

1978 No. 89

WAGES COUNCILS**Baking 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 Baking Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Baking 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. & O. (N.I.) 1964 No. 205 (p. 937) and S.R. & O. (N.I.) 1973 No. 504 art 6(1) and Sch. 3 (II, p. 2992)

SCHEDULE
Statutory Minimum Remuneration

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Baking Wages Regulation Order (Northern Ireland) 1974(c) (Order N.I.Bk. (355)) as amended by the Baking Wages Regulation (Amendment) Order (Northern Ireland) 1975(d) (Order N.I.Bk. (357)).

Paragraph 1.

Subject to the provisions of this Schedule the statutory minimum remuneration payable to workers of the classes specified in the following table is:—

Class of Worker	For time worked in the normal working week (as defined in paragraph 25)						Holiday Bonus Rate
	Between 6 a.m. and 6 p.m. (Basic rate)		By workers (other than night workers) between 6 p.m. and 8 p.m.	By workers (other than night workers) between 8 p.m. and 10 p.m.	By workers (other than night workers) between 10 p.m. and 6 a.m.	By night workers (as defined in paragraph 22)	
	per week	per hour	per hour	per hour	per hour	per hour	
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
	£	p	p	p	p	p	p
(A) PRODUCTION WORKERS							
(a) Baker	24.65	61.62	71.89	73.95	82.17	82.17	74.00
(b) Dough maker	25.72	64.30	75.02	77.16	85.73	85.73	77.00
(c) Oven Operative	25.72	64.30	75.02	77.16	85.73	85.73	77.00
(d) Confectionery Mixer	25.72	64.30	75.02	77.16	85.73	85.73	77.00
(e) Apprentice Baker—							
during 1st year of apprenticeship	12.12	30.30	35.35	36.36	40.40	40.40	36.50
during 2nd year of apprenticeship	14.10	35.25	41.12	42.30	47.00	47.00	42.50
during 3rd year of apprenticeship	17.65	44.12	51.48	52.95	58.83	58.83	53.00
during 4th year of apprenticeship	20.17	50.42	58.83	60.51	67.23	67.23	68.50
(f) Bakehouse Labourer	22.75	56.87	66.35	68.25	75.83	75.83	68.50

(c) S.R. 1974 No. 287 (II, p. 1354)

(d) S.R. 1975 No. 11 (I, p. 39)

(g) Packer	22-75	56-87	66-35	68-25	75-83	75-83	68-50
(h) All other Workers (excluding workers of the classes specified in paragraph 27) aged—							
16 and under 17 years	10-73	26-82	31-29	32-19	35-77	35-77	32-00
17 and under 18 years	12-62	31-55	36-81	37-86	42-07	42-07	38-00
18 and under 19 years	14-68	36-70	42-82	44-04	48-93	48-93	44-00
19 and under 20 years	17-13	42-82	49-96	51-39	57-10	57-10	51-50
20 years and over	21-82	54-54	63-63	65-45	72-72	72-72	65-50
(B) TRANSPORT WORKERS							
(a) Drivers (as defined in paragraph 15) of—							
(i) vehicles (other than articulated vehicles) with an overall length in excess of 25 feet	24-44	61-10	71-28	73-32	81-47	81-47	73-50
(ii) articulated vehicles with an overall length in excess of 30 feet	24-44	61-10	71-28	73-32	81-47	81-47	73-50
(iii) vehicles drawing trailers ..	24-44	61-10	71-28	73-32	81-47	81-47	73-50
(iv) vehicles (other than those specified in (i), (ii) and (iii) with a carrying capacity of—							
(a) over 2 tons	23-78	59-45	69-36	71-34	79-27	79-27	71-50
(b) 2 tons and under	23-02	57-55	67-14	69-06	76-73	76-73	69-00
(b) Helpers (as defined in para- graph 16)	22-75	56-87	66-35	68-25	75-83	75-83	68-50
(c) Lorry Workers (as defined in paragraph 17) aged—							
16 and under 17 years	10-73	26-82	31-29	—	35-77	35-77	32-00
17 and under 18 years	12-62	31-55	36-81	—	42-07	42-07	38-00
18 and under 19 years	14-68	36-70	42-82	—	48-93	48-93	44-00
19 and under 20 years	17-13	42-82	49-96	—	57-10	57-10	51-50
20 years and over	21-82	54-54	63-63	—	72-72	72-72	65-50
(d) Workers, 20 years of age and over, wholly or mainly employed as—							
Van Washers and Greasers ..	21-82	54-54	63-63	65-45	72-72	72-72	65-50

Paragraph 2.

