

1980 No. 123

WAGES COUNCILS

**Dressmaking and Women's Light Clothing Wages Regulation
(No. 1) Order (Northern Ireland) 1980**

Made 26th March 1980
Coming into operation 22nd April 1980

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), and of every other power enabling it in that behalf, 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) 1980.

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. 1) Order (Northern Ireland) 1976(c) and the Dressmaking and Women's Light Clothing Wages Regulation (Second Amendment) (No. 1) Order (Northern Ireland) 1979(d) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 22nd April 1980, 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 for Northern Ireland on 26th March 1980.

(L.S.)

R. O. Surgenor

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)

(c) S.R. 1976 No. 187 (I, p. 885)

(d) S.R. 1979 No. 359

SCHEDULE

Statutory Minimum Remuneration for Workers Employed in the Factory Branch of the Trade

The following statutory minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Dressmaking and Women's Light Clothing Wages Regulation (No. 1) Order (Northern Ireland) 1976 (Order N.I.W.D. (160)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1978(e) (Order N.I.W.D. (168)) and the Dressmaking and Women's Light Clothing Wages Regulation (Second Amendment) (No. 1) Order (Northern Ireland) 1979 (Order N.I.W.D. (176)).

GENERAL MINIMUM TIME RATES

WORKERS

		<i>Pence per hour with effect from</i>	
		<i>Operative date</i>	<i>1st October 1980</i>
Paragraph 1.			
CUTTERS (as defined in paragraph 13)	..	118.13	124.04
Paragraph 2.			
PRESSERS (as defined in paragraph 14)	..	118.13	124.04
Paragraph 3.			
MACHINISTS (as defined in paragraph 15); and other workers over 21	..	118.13	124.04
20 and under 21 years	..	106.16	111.47
19 and under 20 years	..	100.49	105.51
18 and under 19 years	..	91.58	96.16
17 and under 18 years	..	76.15	79.96
16 and under 17 years	..	67.25	70.61
Paragraph 4.			
TRAINEES (as defined in paragraph 16):—			

Period of Employment	Trainees commencing at:—		
	16 and under 17 years of age	17 and under 18 years of age	18 years of age and over
Percentage of adult rate to be paid			
During 1st six months of employment	63%	66%	85%
During 2nd six months of employment	73%	77%	89%
During 2nd year of employment	85%	89%	100%

ADVANCES TO TRAINEES

Paragraph 5.

The advance to be given to cutter, presser and machinist trainees becomes due at the expiration of six months' employment in the trade.

COMPLETION OF TRAINING

Paragraph 6.

A trainee ceases to be a trainee and becomes entitled to the full general minimum time rate upon the fulfilment of the appropriate conditions set out below:—

Age on entering employment	Conditions
16 and under 18 years	The completion of two years' employment in the trade.
18 years or over	The completion of one year's employment in the trade.

GUARANTEED TIME RATE FOR CERTAIN WORKERS

ON INCENTIVE PAYMENT SCHEMES

Paragraph 7.

Where an employer transfers a worker, other than a trainee (as defined in paragraph 16), who is at the time employed by him in any trade other than the Dressmaking and Women's Light Clothing Trade, to employment on incentive 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 22) of which the worker has had no previous experience, that worker must, during the first FOUR WEEKS of such employment, be paid a guaranteed time rate of

118.13p PER HOUR with effect from Operative Date

124.04p PER HOUR with effect from 1st October 1980

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

WORKERS ON INCENTIVE PAYMENT SCHEMES

Paragraph 8.

An employer must pay to workers employed on incentive rates each of which would yield, in the circumstances of the case, to a worker of normal skill at least the same amount of money as the appropriate general minimum time rate. In determining whether any rate satisfies the foregoing condition regard shall be had only to the earnings of workers of normal skill and experience in the class of work in question and not to the earnings of workers of less than normal skill and experience.

OVERTIME

Paragraph 9.

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
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- (3) On a Sunday or a customary holiday—

For all time worked	..	DOUBLE TIME
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- (4) In any week—

For all time worked in excess of 40 hours	..	TIME-AND-A-QUARTER
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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. WORKERS EMPLOYED ON INCENTIVE PAYMENT SCHEMES:

- (1) Workers (other than those of the class specified in paragraph 7) employed on incentive are entitled to receive in respect of each hour of overtime worked in addition to incentive rates each of which would yield, in the circumstances of the case, to a normal 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 in time work, would have been equivalent to time-and-a-quarter, time-and-a-half, or double time, respectively.

Paragraph 10.

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 11.

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, New Year's 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 12.

For the purpose of paragraph 9 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 13.

A **CUTTER** is a worker who is wholly or mainly employed in cutting (including the operations of hooking-up, folding, marking-in or marking-out and dividing).

Paragraph 14.

A **PRESSER** is a worker who is employed in pressing-off by hand or by machine.

Paragraph 15.

A **MACHINIST** is a worker who is employed in machining any work conveyed direct to or from the worker.

Paragraph 16.

A **TRAINEE** is one who is employed during the whole or a substantial part of the time in learning any branch or process of the trade by an employer who provides the trainee with reasonable facilities for such learning; and has not received training from a previous employer.

Paragraph 17.

An **OUTWORKER** is a worker who works at home or any other place not under the control or management of the employer.

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 INCENTIVE PAYMENT SCHEMES

Paragraph 20.

An employer will, in any case where a trainee or other juvenile worker is employed on incentive during the first six months of 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 employment on incentive 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 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 employment on incentive been paid at incentive rates which would yield, in the circumstances of the case, to a normal 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 when present on the premises of the employer unless the worker is so present either without the employer's consent, express or implied, or for some purpose unconnected with work and other than that of waiting for work to be given to that worker to perform.
- (2) An incentive worker is, during any time when present as aforesaid and is not doing incentive work, entitled to payment of the general minimum time rate applicable to the workers of the class to which the worker belongs.

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

- (a) a worker is present on the employer's premises by reason only of the fact that he/she is resident thereon, or
- (b) a worker is present on the 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 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, 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-ropes, 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;

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) 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.

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

Paragraph 23.

Notwithstanding anything contained in this Schedule, the statutory minimum remuneration aforesaid does not apply to workers employed as clerks, salesmen, travellers, engineers, mechanics, enginemen, firemen, stokers, carpenters, watchmen, charmen, charmen, 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 22nd April 1980, sets out the statutory minimum remuneration payable in substitution for that fixed by the Dressmaking and Women's Light Clothing Wages Regulation (No. 1) Order (Northern Ireland) 1976 (Order N.I.W.D. (160)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1978 (Order N.I.W.D. (168)) and the Dressmaking and Women's Light Clothing Wages Regulation (Second Amendment) (No. 1) Order (Northern Ireland) 1979 (Order N.I.W.D. (176)).

Orders N.I.W.D. (160) and N.I.W.D. (176) are revoked.

New provisions in the Schedule are printed in italics.