THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (NO. 1) ORDER, 1949, DATED 4TH APRIL, 1949, 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).

Amended 1949 S.R.&O. (N.I.) 116

1949. No. 63

139 & 218

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. 6) Order, 1948 (a) dated the 11th day of August, 1948, (hereinafter referred to as " Order N.I.Bk. (67) ") as amended by the Baking Wages Council (Northern Ireland) Wages Regulation (Amendment) (No. 5) Order, 1948 (b) dated the 20th day of December, 1948;

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 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 11th day of April, 1949. 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, interpretation and revocation.

3.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1949.

52 & 53 Vict. Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.Bk. (67) as amended is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this fourth day of April, nineteen hundred and forty-nine in the presence of

(L.S.)

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

(a) S. R. & O. 1948, No. 275. (b) S. R. & O. 1948, No. 346.

SCHEDULE

STATUTORY MINIMUM REMUNERATION FOR MALE AND FEMALE WORKER SEMPLOYED IN AREA A, THAT IS, IN ESTABLISHMENTS (OTHER THAN HOME BAKERIES) IN THE COUNTY BOROUGH OF THE CITY OF BELFAST AND IN DISTRICTS SITUATE WITHIN A RADIUS OF 15 STATUTE MILES THEREFROM.

PARAGRAPH 1.

Subject to the provisions of this Schedule the statutory minimum remuneration payable to workers of the classes specified in the following table shall be :—

DAY WORKERS

Where the working days of the normal working week commence after 6 a.m. and finish before 9 p.m.

Class of Worker	for a normal working week		for each hour worked on a week-day in excess of the normal working day, but subject to the provisions of paragraphs 3 and 5 of this Schedule		for each hour worked on a Sunday (1) by a worker other than a Sunday worker or (2) by a Sunday worker in excess of his normal working day	for each hour worked on a customary holiday, but subject to the provisions of paragraph 4 of this Schedule
	(1) in the case of a worker other than a Sunday worker	(2) in the case of a Sunday worker	(1) for each of the first two hours worked in any week in excess of the normal working day	(2) for each hour worked thereafter in that week		
Col. 1	Col. 2	Col. 3	Col 4	Col 5	Col. 6	Col. 7
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(1) MALE WORKERS—						
(*a*) Journeyman Baker ...	107 6	125 5	3 0	3 7	4 9½	**4 9½**
(*b*) Doughmaker	112 6	131 3	3 1½	3 9	5 0	**5 0**
(*c*) Ovensman	112 6	131 3	3 1½	3 9	5 0	5 0
(*d*) Confectionery Mixer ...	112 6	131 3	3 1½	3 9	5 0	5 0
(*e*) Jobber	1s. 4d. for each week-day or 2s. 8d. for each Sunday in addition to the minimum rate otherwise applicable under the provisions of sub-paragraph (1) (*a*), (*b*), (*c*), or (*d*) of this paragraph.					
(*f*) Apprentice Baker—						
during 1st year of apprenticeship	29 0	33 10	0 9½	0 11½	1 3½	1 3½
,, 2nd ,, ,, ...	34 0	39 8	0 11½	1 1½	1 6	1 6
,, 3rd ,, ,, ...	42 0	49 0	1 2	1 5	1 10½	1 10½
,, 4th ,, ,, ...	53 6	62 5	1 6	1 9½	2 4½	2 4½
,, 5th ,, ,, ...	61 6	71 9	1 8½	2 0½	2 9	2 9
(*g*) Bakehouse Labourer ...	90 0	105 0	2 6	3 0	4 0	4 0
(*h*) Packer	89 0	103 10	2 5½	2 11½	3 11½	3 11½
(*i*) All Other Male Workers (excluding workers of the classes specified in paragraph 29 of this Schedule)—						
under 17 years of age ...	37 0	—	1 0½	1 3	—	1 7½
17 and under 18 years of age	44 3	—	1 3	1 5½	—	1 11½
18 ,, 19 ,, ...	53 3	62 2	1 6	1 9½	2 4½	2 4½
19 ,, 20 ,, ...	63 3	73 10	1 9	2 1½	2 9½	2 9½
20 ,, 21 ,, ...	73 6	85 9	2 0½	2 5½	3 3	3 3
21 years of age and over ...	86 6	100 11	2 5	2 10½	3 10	3 10
(2) FEMALE WORKERS—						
(*a*) Baker	75 0	—	2 1	2 6	—	3 4
(*b*) Learner—						
during 1st year of learnership	35 0	—	0 11½	1 2	—	1 6½
,, 2nd ,, ,, ...	41 0	—	1 1½	1 4½	—	1 10
,, 3rd ,, ,, ...	48 6	—	1 4	1 7½	—	2 2
,, 4th ,, ,, ...	56 6	—	1 7	1 10½	—	2 6
,, 5th ,, ,, ...	64 0	—	1 9½	2 1½	—	2 10