In addition to the remuneration specified elsewhere in this Schedule there shall be paid three supplements as follows:—

(A) "COST OF LIVING SAFEGUARD" SUPPLEMENT

The Retail Price Index having exceeded the appropriate trigger points as mentioned in the Pay Board Stage 3 Guidelines leaflet of June 1974 there shall be paid a supplement as follows:—

	Supplement per hour subject to a maximum of 40 hours per week
All full time workers	11-00
(B) "ATTACK ON INFLATION" SUPPLEMENT	
All workers 18 years of age and over	15-00
Workers aged:—	
17 and under 18 years	12-00
Under 17 years of age	10-50
(C) "ATTACK ON INFLATION—THE SECOND YEAR" SUPPLEMENT	
(i) All workers 18 years of age and over—whichever is the greater of:—	
(a)	6-25
OR	
(b) 5% of the workers total gross earnings for all hours worked subject to a maximum of £4.00 per week	
(ii) Workers aged:—	
17 and under 18 years	5-00
Under 17 years of age	4-375

ADDITIONAL PAYMENTS FOR CERTAIN WORKERS

Paragraph 3.

The statutory minimum remuneration applicable to workers set out in paragraphs 1 and 2 shall be increased by the appropriate amount specified hereafter, which amount shall not be taken into account for the purpose of the calculation of statutory minimum remuneration payable in respect of overtime—

- (a) where the worker's spell of duty commences at or after 2 a.m. and before 3 a.m.—by 25p per week of 40 hours;
- (b) where the worker's spell of duty comences between 3 a.m. and 4.30 a.m. both times inclusive—by 62.5p per week of 40 hours.

GUARANTEED MINIMUM REMUNERATION

Paragraph 4.

Where in any week a worker has worked for an employer on work to which statutory minimum remuneration applies for not less than 40 hours and the total remuneration payable to that worker for that week for time worked (inclusive of any bonus payments but exclusive of overtime) is less than:

- (i) £26-61 in the case of a dough maker, oven operative or confectionery mixer;
- (ii) £25-52 in the case of a baker;
- (iii) £23-91 in the case of any other worker (including a transport worker) who is 20 years of age or over;

then, notwithstanding anything contained in this Schedule, the minimum remuneration payable to that worker shall be £26-61 or £25-52 or £23-91 per week as the case may be.

STATUTORY MINIMUM REMUNERATION FOR CERTAIN TIME WORKED ON A DAY
PRECEDING A CUSTOMARY HOLIDAY

Paragraph 5.

Where a worker is required by his employer to work for more than two hours in excess of his normal working day on a day immediately preceding a customary holiday he shall be paid, in respect of all time so worked in excess of those two hours, twice the appropriate rate set out in Col. 3 of the table in paragraph 1.

OVERTIME

Paragraph 6.

Overtime rates are payable as follows:—

- (1) On a day other than the worker's rest day, a Sunday, or a customary holiday—for each hour worked in excess of the worker's normal working day—

One-and-a-half times the appropriate minimum rate set out in Col. 3 or in the case of night workers as defined in paragraph 22; one-and-a-half times the appropriate minimum rate set out in Column 7 of the table in paragraph 1,

provided that, where it is, or may become, the established practice of an employer to require the worker to work on only four-and-a-half days in the week the said overtime rate of time-and-a-half shall be payable on each of four days after 9 hours' work and on the short day after 4 hours work.

- (2) On a rest day, not being a customary holiday—

(i) where the time worked does not exceed 4 hours—one-and-a-half times the appropriate minimum rate set out in Col. 3 of the table in paragraph 1 for 4 hours,

(ii) where the time worked exceeds 4 hours—one-and-a-half times the appropriate minimum rate set out in Col. 3 of the table in paragraph 1 for all time worked.

- (3) On a Sunday—

twice the appropriate minimum rate set out in Col. 3 of the table in paragraph 1 for all time worked.

