1970. No. 173 [NC]

WAGES COUNCILS

Wages Regulation (Dressmaking and Women's Light Clothing)

ORDER, DATED 26TH JUNE 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(**a**), hereby makes the following Order to give effect to wages regulation proposals received from the Dressmaking and Women's Light Clothing Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Dressmaking and Women's Light Clothing Wages Regulation (No. 1) Order (Northern Ireland) 1970.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Dressmaking and Women's Light Clothing Wages Regulation Order (Northern Ireland) 1968(**b**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 14th day of July 1970, 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 26th day of June 1970.

(L.S.)

W. G. H. Quigley,
Senior Assistant Secretary.

(a) 1945. c. 21.

(b) S.R. & O. (N.I.) 1968, No. 245.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Dressmaking and Women's Light Clothing Wages Regulation Order (Northern Ireland) 1968 (Order N.I.W.D. (122)):—

Statutory Minimum Remuneration for Male and Female Workers employed in the Factory Branch of the Trade

GENERAL MINIMUM TIME RATES

MALE WORKERS

	Per hour s.	d.
Paragraph 1.		
MALE CUTTERS (as defined in paragraph 17)	*6*	*10*
Paragraph 2.		
MALE PRESSERS (as defined in paragraph 18)	*6*	*7*
Paragraph 3.		
MALE WORKERS (other than Male Cutters and Male Pressers)		
Workers aged—		
21 years or over	*6*	*5¼*
20 and under 21 years	*5*	*6*
19 „ 20 „	*5*	*1*
18 „ 19 „	*4*	*8*
17 „ 18 „	*4*	*0*
16 „ 17 „	*3*	*7*
under 16 years	*3*	*2*

LATE ENTRANTS

Paragraph 4.

Notwithstanding the provisions of paragraph 3, a male worker commencing employment in the Factory Branch of the trade for the first time at or over the age of 19 years may be employed for a period of twelve months as follows:—

(a) for the first six months of employment, at a general minimum time rate of *4s. 10d.* per hour.

(b) for the second six months of employment, at a general minimum time rate of *5s. 1d.* per hour.

On the expiration of twelve months' employment in the trade such worker shall receive the general minimum time rate appropriate to his age.

FEMALE WORKERS

	Per hour s.	d.
Paragraph 5.		
FEMALE WORKERS other than Conveyor Belt Machinists and other than Learners:—		
(a) workers other than out-workers	*4*	*7½*
(b) out-workers (as defined in paragraph 21)	*4*	*7½*
Paragraph 6.		
CONVEYOR BELT MACHINISTS (as defined in paragraph 19) other than Learners	*4*	*9*

Paragraph 7.

FEMALE LEARNERS (as defined in paragraph 20):—

Period of Employment	Learners commencing at			
	15 and under 16 years of age	16 and 17 years of age under	17 and under 18 years of age	18 years of age and over
	Per hour			
	s. d.	s. d.	s. d.	s. d.
During 1st six months of employment	2 8	2 11	3 2	3 11
„ 2nd „ ..	3 2	3 5	3 8	4 1
„ 2nd year of employment ..	3 10	4 1	4 1	4 1

ADVANCES TO LEARNERS

Paragraph 8.

(a) The advance to be given to female learners commencing at under 21 years of age, will, during the first year's employment in the trade, take effect in the first full pay period in January or July of the year, the learner being entitled to her first advance as from the first day of such pay period in January or July, as the case may be, provided she has been in the trade for at least three months. The advance to be given to female learners in respect of the *second* year of employment in the trade becomes due as from the first day of the first full pay period following the expiration of six months from the date upon which the last preceding advance became payable.

(b) The advance to be given to female learners commencing at 21 years of age and over becomes due at the expiration of six months' employment in the trade.

COMPLETION OF LEARNERSHIP

Paragraph 9.

A female learner ceases to be a learner and becomes entitled to the full general minimum time rate applicable to a worker of her class upon the fulfilment of the appropriate conditions set out below:—

Age on entering employment	*Conditions*
Under 21 years	*The completion of two years' employment in the trade.*
21 years or over	*The completion of one year's employment in the trade.*

CERTIFICATES OF LEARNERSHIP

Paragraph 10.

Application must be made to the Wages Council for a certificate of Learnership in respect of every worker whom it is desired to employ at the special lower rates for female learners. Unless such certificate has been obtained or application made therefor, and the other conditions relating to learnership as specified in this Schedule are complied with, the general minimum time rate payable shall be the appropriate rate for female workers other than learners.

