worker employed in Area A —

Christmas Day, Easter Monday, 12th July, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days ;

(*b*) In the case of a worker employed in Area B or Area C—

Christmas Day, Easter Monday, August Bank Holiday, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days.

Provided that, as regards a worker employed in Area C, in the case of August Bank Holiday and the day immediately preceding, or the day immediately following, that day, as the case may be, two other days (being days of the week on which the worker normally works) may be substituted therefor, being days recognised by local custom, or by custom in the establishment, as days of holiday.

Provided that, in the event of Christmas Day or 12th July falling on a day of the week on which the worker does not normally work, the customary holiday shall be allowed by the employer to the worker on the working day immediately preceding or immediately following that day.

Provided also that, in the case of a night worker, irrespective of the Area in which he is employed, the day immediately preceding or immediately following each of the aforesaid days shall be deemed to include the spell of duty prior to or next following that which would ordinarily end on Christmas Day, Easter Monday, 12th July, or August Bank Holiday (or the day substituted therefor), as the case may be, had each of these days been a day on which the worker would normally have worked.

PARAGRAPH 9.

The expressions time-and-a-quarter, time-and-a-half and double time mean, respectively, one-and-a-quarter times, one-and-a-half times and twice the amount of the general minimum time rate otherwise applicable.

DEFINITIONS

AREAS

PARAGRAPH 10.

The statutory minimum remuneration set out under the respective Areas A, B and C shall apply as follows :—

Area A — To workers employed in the County of the City of Belfast and in districts situate within a radius of 15 statute miles therefrom.

Area B — To workers employed in the County of the City of Londonderry.
Area C — To workers employed in all areas other than A and B.

CLASSES OF WORKERS

PARAGRAPH 11.
TRANSPORT WORKERS are workers, other than bread-servers (as defined in paragraph 13 below), who are in charge of road vehicles used for the transport of bread or other bakery products or raw materials used in the manufacture thereof.

PARAGRAPH 12.
MOTOR LORRY BOYS are workers who accompany and assist the drivers of lorries.

PARAGRAPH 13.
A BREAD-SERVER is a worker who is in charge of a breadvan or similar road vehicle and who is mainly engaged in the sale therefrom of bread or other bakery products to individual customers or to shops or establishments for re-sale.

PARAGRAPH 14.
A BREADVAN CHECKER is a worker who accompanies a bread-server for the purpose of checking the bread-server's accounts or canvassing for orders.

PARAGRAPH 15.
A BREADVAN BOY is a boy who accompanies and assists a bread-server on his rounds.

GENERAL

WAITING TIME

PARAGRAPH 16.
(i) A worker shall be entitled to payment of statutory minimum remuneration as set out in this Schedule during all the time during which he is present on the premises of his employer unless he is so present either without his employer's consent, express or implied, or for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform.

(ii) This provision shall not apply when—
(*a*) a worker is present on his employer's premises by reason only of the fact that he is resident thereon, or
(*b*) a worker is present on his employer's premises during normal meal times in a room or place in which no work is being done and is not waiting for work to be given to him to perform.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

PARAGRAPH 17.
The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, and of this Schedule, to workers in relation to whom the Baking Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1938, (a) dated 17th June, 1938, namely :—

DEFINITION OF BAKING TRADE

1. Subject to the provisions of this Schedule, the Baking Trade consists of the following operations :—
(1) the making of bread, pastry, and flour confectionery and all work incidental thereto ;
(2) the making of other articles of food and all work incidental thereto, in an undertaking, or branch or department thereof, mainly engaged on one or more of the operations specified in sub-paragraph (1) of this paragraph ;
(3) the sale or distribution of any of the articles of food referred to in the preceding sub-paragraphs—
(*a*) by a worker mainly employed or engaged as bread-server, van-man or other like worker, including any assistant employed or engaged by or with such worker ;

(a) S. R. & O. 1938, No. 77.

(*b*) by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs ;

(4) when performed by a worker employed by an employer mainly engaged in the Baking Trade—storing, packing, unpacking, checking, loading, unloading, transporting, horse-keeping, cleaning premises, cleaning vehicles, or other operations (wherever performed) incidental to those specified in any of the preceding sub-paragraphs, or incidental to the handling of any raw materials required for the purpose of the operations specified in those sub-paragraphs.

2. Notwithstanding anything in this Schedule the following operations are not operations in the Baking Trade :—

(1) the making of biscuits in an undertaking, or a branch or department of an undertaking, mainly engaged in the making of biscuits, and the making of any other article of food therein by workers mainly engaged in the making of biscuits ;

(2) the making of any of the articles of food referred to in paragraph 1 hereof—

(*a*) in an hotel, boarding-house, restaurant, cafe or similar establishment—

(i) for consumption on the premises ; or

(ii) for consumption off the premises at meals served by persons ordinarily employed on the premises ;

(*b*) by a railway undertaking for consumption on its trains, restaurant cars, ships or premises ;

(3) the making of—

(*a*) meat pies, sausage rolls, or similar articles of pastry (including bread for use therein) ; or

(*b*) bread for use in sausages or similar articles of food in an undertaking where no bread, pastry or flour confectionery is made other than that specified in this sub-paragraph ;

(4) operations included in—

(*a*) The Trade Boards (Milk Distributive) Order, 1920 (a), as amended or varied by any subsequent Order ;

(*b*) The Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913 (b), as amended or varied by any subsequent Order ;

(*c*) the transport of goods by licensed carriers or by common carriers.

3. For the purposes of this Schedule the following expressions have the meanings hereby assigned to them, that is to say :—

" pastry " and " articles of pastry " include articles of food made wholly or partly of pastry ;

" meat " includes game, poultry, egg, or fish ;

" flour confectionery " includes cakes, oatcakes, shortbread and biscuits ;

" biscuits " do not include oatcakes or shortbread ; and

" making " includes the packing, wrapping and other handling of the articles of food when made, before their first despatch for sale or distribution.

CLASSES OF WORKERS TO WHOM THE PROVISIONS OF THIS SCHEDULE DO NOT APPLY

PARAGRAPH 18.

Notwithstanding anything contained in this Schedule, the minimum remuneration shall not apply to workers employed as bread-servers, breadvan checkers or breadvan boys.

PAYMENT OF HIGHER REMUNERATION

PARAGRAPH 19.

The statutory minimum remuneration set out in this Schedule is without prejudice to workers earning higher rates of wages or to agreements made, or that may be made, between employers and workers for the payment of remuneration in excess of the statutory minimum.

(a) S. R. & O. 1920, No. 341. (b) Confirmed by 3 and 4 Geo. 5, Ch. 162.