The Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) Wages Regulation Order, 1958

1958. No. 216 [NC]

Whereas the Ministry of Labour and National Insurance (hereinafter in this Order referred to as "the Ministry") has received from the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Ministry by virtue of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland), 1945(a), and of all other powers enabling it that behalf, hereby makes the following Order:—

1. The wages regulation proposals set out in the Schedule hereto shall have effect on and from the specified date and as from the date immediately preceding the specified date the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) Wages Regulation Order, 1955(b), shall cease to have effect.

2. In this Order the expression "the specified date" means the 7th day of January, 1959, 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.

3. This Order may be cited as the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) Wages Regulation Order, 1958.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-ninth day of December, nineteen hundred and fifty-eight, in the presence of

(L.S.) *R. W. Steele,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

(a) 1945, Ch. 21. (b) S.R. & O. (N.I.) 1955, No. 197.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

GENERAL MINIMUM TIME RATES

	MALE WORKERS	Per hour s.	d.
Paragraph 1.			
Workers of	21 years of age or over	3	4¼
„	20 and under 21 years of age	2	8¾
„	19 „ „ 20 „ „ „	2	5
„	18 „ „ 19 „ „ „	2	1½
„	17 „ „ 18 „ „ „	1	8¾
„	16 „ „ 17 „ „ „	1	4½
„	under 16 years of age	1	2¼

Paragraph 2.

Notwithstanding anything contained in paragraph 1 the general minimum time rates for workers under 21 years of age are payable to such workers only if they are employed under conditions which, in the circumstances of the case, offer a reasonable prospect of advancement to the general minimum time rate of *3s. 4¼d.* per hour. Otherwise the general minimum time rate will be *3s. 4¼d.* per hour, irrespective of age.

	FEMALE WORKERS	Per hour s.	d.
Paragraph 3.			
Workers of	18 years of age or over	2	3¾
„	17 and under 18 years of age	1	9
„	16 „ „ 17 „ „ „	1	4¼
„	under 16 years of age	1	2

Paragraph 4.

Notwithstanding anything contained in paragraph 3 the general minimum time rates for workers under 18 years of age are payable to such workers only if they are employed under conditions which, in the circumstances of the case, offer a reasonable prospect of advancement to the general minimum time rate of *2s. 3¾d.* per hour. Otherwise the general minimum time rate will be *2s. 3¾d.* per hour, irrespective of age.

	PIECE WORK BASIS TIME RATES	Per hour s.	d.
Paragraph 5.			
MALE WORKERS	... ...	3	6¼
Paragraph 6.			
FEMALE WORKERS	... ...	2	4¾

Paragraph 7. SHIFT WORKERS

Notwithstanding the provisions of paragraphs 1 to 6 workers employed on a shift system are entitled, in addition to the statutory minimum remuneration otherwise applicable—

(*a*) in the case of a worker employed on a 2-shift system (alternating shift) to 7s. 4d. per week of 45 hours;

(*b*) in the case of a worker employed on a 3-shift system (rotary shift)—

(i) when engaged on a night shift, to 12s. 0d. per week of 45 hours;

(ii) when engaged on a morning or an afternoon shift, to 8s. 0d. per week of 45 hours.

"Shift system" means a system of working which involves successive turns of duty for different groups of workers in the establishment in which they are employed

"Night shift" means a turn of duty commencing after 8 p.m. on any day.

Paragraph 8. OVERTIME

(1) Overtime rates are payable to workers employed on time work as follows:—

(*a*) On any day other than Saturday, Sunday or a customary holiday—

For the first two hours worked in excess of 9 hours	TIME-AND-A-QUARTER
Thereafter	TIME-AND-A-HALF

(*b*) On a Saturday not being a customary holiday—

For the first two hours worked ...	TIME-AND-A-QUARTER
Thereafter	TIME-AND-A-HALF

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

For all time worked	DOUBLE TIME

(*d*) In any week—

For all time worked in excess of 45 hours, exclusive of any time for which overtime rates are payable under the foregoing provisions ...	TIME-AND-A-QUARTER

(2) Overtime rates are payable to workers employed on piece work as follows:—

Workers employed on piece work are entitled to receive, in respect of each hour of overtime worked, in addition to piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the appropriate piece work basis time rate

an amount equivalent to one-quarter, one-half or the whole of the appropriate piece work basis time rate

according as the overtime rate payable under the provisions of sub-paragraph (1), if the worker had been employed on time work, would have been equivalent to time-and-a-quarter, time-and-a-half, or double time, respectively.

