

1980 No. 22

WAGES COUNCILS

**Readymade and Wholesale Bespoke Tailoring Wages Regulation
Order (Northern Ireland) 1980**

Made 14th January 1980

Coming into operation 29th January 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), hereby makes the following Order to give effect to wages regulation proposals received from the Readymade and Wholesale Bespoke Tailoring Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Readymade and Wholesale Bespoke Tailoring 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 Readymade and Wholesale Bespoke Tailoring Wages Regulation Order (Northern Ireland) 1976(c), the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1978(d), the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1979(e) and the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) (No. 2) Order (Northern Ireland) 1979(f) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 29th January 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 on
14th January 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. 232 (I, p. 1097)

(d) S.R. 1978 No. 154 (I, p. 524)

(e) S.R. 1979 No. 35 (I, p. 113)

(f) S.R. 1979 No. 311 (II, p. 1424)

SCHEDULE

Statutory Minimum Remuneration

The following statutory minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Readymade and Wholesale Bespoke Tailoring Wages Regulation Order (Northern Ireland) 1976 (Order N.I.T.R.W. (82)) as amended by the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.T.R.W. (86)), the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.T.R.W. (90)) and the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) (No. 2) Order (Northern Ireland) 1979 (Order N.I.T.R.W. (92)).

GENERAL MINIMUM TIME RATES

Column 1	Column 2	Column 3	
Class of Worker	Qualifying period of employment and age of Worker	Pence per hour	
<p>Paragraph 1.</p> <p>WORKERS of the following classes:—</p> <p>(a) MEASURE CUTTER— that is to say, a person who is employed in any process of measure cutting and is capable of taking a complete set of measures and of cutting any garment for a male person from model patterns and has sufficient technical knowledge to draft men's trousers and alter the balance and distribution of widths, lengths, etc., for any garment for a male person (excluding alterations to stock patterns).</p> <p>(b) STOCK CUTTER— that is to say, a person employed in (i) marking-in or marking-up cloth or linings or other materials; (ii) laying-up, hooking-up, or folding cloth or linings or other materials; (iii) cutting cloth or linings or other materials.</p> <p>(c) KNIFE CUTTER— that is to say, a person wholly or mainly employed on band, electric or hand knife processes.</p> <p>(d) FITTER-UP— that is to say, a person employed on fitting-up (that is, a process between that of cutting and that of sewing, basting, or machining, which consists of preparing or fitting accurately the various parts of the garment before being basted, sewn or machined, such work of preparing or fitting being always done by shears or knives or other cutting appliances, sewing, basting, or machining forming no part or process of fitting-up).</p>		With effect from	
		Operative Date	30 June 1980
		Not less than THREE years' employment after the age of 18 years as a measure cutter.	118·13
Not less than TWO years' employment after the age of 18 years on the processes specified in Column 1.	118·13	124·04	
Not less than TWO years' employment after the age of 18 years as a knife cutter.	118·13	124·04	
Not less than TWO years' employment after the age of 18 years as a fitter-up.	118·13	124·04	

Column 1	Column 2	Column 3	
Class of Worker	Qualifying period of employment and age of Worker	Pence per hour	
		With effect from	
		Operative Date	30 June 1980
(e) TAILOR MACHINIST— that is to say, a person employed in sewing by hand or machine in the process of making a garment.	Not less than THREE years' employment after the age of 18 years as a tailor machinist.	118·13	124·04
(f) PRESSER— that is to say, a person employed in pressing-off by hand or by machine.	Not less than TWO years' employment after the age of 18 years as a presser.	118·13	124·04
(g) MACHINIST— that is to say, a person employed as a machinist.	Not less than TWO years' employment after the age of 16 years as a machinist.	118·13	124·04
(h) EXAMINER— that is to say, a person employed in examining garments either in the process of being made-up or upon their completion.	Not less than TWO years' employment after the age of 16 years as an examiner.	118·13	124·04
(i) DIVIDER OR TRIMMER— that is to say, a person employed in the process of dividing, parting or separating the parts of garments after being cut, and of assembling them into suitable bundles for making up.	Not less than TWO years' employment after the age of 16 years as a divider or trimmer.	118·13	124·04
(j) UNDERPRESSER— that is to say, a person employed in pressing processes other than pressing-off.	Not less than TWO years' employment after the age of 16 years as an under-presser.	118·13	124·04
(k) WAREHOUSEMAN— that is to say, a person employed wholly or mainly up on one or more of the following operations, viz.:— assembling, keeping, storing and distributing stock, but excluding such operations included in the definition of packer or porter.	Not less than ONE year's employment after the age of 18 years as a warehouseman.	118·13	124·04

Column 1 Class of Worker	Column 2 Qualifying period of employment and age of Worker.	Column 3 Pence per hour	
		With effect from	
		Operative Date	30 June 1980
<p>(l) PACKER— that is to say, a person employed wholly or mainly upon the operations of packing goods or materials, but excluding such operations included in the definition of porter or warehouseman.</p>	<p>Not less than ONE year's employment after the age of 18 years as a packer.</p>	118·13	124·04
<p>(m) PORTER— that is to say, a person employed wholly or mainly upon one or more of the following operations, viz.:— unpacking, moving, loading or unloading of goods or materials or in cleaning or sweeping premises, but excluding such operations included in the definition of packer or warehouseman.</p>	<p>Not less than ONE year's employment after the age of 18 years as a porter.</p>	118·13	124·04
<p>(n) ALL OTHER WORKERS (excluding learners and juveniles)—</p>			

Paragraph 2.

(a) LEARNERS and JUVENILES (as defined in, and whose employment complies with, the conditions specified in paragraphs 3 to 7).

