THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (NO. 2) ORDER, 1947, DATED 21ST MAY, 1947, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1947. No. 110

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Baking Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to certain workers in relation to whom the Council operates in substitution for the minimum remuneration fixed by the Baking Wages Council (Northern Ireland) Wages Regulation (No. 2) Order 1946 dated the 21st day of November, 1946;

NOW, THEREFORE, the Ministry by virtue of section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

Statutory minimum remuneration.

1. As from the specified date paragraphs 5 and 6 and the proviso to paragraph 16 (1) (*c*) of the Schedule to the Baking Wages Council (Northern Ireland) Wages Regulation (No. 2) Order, 1946, shall cease to have effect and the statutory minimum remuneration set out in the Schedule to this Order shall be paid to the workers therein specified.

Commencement.

2. In this Order the expression " the specified date " means the 26th day of May, 1947. 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.

Short title and interpretation.

3.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) Wages Regulation (No. 2) Order, 1947.

12 Geo. 5 Ch. 4.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-first day of May, nineteen hundred and forty-seven, in the presence of

(L.S.)

J. W. McConnell,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

GENERAL MINIMUM TIME RATES

MALE WORKERS EMPLOYED IN ESTABLISHMENTS OTHER THAN HOME BAKERIES (as defined in paragraph 17)

	AREA A	AREA B	AREA C
	The respective areas are defined in paragraph 11		
	Per week of 48 hours		
MALE WORKERS (other than night workers as defined in paragraph 3);	s. d.	s. d.	s. d.
PARAGRAPH 1.			
TRANSPORT WORKERS			
(a) Carters	90 0	84 0	81 0
(b) Motor Drivers—			
(i) Lorries, carrying capacity over 2 tons	99 0	93 0	89 0
(ii) Lorries, carrying capacity 2 tons and under	91 0	85 0	82 0
(c) Loaders at Quays	90 0	84 0	—
(d) Motor Lorry Boys—			
15 and under 18 years of age ...	36 0	32 6	32 6
18 ,, 21 ,, ...	43 3	39 0	39 0
21 years of age and over	63 6	54 6	54 6
PARAGRAPH 2.			
MALE WORKERS, 21 YEARS OF AGE AND OVER, WHO ARE WHOLLY OR MAINLY EMPLOYED AS—			
(a) Stablemen	86 6	80 6	77 9
(b) Harness Cleaners or Van Washers ...	86 6	80 6	—

NIGHT WORKERS

PARAGRAPH 3.

The general minimum time rates for male workers whose hours of work on week days entail employment for at least three hours a night between the hours of 6 p.m. and 8 a.m. shall be increased by the appropriate amount specified hereunder :—

(i) Transport Workers (All Areas) ... ... 9s. 0d. per week of 48 hours
(ii) Stablemen (All Areas); Harness Cleaners and Van Washers (Areas A and B only) ... 4s. 6d. ,, ,,

CALCULATION OF HOURLY RATES

PARAGRAPH 4.

For the purpose of ascertaining the minimum rate payable in respect of each hour of employment the respective rates set out above must be divided by 48.

OVERTIME

DECLARED DAYS OF HOLIDAYS

PARAGRAPH 5.

All time worked on the following days shall be regarded as overtime to which the overtime rates shall apply—

Christmas Day, Easter Monday and 12th July, except where, in the case of the 12th July, another day is substituted, being

(i) a day which is by local custom recognised as a day of holiday; or

(ii) a day mutually agreed between the employer and the worker or workers within six weeks of the day for which it is substituted, subject to notice of substitution having been posted in the premises in which the affected workers are employed throughout fourteen days immediately preceding the substituted day or the day for which it is substituted, whichever is the earlier.

in which case the substituted day shall be the day to which the overtime rates shall apply.

OVERTIME RATES

PARAGRAPH 6.

Overtime rates shall be payable as follows :

(*a*) In any week—

(i) For the first hour worked in excess of 48	...	TIME-AND-AN-EIGHTH
(ii) For the next two hours worked	...	TIME-AND-A-QUARTER
(iii) Thereafter	...	TIME-AND-A-HALF

except in so far as any other overtime rate is payable under the provisions of sub-paragraphs (*b*), (*c*), (*d*) and (*e*) of this paragraph.

(*b*) On any day other than Saturday (or the weekly short day substituted therefor), Sunday and days specified in paragraph 5 of this Schedule—

(i) For the first hour worked in excess of 8½	...	TIME-AND-AN-EIGHTH
(ii) For the next two hours worked	...	TIME-AND-A-QUARTER
(iii) Thereafter	...	TIME-AND-A-HALF

(*c*) On Saturday (or the weekly short day substituted therefor)—

(i) For the first hour worked in excess of 7	...	TIME-AND-AN-EIGHTH
(ii) For the next two hours worked	...	TIME-AND-A-QUARTER
(iii) Thereafter	...	TIME-AND-A-HALF

(*d*) On Sunday—

For all time worked between midnight on Saturday and midnight on Sunday	...	DOUBLE TIME

(*e*) On any day specified in paragraph 5 of this Schedule—

For all time worked between midnight on the preceding day and midnight on that day	...	DOUBLE TIME

PARAGRAPH 7.

Overtime rates shall be payable in respect of all overtime worked on any day, notwithstanding that the total number of hours worked in the week does not exceed 48.

PARAGRAPH 8.

For the purpose of determining whether overtime rates are payable on any "day," a period of work which commences before and continues after midnight shall be deemed to have occurred on the day on which it was completed.

PARAGRAPH 9.

For the purpose of the application of overtime rates the term "week" shall be deemed to mean in relation to any worker, the pay week observed for him in the establishment.