DAY WORKERS—*Continued.*

Class of Worker	for a normal working week		for each hour worked on a week-day in excess of the normal working day, but subject to the provisions of paragraphs 3 and 5 of this Schedule		for each hour worked on a Sunday (1) by a worker other than a Sunday worker or (2) by a Sunday worker in excess of his normal working day	for each hour worked on a customary holiday, but subject to the provisions of paragraph 4 of this Schedule
	(1) in the case of a worker other than a Sunday worker	(2) in the case of a Sunday worker	(1) for each of the first two hours worked in any week in excess of the normal working day	(2) for each hour worked thereafter in that week		
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(*c*) All Other Female Workers (excluding workers of the classes specified in paragraph 29 of this Schedule)—						
under 16 years of age ...	30 6	—	—	—	—	1 4½
16 and under 17 years of age	34 6	—	0 11½	1 2	—	1 6½
17 ,, 18 ,, ...	40 0	—	1 1½	1 4	—	1 9½
18 ,, 19 ,, ...	45 0	—	1 3	1 6	—	2 0
19 ,, 20 ,, ...	48 0	—	1 4	1 7	—	2 1½
20 ,, 21 ,, ...	52 6	—	1 5½	1 9	—	2 4
21 years of age and over ...	57 0	—	1 7	1 11	—	2 6½

NIGHT WORKERS

Where the working days of the normal working week entail at least 3 hours' work between 6 p.m. and 8 a.m. and commence before midnight

Col. 1	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(1) MALE WORKERS—						
(*a*) Journeyman Baker ...	116 6	135 11	3 3	3 10½	5 2	5 2
(*b*) Doughmaker	121 6	141 9	3 4½	4 0½	5 5	5 5
(*c*) Ovensman	121 6	141 9	3 4½	4 0½	5 5	5 5
(*d*) Confectionery Mixer ...	121 6	141 9	3 4½	4 0½	5 5	5 5
(*e*) Jobber	1s. 4d. for each week-day or 2s. 8d. for each Sunday in addition to the minimum rate otherwise applicable under the provisions of sub-paragraph (1) (*a*), (*b*), (*c*), or (*d*) of this paragraph.					
(*f*) Apprentice Baker—						
during 1st year of apprenticeship	33 6	39 1	0 11	1 1½	1 6	1 6
,, 2nd ,, ,, ...	38 6	44 11	1 1	1 3½	1 8½	1 8½
,, 3rd ,, ,, ...	46 6	54 3	1 3½	1 6½	2 1	2 1
,, 4th ,, ,, ...	58 0	67 8	1 7½	1 11	2 7	2 7
,, 5th ,, ,, ...	66 0	77 0	1 10	2 2½	2 11	2 11
(*g*) Bakehouse Labourer ...	96 9	112 11	2 8½	3 2½	4 3½	4 3½
(*h*) Packer	95 9	111 9	2 8	3 2	4 3	4 3
(*i*) All Other Male Workers (excluding workers of the classes specified in paragraph 29 of this Schedule)—						
under 17 years of age ...	—	—	—	—	—	—
17 and under 18 years of age	—	—	—	—	—	—
18 ,, 19 ,, ...	60 0	70 0	1 8	2 0	2 8	2 8
19 ,, 20 ,, ...	70 0	81 8	1 11½	2 4	3 1½	3 1½
20 ,, 21 ,, ...	80 3	93 8	2 3	2 8	3 7	3 7
21 years of age and over ...	93 3	108 10	2 7	3 1½	4 1½	4 1½

EARLY MORNING WORKERS

Where the working days of the normal working week commence between midnight and 6 a.m.

