

1978 No. 79

**WAGES COUNCILS****Sugar Confectionery and Food Preserving Wages Regulation Order  
(Northern Ireland) 1978***Made* . . . . . 3rd March 1978*Coming into operation* . . . . . 14th March 1978

The Department of Manpower Services, in exercise of the powers conferred on it by section 10 of the Wages Councils Act (Northern Ireland) 1945(a), and now vested in it(b), hereby makes the following Order to give effect to wages regulation proposals received from the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland).

*Citation*

1. This Order may be cited as the Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1978.

*Commencement*

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date.

*Interpretation*

3. In this Order the expression "the specified date" means 14th March 1978, 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 Department of Manpower Services on  
3rd March 1978.

(L.S.)

*D. J. Perham*  
Senior Assistant Secretary

(a) 1945 c. 21 (N.I.)

(b) 1946 c. 11 (N.I.); S.R. &amp; O. (N.I.) 1964 No. 205 (p. 937) and S.R. &amp; O. (N.I.) 1973 No. 504 art. 6(1) and Sch. 3 (II, p. 2992)

## FIRST SCHEDULE

## Statutory Minimum Remuneration

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1975(c) (Order N.I.F. (94)) as amended by the Sugar Confectionery and Food Preserving Wages Regulation (Amendment) Order (Northern Ireland) 1976(d) (Order N.I.F. (97)).

## GENERAL MINIMUM TIME RATES

Paragraph 1.	Per hour
Workers aged—	p
18 years and over .. .. .	88.75
17 and under 18 years .. .. .	71.00
under 17 years .. .. .	66.56

## Paragraph 2.

Notwithstanding anything contained in Paragraph 1 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 88.75p per hour. Otherwise the general minimum time rate will be 88.75p per hour irrespective of age.

## PIECE WORK BASIS TIME RATES

Paragraph 3.	Per hour
ALL WORKERS .. .. .	p 90.00

## SHIFT WORKERS

## Paragraph 4.

Notwithstanding the provisions of paragraphs 1 to 3 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 40.00p per week of 40 hours.
- (b) in the case of a worker employed on a 3-shift system (rotary shift)—
  - (i) when engaged on a night-shift, to 66p per week of 40 hours;
  - (ii) when engaged on a morning or an afternoon shift, to 44p per week of 40 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.

## NORMAL WORKING DAY

## Paragraph 5.

Normal Working Day means—

- (a) a day not exceeding 8 hours' work on each of 5 days in the week, or
- (b) a day not exceeding 8½ hours' work on each of 4 days in the week and not exceeding 5 hours' work on the other day, or
- (c) a day not exceeding 9 hours' work on each of 4 days in the week and not exceeding 4 hours' work on the other day.

## UNSOCIAL HOURS

## Paragraph 6.

For hours worked between 8.00 p.m. and 6.00 a.m. there shall be paid (in addition to overtime, if applicable) an allowance not exceeding 20 per cent. of the above rates. (Note: Any shift premium payable shall be offset against this allowance).

## OVERTIME

## Paragraph 7.

All time worked in excess of the normal working day shall be regarded as overtime to which overtime rates shall apply.

## OVERTIME RATES

## Paragraph 8.

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

- (a) (i) for the first two hours of overtime in any week (exclusive of Saturday, Sunday or a customary holiday)—*TIME-AND-A-QUARTER*;
- (ii) after the said first two hours of overtime—*TIME-AND-A-HALF*;
- (b) On a Saturday not being a customary holiday—  
for all time worked—*TIME-AND-A-HALF*;
- (c) On a Sunday or a customary holiday—  
for all time worked—*DOUBLE TIME*.

(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.

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, *May Day*, and three 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 10.

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 11.

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 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 12.

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 13.

- (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 14.

The statutory minimum remuneration aforesaid does not apply to—

- (a) clerks, salesmen, saleswomen, travellers, engineers, carpenters, vanmen, 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 15.

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 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, which are included also in the Appendix to the Trade Boards (Grocery and Provisions) Order 1920.

## SECOND SCHEDULE

**Holidays and Holiday Remuneration**

The Sugar Confectionery and Food Preserving Wages Regulation (Holidays) Order (Northern Ireland) 1975(e) (Order N.I.F. (95)) shall have effect as if in the Schedule thereto there was substituted for paragraph 2 the following paragraph:—

## CUSTOMARY HOLIDAYS

## Paragraph 2.

- (1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than eight weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the customary holiday.
- (2) The said customary holidays are:—
  - (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, *May Day*, and three 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.
- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or a young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon and, in lieu of any holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday within the period of four weeks next ensuing.
- (4) A worker who is required to work on a customary holiday shall be paid:—
  - (a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and
  - (b) in respect of the holiday in lieu of the customary holiday, in accordance with paragraph 7 of this Schedule.

## EXPLANATORY NOTE

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

This Order comes into operation on 14th March, 1978.

The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1975 (Order N.I.F. (94)) as amended by the Sugar Confectionery and Food Preserving Wages Regulation (Amendment) Order (Northern Ireland) 1976 (Order N.I.F. (97)).

The Second Schedule amends the Sugar Confectionery and Food Preserving Wages Regulation (Holiday) Order (Northern Ireland) 1975 (Order N.I.F. (95)) by increasing the number of Customary Holidays by one.

Orders N.I.F. (94) and N.I.F. (97) are revoked.

New provisions in the Schedules are printed in italics.