GUARANTEED TIME RATE FOR CERTAIN PIECE WORKERS

Paragraph 11.

Where an employer transfers a female worker, other than a learner (as defined in paragraph 20), who is at the time employed by him in any trade other than the Dressmaking and Women's Light Clothing Trade, to employment on PIECE WORK on the employer's premises in any branch, process or method of manufacture or operation in the Dressmaking and Women's Light Clothing Trade (as defined in paragraph 26) of which she has had no previous experience, that worker must, during the first FOUR WEEKS of such employment, be paid a guaranteed time rate of

4s. 7½d. PER HOUR.

Where a guaranteed time rate is appropriate an employer must pay female workers who are employed on piece work not less than the guaranteed time rate notwithstanding that their earnings on piece work are less than such sum, that is, the worker's earnings must be made up to the guaranteed time rate.

PIECE WORK

Paragraph 12.

An employer must pay to workers employed on piece work, 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 *general minimum* time rate. In determining whether any piece rate satisfies the foregoing conditions regard shall be had only to the earnings of 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.

OVERTIME

Paragraph 13.

Overtime rates are payable as follows:—

A. WORKERS EMPLOYED ON TIME WORK:

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

For the first two hours worked in excess of 8¾ hours .. .. TIME-AND-A-QUARTER

Thereafter .. .. TIME-AND-A-HALF

(2) On a Saturday, not being a customary holiday—

For all time worked .. .. .. TIME-AND-A-HALF

(3) On a Sunday or a customary holiday—

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

(4) In any week—

For all time worked in excess of 40 hours .. TIME-AND-A-QUARTER except in so far as higher overtime rates may be payable under the provisions of sub-paragraph A(1), (2) and (3).

(5) Where it is the established practice of an employer to require attendance on Sunday instead of Saturday, the overtime rates apply to workers in like manner as if the word "Saturday" were substituted for "Sunday" and the word "Sunday" for "Saturday."

B. MALE AND FEMALE WORKERS EMPLOYED ON PIECE WORK:

(1) Male and female workers (other than those of the class specified in paragraph 11) 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 *general minimum* time rate applicable

an amount equivalent to ONE-QUARTER, ONE-HALF, or THE WHOLE of the appropriate *general minimum* time rate,

according as the overtime rate payable under the provisions of sub-paragraph A, 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.

(2) Female workers of the class specified in paragraph 11 are, during the period of four weeks referred to in that paragraph, entitled to receive, in respect of each hour of overtime worked, in addition to the guaranteed time rate,

an amount equivalent to ONE-QUARTER, ONE-HALF, or THE WHOLE of the guaranteed time rate,

according as the overtime rate payable under the provisions of sub-paragraph A, 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 14.

Overtime rates are payable in respect of all overtime worked on any day, notwithstanding that the total number of hours worked in the week does not exceed 40.

Paragraph 15.

The expression "customary holiday" means—

(a) Christmas Day (or, if Christmas Day falls on a Sunday, such other week day as may be appointed by national proclamation or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday, and three other days (being days on which the worker normally works but not being weekly short days) 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 16.

For the purpose of paragraph 13, 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 minimum rate otherwise applicable.

GENERAL

DEFINITIONS

For the purpose of the application of the statutory minimum remuneration the following definitions apply:—

Paragraph 17.

A MALE CUTTER is a worker who:—

(a) is wholly or mainly employed in cutting (including the operations of hooking-up, folding, marking-in or marking-out and dividing); and

(b) has had not less than five years' experience in cutting in the Factory Branch of the Dressmaking and Women's Light Clothing Trade.

Paragraph 18.

A MALE PRESSER is a worker who is employed in pressing-off by hand or by machine and who has had not less than three years' of such employment after the age of 19 years.

Paragraph 19.

A CONVEYOR BELT machinist is a female worker who:—

is employed in machining any work conveyed direct to or from the worker on a mechanical conveyor belt.

Paragraph 20.

A FEMALE LEARNER is a worker who:—

(a) is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides the learner with reasonable facilities for such learning; and

(b) has received a certificate or has been registered in accordance with rules from time to time laid down by the Wages Council or has made application for such certificate or registration which has been duly acknowledged and is still under consideration.

Provided that the certification or registration of a female learner will become invalid if at any time during learnership the provisions set out in this Schedule relating thereto are not complied with.

