1970. No. 174 [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. 2) 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 (No. 2) Order (Northern Ireland) 1964(b) and the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) Order (Northern Ireland) 1968(c) 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.) 1964, No. 89.
(c) S.R. & O. (N.I.) 1968, No. 244.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Dressmaking and Women's Light Clothing Wages Regulation (No. 2) Order (Northern Ireland) 1964 (Order N.I.W.D. (105)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) Order (Northern Ireland) 1968 (Order N.I.W.D. (123)):—

Statutory Minimum Remuneration for Female Workers employed in the Retail Bespoke Branch of the Trade

GENERAL MINIMUM TIME RATES

	Area A	Area B	Area C
	The respective areas are defined in paragraph 17		
Paragraph 1.	Per hour	Per hour	Per hour
Female Workers who	s. d.	s. d.	s. d.
(a) have had not less than two years' experience after learnership in the Retail Bespoke Dressmaking Branch of the trade (as defined in paragraph 18) and			
(b) who are employed as "fully qualified" Bodice, Skirt, Gown or Blouse Hands (as defined in paragraph 14)	*4 8½*	*4 6½*	*4 4¾*
Paragraph 2.			
Female Workers (including Out-workers as defined in paragraph 16) other than workers of the classes specified in paragraphs 1 and 3	*4 7*	*4 4¾*	*4 4¾*
Paragraph 3.			
Female Learners (as defined in paragraph 15):—			
During 1st six months of employment	*2 11½*	*2 9*	*2 8¼*
„ 2nd „ „ „ „ ..	*3 6*	*3 2¼*	*3 1½*
„ 2nd year of employment ..	*4 1*	*3 9½*	*3 8*

Late Entrants

Paragraph 4.

A female learner who enters or who has entered the trade for the first time at 18 years of age or over shall be deemed, for the purpose of the minimum rates specified in paragraph 3 and the calculation of the period of learnership, to have completed one year's employment as a learner.

Advances to Learners

Paragraph 5.

The advances to be given to learners become due on the completion of each period of six or twelve months' employment in the Retail Bespoke Dressmaking Branch of the trade, as the case may be.

EMPLOYMENT IN THE FACTORY BRANCH

Paragraph 6.

Where a worker has been employed in the Factory Branch of the trade one half of the period of such employment will be treated as employment in the Retail Bespoke Branch of the trade.

COMPLETION OF LEARNERSHIP

Paragraph 7.

A female learner shall (subject to the provisions of paragraphs 4 and 6) cease to be a learner and shall be entitled to the appropriate general minimum time rate applicable to workers other than learners on the completion of *two* years' employment in the Retail Bespoke Dressmaking Branch of the trade.

CERTIFICATES OF LEARNERSHIP

Paragraph 8.

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 are complied with, the general minimum time rate payable shall be the appropriate rate for female workers other than learners.

PIECE WORK

Paragraph 9.

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 this condition 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 10.

Overtime rates are payable as follows:—

A. FEMALE WORKERS EMPLOYED ON TIME WORK:—

(1) On any day other than Saturday (or another day of the week (other than Sunday) substituted therefor), Sunday or a customary holiday—

For the first two hours worked in excess of 8½ hours .. .. TIME-AND-A-QUARTER

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

(2) On a Saturday (or another day of the week (other than Sunday) substituted therefor), not being a customary holiday—

(a) In respect of that class of worker which customarily attends on six days a week—
For all time worked in excess of 4 hours .. TIME-AND-A-HALF

(b) In respect of that class of worker which customarily attends on five days a week—
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-paragraphs A (1), (2) and (3)

Provided that, where it is the established practice of an employer to require attendance on Saturday in alternate weeks only, the overtime rate is payable in the week in which attendance on Saturday is required only after 42 hours have been worked.

(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. FEMALE WORKERS EMPLOYED ON PIECE WORK:—

Female 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 *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.

Paragraph 11.

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 12.

"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 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

Paragraph 14.

A "FULLY QUALIFIED" BODICE, SKIRT, GOWN or BLOUSE HAND is a female worker who:—

(a) has fulfilled the conditions in regard to learnership laid down by the Wages Council and has had not less than two years' experience subsequent to learnership in the Retail Bespoke Dressmaking Branch of the trade, and

(b) takes Bodices, Skirts, Gowns or Blouses direct from the cutter or fitter in any establishment where a cutter or fitter who does no making up is employed and makes up completely or in part any of the above-mentioned garments without supervision other than the general supervision of the cutter, fitter, or room forewoman, or

(c) in any establishment completely makes-up or is responsible for the complete making-up of any of the above-mentioned garments without supervision other than the general supervision of the cutter, fitter, forewoman or employer, and, if a cutter, fitter, or forewoman is not employed, the employer shall be deemed to be the person giving such general supervision.

Paragraph 15.

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—

(i) the certification or registration of a female learner will become invalid if at any time during learnership the provisions relating thereto are not complied with.

(ii) 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 will be included in her period of learnership.

(iii) 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 16.

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 17.

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

Area A—To workers employed within the areas of the Counties of the Cities of Belfast and Londonderry.

Area B—To workers employed in areas with a population of 2,000 or over (as returned at the last census) administered by Borough or Urban District Councils, excluding the Counties of the Cities of Belfast and Londonderry.

Area C—To workers employed in all areas other than A and B.

Paragraph 18.

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 19.

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 20.

An employer will, in any case where a learner or other juvenile worker is employed on piece work during the first six months of her 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 her 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 her 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 her 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 21.

(1) A worker is entitled to payment of statutory minimum remuneration as aforesaid during all the time during which she is present on the premises of her employer unless she is so present either without her employer's consent, express or implied, or for some purpose unconnected with her work and other than that of waiting for work to be given to her to perform.

(2) A piece worker is, during any time during which she 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 she belongs.

Provisions (1) and (2) do not apply when—

(a) a worker is present on her employer's premises by reason only of the fact that she is resident thereon, or

(b) a worker is present on her 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 her to perform.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 22.

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(**d**), 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' readymade 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, neck-wear, tea-gowns, dressing-gowns, dressing-jackets, pyjamas, underclothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby-linen or similar non-tailored articles;

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

(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 re-making 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 re-making 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 re-making 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 re-making of any of the above-mentioned articles;

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 (Corset) Order 1919(e);

(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(f).

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

Paragraph 23.

Notwithstanding anything contained in this Schedule, the statutory minimum remuneration does not apply to workers employed as clerks, saleswomen, travellers, charwomen, time-keepers, or outside messengers.

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

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 (No. 2) Order (Northern Ireland) 1964 (Order N.I.W.D. (105)), as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) Order (Northern Ireland) 1968 (Order N.I.W.D. (123)).

Orders N.I.W.D. (105) and N.I.W.D. (123) are revoked.

New provisions in the Schedule are printed in italics.