Class of Worker	for each hour worked on a week-day between midnight and 6 a.m.	for each hour worked on a week-day between 6 a.m. and the end of the worker's normal working day	for each hour worked on a week-day in excess of the normal working day, but subject to the provisions of paragraphs 3 and 5 of this Schedule		for each hour worked on a Sunday or a customary holiday, but subject to the provisions of paragraph 4 of this Schedule
			(1) for each of the first two hours worked in any week in excess of the normal working day	(2) for each hour worked thereafter in that week	
Col. 1	Col. 14	Col. 15	Col. 16	Col. 17	Col. 18
	s. d.	s. d.	s. d.	s. d.	s. d.
(1) MALE WORKERS—					
(*a*) Journeyman Baker ...	3 7	2 4½	3 0	3 7	4 9½
(*b*) Doughmaker	3 9	2 6	3 1½	3 9	5 0
(*c*) Ovensman	3 9	2 6	3 1½	3 9	5 0
(*d*) Confectionery Mixer ...	3 9	2 6	3 1½	3 9	5 0
(*e*) Jobber	1s. 4d. for each week-day or 2s. 8d. for each Sunday in addition to the minimum rate otherwise applicable under the provisions of sub-paragraph (1) (*a*), (*b*), (*c*), or (*d*) of this paragraph.				
(*f*) Apprentice Baker—					
during 1st year of apprenticeship	0 11½	0 8	0 9½	0 11½	1 3½
,, 2nd ,, ,, ...	1 1½	0 9	0 11½	1 1½	1 6
,, 3rd ,, ,, ...	1 5	0 11	1 2	1 5	1 10½
,, 4th ,, ,, ...	1 9½	1 2	1 6	1 9½	2 4½
,, 5th ,, ,, ...	2 0½	1 4½	1 8½	2 0½	2 9
(*g*) Bakehouse Labourer ...	3 0	2 0	2 6	3 0	4 0
(*h*) Packer	2 11½	1 11½	2 5½	2 11½	3 11½
(*i*) All Other Male Workers (excluding workers of the classes specified in paragraph 29 of this Schedule)—					
under 17 years of age ...	—	—	—	—	—
17 and under 18 years of age	—	—	—	—	—
18 ,, 19 ,, ...	1 9½	1 2	1 6	1 9½	2 4½
19 ,, 20 ,, ...	2 1½	1 5	1 9	2 1½	2 9½
20 ,, 21 ,, ...	2 5½	1 7½	2 0½	2 5½	3 3
21 years of age and over ...	2 10½	1 11	2 5	2 10½	3 10

ADDITIONAL PAYMENTS FOR MALE WORKERS.

PARAGRAPH 2.

The general minimum time rates applicable to male workers set out in Cols. 2 and 8 of the table in paragraph 1 of this Schedule shall be increased by the additional amounts specified hereafter which shall not be taken into account for the purpose of the calculation of the statutory minimum remuneration due to such workers in respect of time worked in excess of the normal working day or of the normal working week nor in the calculation of holiday remuneration, and the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (a) shall have effect accordingly—

In the case of journeymen bakers, doughmakers, ovensmen and confectionery mixers ... by 6s. 0d. per week of 45 hours
In the case of jobbers ... ... by 1s. 0d. for each week-day
In the case of apprentice bakers ... ... by 2s. 6d. per week of 45 hours
In the case of bakehouse labourers, packers and all other male workers of 19 years of age and over ... ... by 5s. 0d. per week of 45 hours
In the case of all other male workers under 19 years of age ... ... by 3s. 0d. per week of 45 hours

(a) S. R. & O. 1948. No. 145.

ADDITIONAL PROVISION AS TO JOBBERS

PARAGRAPH 3.

Notwithstanding the provisions set out in Cols. 4, 10 and 16 of the table in paragraph 1 of this Schedule a jobber shall, in respect of all time worked by him on any week-day in excess of 7½ hours, be entitled to payment of the appropriate statutory minimum remuneration set out in Col. 5, 11 or 17 of that table, as the case may be.

STATUTORY MINIMUM REMUNERATION FOR WORK ON A CUSTOMARY HOLIDAY

PARAGRAPH 4.