Provided also that an employer may employ a female learner on her first employment in the trade without a certificate or registration for a probation period not exceeding four weeks, but in the event of such learner being continued thereafter at her employment the probation period must be included in her period of learnership.

Provided further that notwithstanding compliance with the conditions contained herein, a person will not be deemed to be a learner if she works in a room used for dwelling purposes and is not in the employment of her parent or guardian.

Paragraph 21.

An OUT-WORKER is a worker who works in her own home or any other place not under the control or management of the employer.

Paragraph 22.

The "RETAIL BESPOKE DRESSMAKING BRANCH OF THE TRADE" is that branch of the trade in which the employer supplies the garment direct to the individual wearer and employs the worker direct.

Paragraph 23.

The "FACTORY BRANCH OF THE TRADE" is any branch of the trade other than the Retail Bespoke Dressmaking Branch.

EMPLOYMENT OF JUVENILE WORKERS ON PIECE WORK

Paragraph 24.

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 *general minimum time rate.*

WAITING TIME

Paragraph 25.

(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.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 26.

The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland) 1945, to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Trade Boards (Dressmaking and Women's Light Clothing Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations 1925(c), dated 20th May 1925, namely:—

Those branches of the Women's Clothing Trade that are engaged in the making of Non-Tailored Garments, namely, the making from textile or knitted fabrics of (a) non-tailored wearing apparel (other than handkerchiefs) worn by women or girls or by children without distinction of sex, or (b) boys' ready-made washing suits or sailor suits, where carried out in association with or in conjunction with the making of garments to be worn by women or girls or by children without distinction of sex:

INCLUDING—

(1) All operations or processes of cutting, making or finishing by hand or machine of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports coats, neckwear, tea-gowns, dressing-gowns, dressing-jackets, pyjamas, underclothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby-linen or similar non-tailored articles;

(2) the making of field bonnets, sun-bonnets, boudoir caps or infants millinery where carried on in association with or in conjunction with the making of any of the articles mentioned in paragraph (1) above;

(3) (a) the altering, repairing, renovating or remaking of any of the above-mentioned articles;

(b) the cleaning of any of the above-mentioned articles, where carried on in association with or in conjunction with the altering, repairing, renovating or remaking of such garments;

(4) all processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or remaking of such articles, other than hand embroidery or hand-drawn thread-work on articles made of linen or cotton or of mixed linen and cotton;

(5) the following processes if done by machine:—thread drawing, thread clipping, top sewing, scalloping, nickelling and paring;

(6) laundering, smoothing, folding, ornamenting, boxing, packing, warehousing or other operations incidental to or appertaining to the making, altering, repairing, renovating or remaking of any of the above-mentioned articles;

(c) S.R. & O. (N.I.) 1925, No. 60.

BUT EXCLUDING—

(a) The making of knitted articles, the making of underclothing, socks and stockings from knitted fabrics, and the making from knitted fabrics of articles mentioned in paragraphs (1) and (2) above, where carried on in association with or in conjunction with the manufacture of the knitted fabrics;

(b) the making of gloves, spats, gaiters, boots, shoes and slippers;

(c) the making of headgear, other than the articles mentioned in paragraph (2) above;

(d) the branches of trade covered by the Trade Boards (Corsets) Order 1919(**d**);

(e) the making of rubberised or oilskin garments;

(f) the making of women's collars and cuffs and of nurses' stiff washing belts where carried on in association with or in conjunction with the making of men's or boys' shirts or collars;

(g) warehousing, packing and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made on the premises;

AND EXCLUDING ALSO—

Any processes or operations included in the Appendix to the Trade Boards (Shirtmaking) Order 1920(**e**).

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

Paragraph 27.

Notwithstanding anything contained in this Schedule, the statutory minimum remuneration aforesaid does not apply to workers employed as clerks, salesmen, saleswomen, travellers, engineers, mechanics, enginemen, firemen, stokers, carpenters, watchmen, carmen, charwomen, time-keepers and outside messengers.

EXPLANATORY NOTE

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

This Order, which comes into operation on 14th July 1970, sets out the statutory minimum remuneration payable in substitution for that fixed by the Dressmaking and Women's Light Clothing Wages Regulation Order (Northern Ireland) 1968 (Order N.I.W.D. (122)).

Order N.I.W.D. (122) is revoked.

New provisions in the Schedule are printed in italics.

(d) S.R. & O. 1919, No. 570. (e) S.R. & O. 1920, No. 711.