- (4) On a customary holiday—

twice the appropriate minimum rate set out in Col. 3 of the table in paragraph 1 for all time worked subject to any alternative provisions contained in a wages regulation order made by the Department of Manpower Services pursuant to Proposals by the Baking Wages Council (Northern Ireland) relating to holidays and holiday remuneration.

OVERTIME IN RESPECT OF TIME WORKED ON CERTAIN WEEKDAYS FOLLOWING A
NAMED DAY OF CUSTOMARY HOLIDAY

Paragraph 7.

Where the day immediately following a named day of customary holiday (as defined in paragraph 27) falls on a Monday or Tuesday (or, in the case of a Tuesday to Saturday worker, on a Tuesday or a Wednesday) and the worker is required by the employer to work on that day he shall be paid, in respect of all time so worked, twice the appropriate minimum rate set out in Col. 3 of the table in paragraph 1.

Provided that—

in the case of a night worker (as defined in paragraph 22) whose spell of duty commences on either the said Monday or Tuesday, or the said Tuesday or Wednesday, as the case may be, he shall be paid, in respect of each hour of his normal working day, the appropriate rate set out in Col. 6 of the table in paragraph 1 and, in addition, the appropriate rate set out in Col. 3 of that table for each hour of his normal working day, and, in respect of each hour worked in excess of his normal working day, he shall be paid twice the appropriate rate set out in Col. 3 of the said table.

DEFINITIONS

Paragraph 8.

A BAKER is

- A. A worker who is engaged on the production of bread and/or cake and flour confectionery, including any part of the baking process incidental to the production of the complete article of food, and the feeding and drawing of ovens, and who has served an apprenticeship of four years in the baking trade, or
- B. A worker who has served a period of learnership of not less than three years in the trade of baking and is employed on all or any of the following processes in the making of bread, pastry or flour confectionery:—
 - (a) the mixing of flour, eggs, sugar or other ingredients into dough or batter;
 - (b) the manipulating, moulding, or shaping of dough by hand;
 - (c) the ovening of bread, pastry, or flour confectionery;
 - (d) decorating, icing, or piping; or
 - (e) any other similar operations incidental to or appertaining to the manufacture of the above-mentioned articles.

Paragraph 9.

A DOUGH MAKER is a baker who is engaged wholly or mainly in doughmaking in the making of bread or fancy bread.

Paragraph 10.

An OVEN OPERATIVE is a baker who is in charge of one or more ovens and who is responsible for the ovening of goods.

Paragraph 11.

A CONFECTIONERY MIXER is a baker who is engaged wholly or mainly in the mixing of dough or batter for flour confectionery.

Paragraph 12.

An APPRENTICE BAKER is a worker who—

- (a) is employed under an oral or written agreement by an employer who undertakes to provide the apprentice with reasonable and effective facilities for learning the trade of baking and,
- (b) (i) if employed in the County Borough of the City of Belfast or in districts situated within a radius of fifteen statute miles therefrom, is employed in an establishment in which the number of apprentice bakers is limited in proportion to the number of bakers regularly employed as follows—

Number of bakers regularly employed	Maximum number of apprentices employed
(a) Not less than 4 and not more than 10	One
(b) More than 10	One additional apprentice for each complete group of ten bakers in excess of the first group of ten
(ii) if employed in areas other than those specified in (b) (i), is employed in an establishment in which the number of apprentice bakers is limited in proportion to the number of bakers regularly employed as follows—	

Number of bakers regularly employed	Maximum number of apprentices employed
(a) Not less than 4 and not more than 6	One
(b) More than 6	One additional apprentice for each complete group of six bakers in excess of the first group of six

Provided that—

the provisions of this sub-paragraph do not apply in the case of apprentices who commenced their employment with the employer before 25th March 1969,

- (c) 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 certification or registration of an apprentice baker will become invalid if at any time during apprenticeship the provisions relating thereto are not complied with, and

Provided also, that an employer may employ an apprentice baker on his first employment in the trade without a certificate or registration for a probation period not exceeding four weeks, but, in the event of such apprentice baker being continued thereafter in the employment, the probation period will be included in the period of apprenticeship.

Paragraph 13.

A **BAKEHOUSE LABOURER** is a worker, over 21 years of age, other than a baker or apprentice baker, who is employed in a bakehouse on operations other than those specified in the definition of a packer.

Paragraph 14.