The statutory minimum remuneration specified in Columns 7, 13 and 18 (in so far as it relates to a customary holiday) of the table in paragraph 1 of this Schedule shall be subject to any modifications contained in a Wages Regulation Order made by the Ministry of Labour and National Insurance pursuant to proposals by the Baking Wages Council (Northern Ireland) relating to holidays and holiday remuneration.

STATUTORY MINIMUM REMUNERATION FOR CERTAIN TIME WORKED (1) ON A DAY PRECEDING A CUSTOMARY HOLIDAY AND (2) BY CERTAIN WORKERS AFTER MIDNIGHT ON FRIDAY.

PARAGRAPH 5.

(1) Where a worker is required by his employer to work for more than two hours in excess of his normal working day on a day preceding a customary holiday, he shall be paid, in respect of all time so worked in excess of the two hours aforesaid, the appropriate statutory minimum remuneration specified in Column 6, 12 or 18 of the table in paragraph 1 of this Schedule, as the case may be.

(2) (*a*) Subject to the provisions of sub-paragraph (1) of this paragraph a worker of the class specified in sub-paragraph (1) (*a*), (*b*), (*c*), (*d*), (*f*), (*g*), or (*h*) of paragraph 1 of this Schedule whose normal working week ends between midnight on Thursday and midnight on Friday, and who is required to work in excess of his normal working week shall, in respect of each hour so worked after midnight on Friday be paid the appropriate statutory minimum remuneration specified in Col. 6, 12 or 18 (as the case may be) of the table in paragraph 1 of this Schedule, provided that the provisions of this sub-paragraph shall not apply to each of the first two hours so worked whether they occur wholly or partly after midnight on Friday.

(*b*) A worker of the class specified in sub-paragraph (1) (*a*), (*b*), (*c*), (*d*), (*f*), (*g*) or (*h*) of paragraph 1 of this Schedule whose normal working week ends between midnight on Thursday and midnight on Friday and who is required to work an extra turn of duty on Saturday after a period of rest of not less than eight hours' duration shall, in respect of each hour so worked on Saturday, be paid the appropriate statutory minimum remuneration specified in Col. 5, 11 or 17 (as the case may be) of the table in paragraph 1 of this Schedule.

STATUTORY MINIMUM REMUNERATION FOR JOURNEYMEN REPLACED BY JOBBERS.

PARAGRAPH 6.

A journeyman baker, doughmaker, ovensman, or confectionery mixer who is absent from his employment during part of any calendar week on days other than annual or customary holidays and is, during such absence, replaced by a jobber shall be paid, in respect of all time worked by him during that week, the appropriate statutory minimum remuneration set out in this Schedule, less the sum of 1s. 4d. in respect of each week-day or 2s. 8d. in respect of each Sunday on which he has been absent and so replaced, subject to a maximum reduction in statutory minimum remuneration payable of 6s. 8d. or 8s. 0d., as the case may be, in any calendar week.

EXTRA PAYMENT FOR CERTAIN FEMALE WORKERS

PARAGRAPH 7.

Female workers of the class specified in paragraph 1 (2) (*c*) of this Schedule employed on slicing and wrapping machines shall be entitled to 2s. 6d. for a normal working week in addition to the statutory minimum remuneration otherwise payable.

FEMALE LATE ENTRANTS

PARAGRAPH 8.

Female workers of the class specified in paragraph 1 (2) (*c*) of this Schedule who enter the trade for the first time between the ages of 17 and 21 years shall be paid

not less than the statutory minimum remuneration in respect of one year less than their age until they have completed twelve months' employment; thereafter they shall be paid the statutory minimum remuneration appropriate to their age.

DEFINITIONS

(1) MALE WORKERS

PARAGRAPH 9.

A JOURNEYMAN BAKER is a worker who is engaged on the production of bread and/or cake and flour confectionery, including any part of the baking processes incidental to the production of the complete article of food, and the feeding and drawing of ovens, and who has either—

(*a*) served an apprenticeship of five years in the baking trade; or

(*b*) in the case of a worker to whom the scheme for the training of apprentices whose apprenticeship has been interrupted by war service (entitled I.A.S./Scheme No. 26 (N.I.)) applies, served the period of apprenticeship or training entitling him under the scheme to be recognised as a journeyman or as a fully qualified adult worker.

