

1980 No. 177

WAGES COUNCILS

**Boot and Shoe Repairing Wages Regulation Order
(Northern Ireland) 1980**

Made 28th May 1980

Coming into operation 10th June 1980

The Department of Manpower Services, in exercise of the powers conferred 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 Boot and Shoe Repairing Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Boot and Shoe Repairing Wages Regulation 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 Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1970(c) and the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1979(d) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 10th June 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 28th May 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. & O. (N.I.) 1970 No. 228 (p. 1166)

(d) S.R. 1979 No. 247 (II, p. 1197)

SCHEDULE

Statutory Minimum Remuneration

The following statutory minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1970 (Order N.I.B.S. (110)) as amended by the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.B.S. (133)).

GENERAL MINIMUM TIME RATES		Per week of 40 hours £
Paragraph 1.		
WORKERS 21 years of age and over (other than learners to whom the minimum rates specified in paragraph 3 apply), employed—		
(a) as makers of bespoke hand-sewn (which term includes surgical) footwear	.	62.00
(b) in operating power sole stitchers or both power sole stitchers and Blake or other power sole sewing machines, on the Blake principle	.	57.40
(c) in operating Blake or other power sole sewing machines on the Blake principle	.	56.20
Paragraph 2.		
WORKERS 21 years of age and over (other than workers of the class specified in paragraph 1 and learners to whom the minimum rates specified in paragraph 3 apply)		
	.	54.50
Paragraph 3.		
LEARNERS whose employment complies with the conditions specified in paragraphs 6 to 10—		
During the first year of learnership	.	36.60
During the second year of learnership	.	39.80
During the third year of learnership	.	43.60
During the fourth year of learnership	.	47.50
During the fifth year of learnership	.	51.30
Paragraph 4.		
WORKERS under 21 years of age—		
20 and under 21 years of age	.	47.00
19 and under 20 years of age	.	43.00
18 and under 19 years of age	.	39.00
17 and under 18 years of age	.	35.00
under 17 years of age	.	31.00

Paragraph 5.

Where a worker, including an outworker, is employed on piece work, each piece rate paid must be such as will yield to an ordinary worker not less than the hourly general minimum time rate which would be applicable if the worker were a time worker and paid at the appropriate time rate indicated by paragraphs 1, 2, 3 or 4 above.

CALCULATION OF HOURLY RATES

Paragraph 6.

For the purpose of calculating the general minimum time rate payable in respect of each hour of employment the respective rates set out above must be divided by 40.

CONDITIONS OF EMPLOYMENT OF LEARNERS

Paragraph 7.

the following conditions of employment apply to learners:—

- (a) that the worker is employed during the whole or a substantial part of his time as a learner in the trade and is receiving, during such time, adequate instruction in a progressive manner in—
 - (i) benching by hand and all operations of benching by machine which are carried out in the establishment, and
 - (ii) finishing by hand and all operations of finishing by machine which are carried out in the establishment, and not less than two-thirds of his time in each year is spent in either such benching or such finishing.

Provided that the provisions of this sub-paragraph do not apply to a learner during his first year of learnership in the trade.

And provided also that, for the purposes of this sub-paragraph, all machines, other than finishing and patching machines, shall be deemed to be benching machines.

- (b) That the worker 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.
- (c) That the certificate of learnership is submitted to the Wages Council at the end of the second, third, fourth and fifth years of learnership.
- (d) That the period of learnership shall be five years.

Paragraph 8.

The general minimum time rates for learners apply only if, as respects all learners, the proportion in any establishment of learners to journeymen at any time be not more than one learner to every two (and not less than two) journeymen.

Provided that one learner may be employed in any establishment in which only one journeyman is employed.

Paragraph 9.

For the purpose of determining the number of journeymen employed in an establishment at any time the following conditions apply:—

- (1) a casual absence of a journeyman or a casual vacancy for a short period in the number of journeymen employed will not affect compliance with the above condition, and
- (2) where an employer is himself performing the work of a journeyman he will be treated as a journeyman for the purpose hereof.

Paragraph 10.