A **PACKER** is a worker who—

- (a) wraps and prepares bakery products in packets, bags, cartons, boxes, or other similar containers; or
 (b) fills hampers, boards, trays, cases, or racks in readiness for despatch or assists in the loading of such articles on vehicles.

Paragraph 15.

DRIVERS are workers, other than bread-servers (as defined in paragraph 18), who drive, and are in charge of, vehicles used for the transport of bread or other bakery products or raw materials used in the manufacture thereof.

Paragraph 16.

HELPERS are workers who assist the drivers of vehicles of the classes specified in paragraph 1 (B) (a)(i), (ii), (iii) and (iv)(a) in collecting or loading goods (other than bread, biscuits or other bakery products) to be carried in or on the vehicles and/or in unloading or delivering such goods after being so carried.

Paragraph 17.

LORRY WORKERS are workers, other than helpers, who accompany and assist the drivers of vehicles.

Paragraph 18.

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 19.

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

Paragraph 20.

A **BREADVAN HELPER** is a juvenile worker who accompanies and assists a bread-server on his rounds.

Paragraph 21.

A **NIGHT WORKER** is a worker whose spell of duty commences between 6 p.m. and 1 a.m., both times inclusive.

NORMAL WORKING WEEK

Paragraph 22.

NORMAL WORKING WEEK means—a week of 40 hours worked on 5 consecutive working days.

NORMAL WORKING DAY

Paragraph 23.

NORMAL WORKING DAY means a day—

- (a) not exceeding 8 hours' work on each of 5 days in the week, or
- (b) in the case of workers other than production workers, not exceeding 9 hours' work on each of 4 days in the week and 4 hours' work on the other day, being a Monday or a Saturday.

CUSTOMARY HOLIDAY

Paragraph 24.

CUSTOMARY HOLIDAY means—

- (a) in the case of a worker employed in the County Borough of the City of Belfast or in districts situated within a radius of 15 statute miles therefrom—

Christmas Day, Easter Monday, *May Day*, 12th July (herein referred to as "named days") and one other day in addition to each of those named days *except May Day*

Provided that—

- (i) where a named day falls on a Saturday, Sunday, or Monday, the additional day of customary holiday shall be allowed by the employer to the worker within the period of four weeks next ensuing on a weekday to be agreed between the employer and the worker or his representative;
- (ii) where Christmas Day or 12th July falls on a Tuesday, Wednesday, Thursday, or Friday, the additional day of customary holiday shall be allowed by the employer to the worker either on the day immediately preceding or on the day immediately following that day, according to production and distribution requirements;
- (iii) where a named day falls on a worker's rest day the employer shall allow the customary holiday to the worker either on the weekday immediately preceding or on the weekday immediately following that day according to production and distribution requirements and the additional day shall be allowed in accordance with the provisions specified in (i).
- (b) in the case of a worker employed in an area other than that specified in (a)—

the provisions set out in (a) shall apply subject to the substitution for '12th July,' wherever it occurs, of the words 'August Bank Holiday or a day substituted therefor, being a day recognised by local custom, or by custom in the establishment, as a day of customary holiday.'

GENERAL

WAITING TIME

Paragraph 25.

A worker is 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.

Provided that, this provision does 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 aforesaid applies, subject to the provisions of the Wages Councils Act (Northern Ireland) 1945, 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, 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 worker, or other like worker, including any assistant employed or engaged by or with such worker;
 - (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, 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, as amended or varied by any subsequent Order;
 - (b) the Trade Boards (Sugar Confectionery and Food Preserving) Order 1913, 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 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 27.

Notwithstanding anything contained in this Schedule, the aforesaid statutory minimum remuneration does not apply to workers employed as bread-servers, breadvan checkers, breadvan helpers, outside messengers, shop assistants and office and shop cleaners.

THIS NOTE DOES NOT FORM PART OF THE ORDER

For simplicity, the masculine pronoun has been used throughout the Order. The provisions apply equally to men and women.

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 March sets out the statutory minimum remuneration in substitution for that fixed by the Baking Wages Regulation Order (Northern Ireland) 1974 (Order N.I.Bk. (355)) as amended by the Baking Wages Regulation (Amendment) Order (Northern Ireland) 1975 (Order N.I.Bk. (357)).

Orders N.I.Bk. (355) and N.I.Bk. (357) are revoked.

New provisions in the Schedule are printed in italics.