PARAGRAPH 10.

A DOUGHMAKER is a journeyman baker who is engaged wholly or mainly in doughmaking in the making of bread or fancy bread.

PARAGRAPH 11.

An OVENSMAN is a journeyman baker who is in charge of one or more ovens and who is responsible for the ovening of goods.

PARAGRAPH 12.

A CONFECTIONERY MIXER is a journeyman baker who is engaged wholly or mainly in the mixing of dough or batter for flour confectionery.

PARAGRAPH 13.

A JOBBER is a journeyman baker engaged on a day to day basis and who is employed as a jobber by an employer for less than six consecutive days in any week commencing at midnight on Saturday and ending at midnight on the following Friday.

Provided that, in any case where a period of continuous employment with an employer of six or more consecutive working days' duration is available and offered by the employer to the worker, such worker shall not, as respects any work performed during that period of employment, be deemed to be a jobber.

PARAGRAPH 14.

A SUNDAY WORKER is a worker whose normal working week includes employment of at least 7½ hours' duration on Sunday.

PARAGRAPH 15.

An APPRENTICE BAKER is a worker who —

(*a*) is employed under an oral or written agreement by an employer who undertakes to provide the apprentice with reasonable and effective facilities for learning the trade of baking;

(*b*) is employed in an establishment in which the number of apprentice bakers is limited in proportion to the number of journeymen regularly employed as follows —

Number of journeymen regularly employed	Maximum number of apprentices employed
(i) Not more than 5 ...	1
(ii) More than 5	1 additional apprentice for each complete group of 5 journeymen in excess of the first group of 5

Provided that—

(i) notwithstanding the provisions of (ii) above, an extra apprentice may be employed in an establishment in which the number of journeymen regularly employed is at least three in excess of five or a multiple of five,

(ii) the provisions of this sub-paragraph shall not apply to an apprentice who commenced his employment with the employer prior to 25th February, 1948,

(iii) for the purposes of this sub-paragraph an apprentice undergoing a period of training in the employer's establishment under the Scheme entitled I.A.S./Scheme No. 26 (N.I.) aforesaid, shall not count as an apprentice.

(*c*) 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 certification or registration of an apprentice baker shall become invalid if at any time during apprenticeship the provisions relating thereto are not complied with, and

Provided also, that an employer may employ an apprentice baker 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 apprentice baker being continued thereafter in the employment, the probation period shall be included in the period of apprenticeship.

PARAGRAPH 16.

A BAKEHOUSE LABOURER is a worker, over 21 years of age, other than a journeyman baker or apprentice baker, who is employed in a bakehouse on operations other than those specified in the definition of a packer.

PARAGRAPH 17.

A PACKER is a worker who —

(*a*) wraps and prepares bakery products in packets, bags, cartons, boxes, or other similar containers ; or

(*b*) fills hampers, boards, trays, cases, or racks in readiness for despatch or assists in the loading of such articles on vehicles.

(2) FEMALE WORKERS

PARAGRAPH 18.

A FEMALE BAKER is a worker, who has served a period of learnership of not less than five years in the trade of baking and is employed on all or any of the following processes in the making of bread, pastry, or flour confectionery :—

(*a*) the mixing of flour, eggs, sugar or other ingredients into dough or batter ;

(*b*) the manipulating, moulding, or shaping of dough by hand ;

(*c*) the ovening of bread, pastry, or flour confectionery ;

(*d*) decorating, icing or piping ; or

(*e*) any other similar operations incidental to or appertaining to the manufacture of the above-mentioned articles.

PARAGRAPH 19.

A FEMALE LEARNER is a worker who —

(*a*) is employed during the whole or a substantial part of her time in learning any branch or process of the trade of baking 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 certification or registration of a female learner shall become invalid if at any time during learnership the provisions relating thereto are not complied with.

Provided also that an employer may employ a female learner on her 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 in the employment, the probation period shall be included in the period of learnership.

Provided further that a female worker who has attended a course of training which includes baking at a School of Domestic Economy recognised by the Ministry of Education for Northern Ireland shall be entitled to count the normal period of such course as if it had been employment in the trade.

