

## 1980 No. 358

## WAGES COUNCILS

## Catering Wages Regulation Order (Northern Ireland) 1980

*Made* . . . . . 2nd October 1980

*Coming into operation* . . . . . 28th 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 Catering Wages Council (Northern Ireland).

*Citation*

1. This Order may be cited as the Catering 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 Catering Wages Regulation Order (Northern Ireland) 1976(c) and the Catering Wages Regulation (Amendment) Order (Northern Ireland) 1978(d) shall cease to have effect.

*Interpretation*

3. In this Order the expression "the specified date" means 28th 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 2nd October 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. 234 (I, p. 1115)

(d) S.R. 1978 No. 88 (I, p. 231)

## SCHEDULE

## Statutory Minimum Remuneration

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Catering Wages Regulation Order (Northern Ireland) 1976 (Order N.I.C. (10)) as amended by the Catering Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.C. (12)).

## GENERAL MINIMUM TIME RATES

## Paragraph 1.

Subject to the other provisions of this Schedule, the statutory minimum remuneration payable to workers to whom this Schedule applies shall be as set out in the following table:—

- (a) Workers for whom the employer provides neither full board and lodging (as defined in paragraph 8) nor such meals (as defined in paragraph 8) as are normally available in the establishment during the time the worker is on duty:—

	Per week of 40 hours	Per hour
Aged 18 years and over . . . . .	£47.20	118 pence
Aged 17 years and under 18 years . .	£40.12	100.3 pence
Aged 16 years and under 17 years . .	£35.40	88.5 pence

- (b) Workers for whom the employer provides full board and lodging or such meals as are normally available in the establishment during the time the worker is on duty, shall be paid the statutory minimum remuneration indicated by paragraph 1(a) REDUCED, for each of the first 40 hours worked by him or for which payment is due to him in any week under the provisions of paragraph 6, by the amount set out in the appropriate column of the following table:—

	Full board and lodging supplied	Meals on duty supplied
Aged 18 years and over . . . . .	34 pence per hour	12 pence per hour
Aged 17 years and under 18 years . .	26 pence per hour	8 pence per hour
Aged 16 years and under 17 years . .	25 pence per hour	8 pence per hour

## ADDITIONAL PAYMENT FOR NIGHT WORKERS

## Paragraph 2.

A night worker (as defined in paragraph 8) who is engaged on work to which this Schedule applies shall, in respect of all time so worked between the hours of 10 p.m. and 8 a.m., be paid the appropriate minimum rate specified in paragraph 1 with the addition of 18 per cent.

## PAYMENT FOR SPREADOVER OF HOURS OF WORK

## Paragraph 3.

Where the hours of duty of a worker, other than a casual worker (as defined in paragraph 5(b)), are spread over more than 12 hours on any day, he shall be paid in addition to the minimum remuneration to which he is entitled under the other provisions of this Schedule:—

25 pence per day where the spreadover is more than 12 hours but not more than 14 hours;

50 pence per day where the spreadover is more than 14 hours but not more than 15 hours;

75 pence per day where the spreadover is more than 15 hours per day.

Provided that, for the purposes of this paragraph:—

- (i) "spreadover" shall be as defined in paragraph 8; and

- (ii) where a worker works for less than 8 hours on any day when the hours of duty are spread over more than 13 hours, he shall, in addition to the remuneration to which he is entitled under this paragraph for spreadover, be paid the minimum remuneration to which he would be entitled under the other provisions of this Schedule if he had worked for 8 hours on that day.

*Provided that, in calculating the remuneration to which the worker would be entitled if he had worked for 8 hours, overtime rates shall apply only to overtime actually worked.*

#### INTERVAL BETWEEN SPELLS OF DUTY

##### Paragraph 4.

*Where the interval between the time a worker, other than a casual worker, (as defined in paragraph 5(b)), finishes one spell of duty (as defined in paragraph 8) and the time he commences his next spell of duty, is less than 7 hours, he shall be paid by his employer twice the minimum hourly rate payable under paragraph 1 for all time worked which reduces this interval below 7 hours.*

#### PART-TIME AND CASUAL WORKERS

##### Paragraph 5.

- (a) A part-time worker, that is to say, a worker employed by an employer on a weekly basis who ordinarily works for the employer for not more than 33 hours per week on work to which this Schedule applies, shall be paid, in respect of all time so worked, the appropriate minimum rate specified in paragraph 1 with the addition of 10 per cent.
- (b) A casual worker, that is to say, a worker employed by an employer on a day-to-day basis on work to which this Schedule applies shall be paid, in respect of all time so worked, the appropriate minimum rate specified in paragraph 1 with the addition of 15 per cent.