Period of employment	Learners commencing at age			
	16 and under 17 years	17 and under 18 years	18 and under 19 years	19 years and over
	Percentage of adult rate to be paid			
During 1st 6 months of employment	62%	68%	79%	87%
During 2nd 6 months of employment	70%	74%	87%	92%
During 2nd year of employment	79%	87%	92%	100%
During 3rd year of employment	87%	92%	100%	—
During 4th year of employment	92%	100%	—	—

(b) JUVENILES (as defined in, and whose employment complies with the conditions specified in paragraphs 3 and 4).

Period of employment	Juveniles commencing at age	
	16 and under 17 years	17 and under 18 years
	Percentage of adult rate to be paid	
During 1st 6 months of employment	62%	68%
During 2nd 6 months of employment	70%	73%
During 2nd year of employment	79%	99%
Thereafter	99%	99%

An operative after completing the qualifying period for any class of work set out in paragraph one of this Schedule is entitled to the appropriate rate for that class of work.

DEFINITION AND CONDITIONS OF EMPLOYMENT OF LEARNERS AND JUVENILES

Paragraph 3.

(i) A learner is a worker who—

- (a) is employed during the whole or a substantial part of his 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 the certification or registration of a learner becomes invalid if at any time during learnership the provisions relating thereto are not complied with.

Provided that an employer may employ a learner 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 learner being continued thereafter at his employment, the probation period will be included in his period of learnership.

(ii) A Juvenile is a worker aged under 18 who is not a learner.

Paragraph 4.

A learner or juvenile becomes entitled to the full general minimum time rate of his class on the fulfilment of the appropriate conditions set out below except in those jobs where a different period is stipulated:—

Age at entering employment	Conditions
(i) LEARNERS Under 18 years of age	. . . The completion of two years' employment.
18 years of age or over	. . . The completion of one year's employment.
(ii) JUVENILES	. . . On reaching the age of 18.

Paragraph 5.

Any worker who has been previously employed in any branch of the trade as defined in paragraph 14 and has not been registered nor held a certificate, and who is subsequently engaged as a learner, will count the whole period of such previous employment for the purposes of claiming the time rate at which he is to be paid.

Paragraph 6.

No learner who has left the trade and subsequently re-enters the trade as a learner will, after re-entry, serve a longer period as a learner than would be permissible in the case of a person of the same age entering the trade for the first time.

Paragraph 7.

Notwithstanding compliance with the conditions contained in paragraphs 3 to 6 a person will not be deemed to be a learner if he is an out-worker who works in a room used for dwelling purposes and the employer is not the parent or guardian.

OVERTIME

Paragraph 8.

Overtime rates are payable as follows:—

A.—WORKERS EMPLOYED ON TIME WORK:

- (i) For the first six hours worked in excess of 40 in any week—**TIME-AND-A-QUARTER.**
- (ii) For the next two hours—**TIME-AND-A-HALF.**
- (iii) Thereafter—**DOUBLE TIME.**
- (iv) For all hours worked on a Sunday or customary holiday—**DOUBLE TIME.**

B.—WORKERS EMPLOYED ON PIECE WORK:

Workers employed on piece 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—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 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, and four 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 purpose of paragraph 8A 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 general minimum time rate otherwise applicable.

GENERAL

Application of Statutory Minimum Remuneration to Piece Workers

Paragraph 11.

In the case of workers employed on piecework, 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 general minimum time rate. In determining whether any piece rate satisfies the foregoing condition regard will be had only to the earnings of ordinary workers, that is, workers of ordinary skill and experience in the class of work in question.

EMPLOYMENT OF LEARNERS OR OTHER 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 general minimum time rate.

WAITING TIME

Paragraph 13.

- (1) A worker is entitled to payment of statutory minimum remuneration 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 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.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 14.

The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland) 1945, to workers in relation to whom the Readymade and Wholesale Bespoke Tailoring 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 (Readymade and Wholesale Bespoke Tailoring Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations 1925 dated 9th April 1925, namely:—

Men's and boys' readymade and wholesale bespoke tailoring; and all men's and boys' retail bespoke tailoring carried on in any factory where garments are made up for three or more retail establishments; and any other branch of men's and boys' tailoring which is not included within the scope of the Regulations dated 16th September 1924, with respect to the Constitution and Proceedings of a Trade Board in Northern Ireland for Retail Bespoke Tailoring:—

INCLUDING:—

- (1) (a) The altering, repairing, renovating or re-making of men's or boys' tailored garments, except where included within the scope of the above-mentioned Regulations with respect to Retail Bespoke Tailoring.
- (b) The cleaning of such garments where carried out in association with or in conjunction with the altering, repairing, renovating or re-making of the garments.
- (2) The lining with fur of the above-mentioned garments where carried out in association with or in conjunction with the making of such garments.
- (3) All processes of embroidery or decorative needlework where carried out in association with or in conjunction with the above-mentioned branches of tailoring.
- (4) All warehousing, packing and other operations incidental to or appertaining to any of the branches of tailoring in question.

BUT EXCLUDING:—

- (1) The making of head-gear.
- (2) The making of rubberised or oil-skin garments.
- (3) The making of 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.

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 29th January 1980, sets out the statutory minimum remuneration payable in substitution for that fixed by the Readymade and Wholesale Bespoke Tailoring Wages Regulation Order (Northern Ireland) 1976 (Order N.I.T.R.W. (82)) as amended by the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.T.R.W. (86)), the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.T.R.W. (90)) and the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Amendment) (No. 2) Order (Northern Ireland) 1979 (Order N.I.T.R.W. (92)) by increasing the statutory minimum remuneration fixed by those Orders.

Orders N.I.T.R.W. (82), N.I.T.R.W. (86), N.I.T.R.W. (90) and N.I.T.R.W. (92) are revoked.

New provisions in the Schedule are printed in italics.