HOME BAKERY

PARAGRAPH 20.

A " HOME BAKERY " shall be 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."

NORMAL WORKING DAY

PARAGRAPH 21.

NORMAL WORKING DAY means —

(*a*) in the case of a Sunday worker —		
(i) on Sunday	a day not exceeding 8 hours' work,	
(ii) on any day other than Sunday	a day not exceeding 8½ hours' work.	
(*b*) in the case of a worker other than a Sunday worker	a day not exceeding 8½ hours' work.	
(*c*) in the case of a worker who works on 5 days of the week only	a day not exceeding 9½ hours' work.	

PARAGRAPH 22.

For the purposes of this Schedule a period of work which commences before and continues after midnight shall be deemed to have occurred on the day on which it is completed.

NORMAL WORKING WEEK

PARAGRAPH 23.

NORMAL WORKING WEEK means a week of 45 hours' work.

CUSTOMARY HOLIDAY

PARAGRAPH 24.

CUSTOMARY HOLIDAY means —

Christmas Day, Easter Monday, 12th July, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the aforesaid days.

Provided that, in the case of a night worker, the day immediately preceding or immediately following each of the aforesaid days shall be deemed to include the spell of duty prior to or next following that which would ordinarily end on Christmas Day, Easter Monday, or 12th July, as the case may be, had each of those days been a day on which the worker would normally have worked. Provided also, that where Christmas Day or 12th July falls on a day of the week on which the worker does not normally work, the customary holiday shall be allowed by the employer to the worker on the working day immediately preceding or immediately following that day.

CALCULATION OF HOURLY RATES IN THE CASE OF DAY WORKERS AND OF NIGHT WORKERS

PARAGRAPH 25.

For the purpose of calculating the statutory minimum remuneration payable to a day worker or to a night worker in respect of each hour of employment in the workers' normal working day (not being a Sunday or a customary holiday) the appropriate statutory minimum remuneration specified in Column 2 or Column 8 of the table in paragraph 1 of this Schedule, as the case may be, must be divided by 45.

STATUTORY MINIMUM REMUNERATION FOR TIME WORKED IN EXCESS OF THE NORMAL WORKING WEEK

PARAGRAPH 26.

In the case of a worker who is required to work in excess of 45 hours in any week, he shall be entitled, in respect of the time so worked (other than time worked on a

Sunday or a customary holiday), to the appropriate statutory minimum remuneration specified in Columns 4, 5 ; 10, 11 ; or 16, 17 of the table in paragraph 1 of this Schedule, as the case may be; notwithstanding that the number of hours worked by him on each day in that week has not exceeded the normal working day.

GENERAL

WAITING TIME

PARAGRAPH 27.

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.

Provided that, 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 28.

The statutory minimum remuneration aforesaid shall apply, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, to workers in relation to whom the Baking Wages Council (Northern Ireland), operates, that is to say, workers employed in Northern Ireland in Area A in the trade specified in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1938 (a), 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, boarding house, restaurant, cafe, or similar establishment—

(a) S.R.& O. 1938, No. 77.

(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 (a), as amended or varied by any subsequent Order ;

(*b*) The Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913 (b), 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 29.

Notwithstanding anything contained in this Schedule, the aforesaid statutory minimum remuneration shall not apply to workers employed as transport workers (including loaders at quays and motor lorry boys), stablemen, harness cleaners or van washers, bread-servers, breadvan checkers, breadvan boys, outside messengers, shop assistants, or charwomen.

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (NO. 2) ORDER, 1949, DATED 4TH APRIL, 1949, 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).

1949. No. 64

Amended 1949 S.R.&O (N.I.) 115

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. 7) Order, 1948 (c) dated the 11th day of August, 1948, (hereinafter referred to as " Order N.I. Bk. (68) ") as amended by the Baking Wages Council (Northern Ireland) Wages Regulation (Amendment) (No. 6) Order, 1948 (d) dated the 20th day of December, 1948 ;

(a) S.R.& O. 1920, No. 341 (b) Confirmed by 3 and 4 Geo. 5, Ch. 162.
(c) S. R. & O. 1948, No. 279. (d) S. R. & O. 1948, No. 347.