For the purpose of determining the proportion of learners to journeymen in accordance with the provisions set out in paragraph 8:—

- (1) an apprentice counts as a learner,
- (2) a journeyman (subject to the provisions of sub-paragraph (2) of paragraph 9) will be deemed to be—
 - (a) any worker, whether employed on time work or on piece work, who, if employed on time work, would be entitled to the appropriate general minimum time rate specified in paragraph 1 or 2 for workers other than learners, and
 - (b) any other workers employed at general minimum piece rates.

LEARNERS TO BE REGISTERED AND TO HOLD CERTIFICATES

Paragraph 11.

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 rates for learners. Unless such certificate has been obtained or application made to the Wages Council therefor the general minimum time rate payable is the appropriate rate for workers other than learners as set out in paragraph 1 or 2.

Provided that the certification of a learner may be cancelled by the Wages Council if the other conditions of learnership are not complied with.

An employer may employ a learner on his first employment in the trade for a probation period not exceeding four weeks, but, in the event of the learner being continued thereafter at his employment, the probation period will be included in his period of learnership.

YEARLY ADVANCES TO LEARNERS

Paragraph 12.

The advances to be given to learners become due on the completion of each twelve months' employment in the trade.

TERMINATION OF PERIOD OF LEARNERSHIP

Paragraph 13.

A learner ceases to be a learner and becomes entitled, if employed on time work, to payment at not less than the appropriate general minimum time rate set out in paragraph 1 or 2 on the completion of five years' employment in the trade.

Notwithstanding compliance with the conditions relating to learnership set out above a person will not be deemed to be a learner if he works in a room used for dwelling purposes and is not in the employment of his parent or guardian.

EMPLOYMENT OF JUVENILE WORKERS ON PIECE WORK

Paragraph 14.

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 remuneration at less than the statutory minimum remuneration 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 remuneration at less than the statutory minimum remuneration unless he shows that such worker has, in respect of his employment on piece work, been paid at piece rates each of 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 time rate.

OVERTIME — All Workers

Paragraph 15.

Overtime rates are payable as follows:—

- (1) on any day other than a Sunday or customary holiday or a day on which a rest period occurs, for all time worked in excess of 8 hours

TIME-AND-A-HALF

- (2) in any week, for all time worked during rest periods TIME-AND-A-HALF
- (3) on Sunday or customary holiday, for all time worked DOUBLE TIME
- (4) in any week, for all time worked in excess of 40 hours, exclusive of any time for which a minimum rate is payable under the foregoing provisions of this paragraph TIME-AND-A-HALF

For the purpose of paragraph 15, the expressions "time-and-a-half" and "double time" mean respectively—

- (a) in the case of a time worker, one-and-a-half times and twice the hourly general minimum time rate otherwise applicable to the worker,
- (b) in the case of a worker employed on piece work—
- (i) a time rate equal respectively to one-half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and in addition thereto,
- (ii) the minimum remuneration otherwise applicable to the worker under paragraph 5.

Paragraph 16.

"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, New Year's Day, Easter Monday, Easter Tuesday, and three other days (being days of the week 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.

GENERAL

WAITING TIME

Paragraph 17.

- (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 a time worker of the same age and class.
- (3) 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 18.

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 Boot and Shoe Repairing 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 (Boot and Shoe Repairing Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations 1938, namely:—

The repairing, wherever carried on, of boots, shoes, slippers and all kinds of leather footwear,

INCLUDING—

- (a) the taking in and giving out of such articles before and after repair when done by a worker who is in the same week also engaged in repairing as aforesaid;
- (b) the making of bespoke hand-sewn, riveted, or pegged leather footwear;

BUT EXCLUDING—

the manufacture of leather footwear on a large scale, the repairing of saddlery and leather goods other than leather footwear and the retailing of leather footwear.

Provided that, as regards trainees who, under the Government Vocational Training Scheme for resettlement training, have been placed by the Department of Manpower Services with, and are being trained by, an employer for a period of approved training, the statutory minimum remuneration aforesaid shall not (subject to the condition that the requirements of the Training Scheme are complied with) apply during the period in respect of which the trainees are in receipt of allowances as provided under the Scheme.

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 10th June 1980, sets out the statutory minimum remuneration payable in substitution for that fixed by the Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1970 (Order N.I.B.S. (110)) as amended by the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.B.S. (133)).

Orders N.I.B.S. (110) and N.I.B.S. (133) are revoked.

New provisions in the Schedule are printed in italics.