

1980 No. 342

WAGES COUNCILS

Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1980*Made 26th September 1980**Coming into operation 14th October 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 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) 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 Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1978(c) and the Sugar Confectionery and Food Preserving Wages Regulation (Amendment) Order (Northern Ireland) 1979(d) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 14th October 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 September 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. 1978 No. 79 (I, p. 210)

(d) S.R. 1979 No. 312 (II, p. 1429)

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) 1978 (Order N.I.F. (99)) as amended by the Sugar Confectionery and Food Preserving Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.F. (105)).

GENERAL MINIMUM TIME RATES

		<i>Pence per hour with effect from</i>	
		<i>Specified date</i>	<i>6th April 1981</i>
Paragraph 1.			
Workers aged—			
18 years and over	...	140·85	144·37
17 and under 18 years	...	112·68	115·50
under 17 years	...	105·63	108·27

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 140·85p per hour, (144·37p per hour from 6th April 1981). Otherwise the general minimum time rate will be 140·85p per hour (144·37p per hour from 6th April 1981) irrespective of age.

PIECE-WORK BASIS TIME RATES

		<i>Pence per hour with effect from</i>	
		<i>Specified date</i>	<i>6th April 1981</i>
Paragraph 3.			
ALL WORKERS	...	142·83	146·40

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 40p per week of 39 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 39 hours;
 - (ii) when engaged on a morning or an afternoon shift, to 44p per week of 39 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 day not exceeding 7·8 hours work on each of 5 days in the week, or where it is agreed between the worker and the employer that one or more days of the week shall be of less than 7·8 hours, such hours as are agreed between the worker and the employer for each of the 5 days. Provided that the total hours in the week do not exceed 39 hours.

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 appropriate rates as mentioned in paragraphs 1, 2 and 3. (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 the 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.

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 October 1980; sets out the statutory minimum remuneration payable in substitution for that fixed by the Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1978 (Order N.I.F. (99)) as amended by the Sugar Confectionery and Food Preserving Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.F. (105)).

Orders N.I.F. (99) and N.I.F. (105) are revoked.

New provisions in the Schedule are printed in italics.