PARAGRAPH 10.

The expressions time-and-an-eighth, time-and-a-quarter, time-and-a-half and double time mean, respectively, one-and-an-eighth times, one-and-a-quarter times, one-and-a-half times and twice the amount of the general minimum time rate otherwise applicable.

THE HOURS OF WORK OF WOMEN AND YOUNG PERSONS ARE SUBJECT TO THE PROVISIONS OF THE FACTORIES ACT (NORTHERN IRELAND), 1938.

DEFINITIONS

AREAS

PARAGRAPH 11.

The minimum rates set out under the respective Areas A, B and C shall apply as follows :—

AREA A—To workers employed in the County Borough of the City of Belfast and in districts situate within a radius of 15 statute miles therefrom.

AREA B—To workers employed in the County Borough of the City of Londonderry.

Area C—To workers employed in all areas other than A and B.

Classes of Workers

Paragraph 12.
Transport Workers are workers, other than bread-servers (as defined in paragraph 14 below), who are in charge of road vehicles used for the transport of bread or other bakery products or raw materials used in the manufacture thereof.

Paragraph 13.
Motor Lorry Boys are workers who accompany and assist the drivers of lorries.

Paragraph 14.
A Bread-server is a worker who is in charge of a breadvan or similar road vehicle and who is mainly engaged in the sale therefrom of bread or other bakery products to individual customers or to shops or establishments for re-sale.

Paragraph 15.
A Breadvan Checker is a worker who accompanies a bread-server for the purpose of checking the bread-server's accounts or canvassing for orders.

Paragraph 16.
A Breadvan Boy is a boy who accompanies and assists a bread-server on his rounds.

Home Bakery

Paragraph 17.
A "Home Bakery" is deemed to be a bakery in which the number of workers engaged on operations within the scope of the Council does not exceed six. Provided that, irrespective of the number of workers employed, no bakery which is engaged in the manufacture of plain bread (*i.e.*, 1lb., or 2lb. batch loaves) or pan loaves exceeding 1lb. in weight, shall be deemed to be a "Home Bakery."

GENERAL

Waiting Time

Paragraph 18.
(i) A worker shall be entitled to payment of statutory minimum remuneration as set out in this Schedule 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.

(ii) This provision shall 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 19.
The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, and of this Schedule, to workers in relation to whom the Baking 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 (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1938, dated 17th June, 1938, namely :—

Definition of Baking Trade

1. Subject to the provisions of this Schedule, the Baking Trade consists of the following operations :—

(1) the making of bread, pastry, and flour confectionery and all work incidental thereto ;

(2) the making of other articles of food and all work incidental thereto, in an undertaking, or branch or department thereof, mainly engaged on one or more of the operations specified in sub-paragraph (1) of this paragraph ;

(3) the sale or distribution of any of the articles of food referred to in the preceding sub-paragraphs—

(*a*) by a worker mainly employed or engaged as bread-server, van-man or other like worker, including any assistant employed or engaged by or with such worker ;

(*b*) by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs ;

(4) when performed by a worker employed by an employer mainly engaged in the Baking Trade—storing, packing, unpacking, checking, loading, unloading, transporting, horse-keeping, cleaning premises, cleaning vehicles, or other operations (wherever performed) incidental to those specified in any of the preceding sub-paragraphs, or incidental to the handling of any raw materials required for the purpose of the operations specified in those sub-paragraphs.

2. Notwithstanding anything in this Schedule the following operations are not operations in the Baking Trade :—

(1) the making of biscuits in an undertaking, or a branch or department of an undertaking, mainly engaged in the making of biscuits, and the making of any other article of food therein by workers mainly engaged in the making of biscuits ;

(2) the making of any of the articles of food referred to in paragraph 1 hereof—

(*a*) in an hotel, boardinghouse, restaurant, cafe or similar establishment—

(i) for consumption on the premises ; or

(ii) for consumption off the premises at meals served by persons ordinarily employed on the premises ;

(*b*) by a railway undertaking for consumption on its trains, restaurant cars, ships, or premises ;

(3) the making of—

(*a*) meat pies, sausage rolls or similar articles of pastry (including bread for use therein) ; or

(*b*) Bread for use in sausages or similar articles of food in an undertaking where no bread, pastry or flour confectionery is made other than that specified in this sub-paragraph ;

(4) operations included in—

(*a*) The Trade Boards (Milk Distributive) Order, 1920, as amended or varied by any subsequent Order ;

(*b*) The Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913, as amended or varied by any subsequent Order ;

(*c*) the transport of goods by licensed carriers or by common carriers.

3. For the purposes of this Schedule the following expressions have the meanings hereby assigned to them, that is to say :—

" pastry " and " articles of pastry " include articles of food made wholly or partly of pastry ;

" meat " includes game, poultry, egg or fish ;

" flour confectionery " includes cakes, oatcakes, shortbread and biscuits ;

" biscuits " do not include oatcakes or shortbread ; and

" making " includes the packing, wrapping and other handling of the articles of food when made, before their first despatch for sale or distribution.

CLASSES OF WORKERS TO WHOM THE PROVISIONS OF THIS SCHEDULE DO NOT APPLY

PARAGRAPH 20.

Notwithstanding anything contained in this Schedule, the minimum remuneration *shall not apply* to workers employed as bread-servers, breadvan checkers or breadvan boys.

PAYMENT OF HIGHER REMUNERATION

PARAGRAPH 21.

The statutory minimum remuneration set out in this Schedule is without prejudice to workers earning higher rates of wages or to agreements made, or that may be made, between employers and workers for the payment of remuneration in excess of the statutory minimum.