Paragraph 9.

Overtime rates are payable when on any day, not being a Saturday, Sunday, or customary holiday, the number of hours worked exceeds 9, notwithstanding that the number of hours worked in the week does not exceed 45.

Paragraph 10.

The expression "customary holiday" means—

(*a*) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday, and two other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday; or

(b) a day substituted by the employer for any one of the said days, being a day recognised by local custom as a day of holiday in substitution for the said day.

Paragraph 11.

For the purposes of paragraph 8, 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 or twice the amount of the general minimum time rate otherwise applicable.

GENERAL

Application of Statutory Minimum Remuneration to Piece Workers

Paragraph 12.

In the case of workers employed on piece work, each piece rate paid must be such as will yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the appropriate piece work basis time rate. In determining whether any piece rate satisfies the foregoing condition regard shall be had only to the earnings of ordinary workers, i.e., workers of ordinary skill and experience in the class of work in question and not to the earnings of workers of less than ordinary skill and experience, e.g., juvenile and infirm workers.

Employment of Juvenile Workers on Piece Work

Paragraph 13.

An employer will, in any case where a learner or other juvenile worker is employed on piece work during the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has received, in respect of his employment on piece work in each week during that period, at least the same amount of money as such worker would have been entitled to receive if employed on time work.

An employer will, in any case where any such worker is so employed at any time subsequent to the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has, in respect of his employment on piece work, been paid at piece rates which would yield, in the circumstances of the case, to an ordinary worker (not being a juvenile worker) at least the same amount of money as the appropriate piece work basis time rate.

Waiting Time

Paragraph 14.

(1) A worker is entitled to payment of statutory minimum remuneration as aforesaid 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.

(2) A piece worker is, during any time during which he is present as aforesaid and is not doing piece work, entitled to payment of the general minimum time rate applicable to the workers of the class to which he belongs.

Provisions (1) and (2) do 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.

CLASSES OF WORKERS FOR WHOM NO STATUTORY MINIMUM REMUNERATION HAS BEEN FIXED

Paragraph 15.

The statutory minimum remuneration aforesaid does not apply to—

(*a*) clerks, salesmen, saleswomen, travellers, engineers, carpenters, van-men, watchmen, outside messengers, cleaners of premises, timekeepers, or to any other workers whose work stands in relationship to the trade similar to that of the foregoing excluded classes.

(*b*) workers engaged in the manufacture of bars, tablets or blocks of solid chocolate.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 16.

The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, to workers in relation to whom the Sugar Confectionery and Food Preserving 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 (Sugar Confectionery and Food Preserving Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1924(**a**), dated 29th September, 1924, namely:—

The making of sugar confectionery, cocoa, chocolate, jam, marmalade, preserved fruits, fruit and table jellies, meat extracts, meat essences, sauces and pickles; the preparation of meat, poultry, game, fish, vegetables and fruit for sale in a preserved state in tins, pots, bottles and similar receptacles; the processes of wrapping, filling, packing and labelling in respect of articles so made or prepared, EXCLUDING the covering and filling of biscuits, wafers and cakes with chocolate or sugar confectionery; and EXCLUDING also certain processes or operations comprised in the Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913(**b**), which are included also in the Appendix to the Trade Boards (Grocery and Provisions) Order, 1920, 1920(**c**).

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order, which has effect on and from 7th January, 1959, sets out the statutory minimum remuneration payable in substitution for that fixed by the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) Wages Regulation Order, 1955 (Order N.I.F. (49)), as amended by the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) Wages Regulation (Amendment) Order, 1957 (Order N.I.F. (53)), which Orders are revoked.

New provisions in the Schedule are printed in italics.

(a) S.R. & O. (N.I.) 1924, No. 74.
(b) Scheduled to, and confirmed by, 3 & 4 Geo. 5. c. CLXII.
(c) S.R. & O. 1920, No. 958.