#### GUARANTEED REMUNERATION IN THE CASE OF A FULL-TIME WORKER

##### Paragraph 6.

- (a) This paragraph applies to full-time workers, that is to say, workers employed by an employer on a weekly or monthly basis who ordinarily work for the employer on work to which this Schedule applies for not less than 40 hours per week.
- (b) Notwithstanding the other provisions of this Schedule, where, in respect of any week, the total remuneration, including any holiday remuneration, payable to a worker under those other provisions is less than the guaranteed remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be the guaranteed remuneration.
- (c) The guaranteed remuneration payable in respect of any week to a worker to whom this paragraph applies is the remuneration to which he would be entitled under paragraph 1 or paragraph 2 for 40 hours in his normal occupation.
- (d) Guaranteed remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday) is
- (i) capable of and available for work; and
  - (ii) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (e) Guaranteed remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (f) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed remuneration shall not be payable after the expiry of such notice in respect of any week during which, or during part of which, the employer continues to be unable to provide work as aforesaid.

Provided that, in respect of the week in which the said notice expires the employer shall pay to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on any days in the week prior to the expiry of the notice.

### OVERTIME

#### Paragraph 7.

Overtime rates shall be payable as follows:—

- |  |             |
|--|-------------|
| (a) on the weekly rest day (as defined in paragraph 8), for all time worked  | DOUBLE TIME |
| (b) for all time by which the interval between spells of duty (as defined in paragraph 8) is reduced below 7 hours | DOUBLE TIME |
| (c) on a customary holiday (as defined in paragraph 8), for all time worked  | DOUBLE TIME |

Provided that where a holiday in lieu of that customary holiday is allowed by the employer to the worker within 28 days of the customary holiday, and the worker is paid holiday remuneration in respect of the holiday in lieu, the statutory minimum remuneration payable in respect of time worked on the customary holiday shall be that appropriate to work on a weekday other than a customary holiday.

- |   |                 |
|---|-----------------|
| (d) In any week (exclusive of any time in respect of which an overtime rate is payable under any other provisions of this paragraph) for all time worked in excess of 50 hours                                  | TIME-AND-A-HALF |
| (e) In any fortnight (as defined in paragraph 8) (exclusive of any time in respect of which an overtime rate is payable under any other provisions of this paragraph) for all time worked in excess of 80 hours | TIME-AND-A-HALF |

For the purposes of this paragraph, the expressions "time-and-a-half" and "double time" mean, respectively, one-and-a-half times and twice the minimum hourly rate otherwise payable.

### DEFINITIONS

#### Paragraph 8.

In this Schedule—

- "spell of duty" means the period a worker is required to work between commencing and finishing duty on any day and, for this purpose, a spell of duty extending beyond midnight shall be regarded as having been worked in the day on which it commenced;
- "spreadover" means the period between the time a worker commences and the time he finishes a spell of duty regardless of how many hours are worked during that period;
- "night worker" means a worker, other than a casual worker (as defined in paragraph 5(b)), who normally works the greater part of his spell of duty between the hours of 10 p.m. and 8 a.m.;
- "day" means a period running from midnight to midnight;
- "week" means pay week;
- "fortnight" means a period of two consecutive weeks of employment and for the purpose of this definition a week that has been treated as consecutive with the week that precedes it shall not be treated as consecutive with the week that follows it;
- "full board" means not less than four meals a day;
- "lodging" means clean and adequate accommodation and facilities for eating, sleeping, washing and leisure;
- "meal" means a meal of good and sufficient quality and quantity;

“governing body” and “hospital” have the meanings respectively assigned to them by Article 2(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(e);

“customary holiday” means Christmas Day (or, if Christmas Day falls on a Sunday, such other day as may be prescribed by national proclamation or, if no such day is prescribed, 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;

“weekly rest day” means either

- (a) a day in the week fixed by agreement between the employer and the worker as a day of rest for the worker, not being a customary holiday; or
- (b) if no such day is fixed, the last day of the worker’s pay week, not being a customary holiday;

and, for the purposes of this definition, the word “day” means a period of twenty-four hours commencing at the time at which the worker would normally commence his turn of duty.

#### APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

##### Paragraph 9.

The statutory minimum remuneration aforesaid applies, subject to the provisions of the Wages Councils Act (Northern Ireland) 1945, to all workers (other than workers employed by a Health and Social Services Board in a hospital or by the governing body of a voluntary hospital) employed in Northern Ireland in any undertaking or part of an undertaking which consists wholly or mainly — whether for profit or not — in the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers or for persons employed in the undertaking, and any other activity incidental or ancillary thereto.

---

(e) S.I. 1972/1265 (N.I. 14)

---

#### 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 28th October 1980, sets out the statutory minimum remuneration payable in substitution for that fixed by the Catering Wages Regulation Order (Northern Ireland) 1976 Order (N.I.C. (10)) as amended by the Catering Wages Regulation (Amendment) Order (Northern Ireland) 1978 (N.I.C. (12)).

Orders N.I.C. (10) and N.I.C. (12) are revoked.

New provisions in the Schedule are printed in italics.