1970. No. 73 [NC]

WAGES COUNCILS

Wages Regulation (Baking)

ORDER, DATED 6TH APRIL 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Baking Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Baking Wages Regulation Order (Northern Ireland) 1970.

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 First Schedule to the Baking Wages Regulation Order (Northern Ireland) 1969(b) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 28th day of April 1970, 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 workers 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 Ministry of Health and Social Services for Northern Ireland this 6th day of April 1970.

(L.S.)

W. G. H. Quigley,
Senior Assistant Secretary.

(a) 1945. c. 21.

(b) S.R. & O. (N.I.) 1969, No. 47.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the First Schedule to the Baking Wages Regulation Order (Northern Ireland) 1969 (Order N.I.Bk. (341)).

Statutory Minimum Remuneration

Paragraph 1.

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

Class of Worker	For time worked in the normal working week (as defined in paragraph 25)				
	Between 6 a.m. and 6 p.m. (Basic rate)		By workers (other than night workers) between 6 p.m. and 10 p.m.	By workers (other than night workers) between 10 p.m. and 6 a.m.	By night workers (as defined in paragraph 22)
Column 1	per week	per hour	per hour	per hour	per hour
	Column 2	Column 3	Column 4	Column 5	Column 6
(A) PRODUCTION WORKERS	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
(1) MALE WORKERS					
(a) Journeyman Baker	*316 6*	*7 11*	*9 2¾*	*10 6¾*	*10 6¾*
(b) Dough maker	*333 0*	*8 4*	*9 8¾*	*11 1¼*	*11 1¼*
(c) Ovensman	*333 0*	*8 4*	*9 8¾*	*11 1¼*	*11 1¼*
(d) Confectionery Mixer	*333 0*	*8 4*	*9 8¾*	*11 1¼*	*11 1¼*
(e) Apprentice Baker—					
during 1st year of apprenticeship	*142 6*	*3 6¾*	*4 2*	*4 9*	*4 9*
„ 2nd „ „ ..	*166 3*	*4 2*	*4 10¼*	*5 6¾*	*5 6¾*
„ 3rd „ „ ..	*221 6*	*5 6½*	*6 5½*	*7 4¾*	*7 4¾*
„ 4th „ „ ..	*253 3*	*6 4*	*7 4¾*	*8 5¼*	*8 5¼*
(f) Bakehouse Labourer	*289 0*	*7 2¾*	*8 5¼*	*9 7¾*	*9 7¾*
(g) Packer	*289 0*	*7 2¾*	*8 5¼*	*9 7¾*	*9 7¾*

Class of Worker	For time worked in the normal working week (as defined in paragraph 25)				
	Between 6 a.m. and 6 p.m. (Basic rate)		By workers (other than night workers) between 6 p.m. and 10 p.m.	By workers (other than night workers) between 10 p.m. and 6 a.m.	By night workers (as defined in paragraph 22)
Column 1	per week	per hour	per hour	per hour	per hour
	Column 2	Column 3	Column 4	Column 5	Column 6
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*
(h) All other Male Workers (excluding workers of the classes specified in paragraph 30) aged—					
Under 17 years	*107 3*	*2 8¼*	*3 1¾*	—	—
17 and under 18 years	*124 9*	*3 1½*	*3 7¾*	—	—
18 „ 19 „	*151 0*	*3 9¼*	*4 4¾*	*5 0¼*	*5 0¼*
19 „ 20 „	*179 3*	*4 5¾*	*5 2¾*	*5 11¾*	*5 11¾*
20 „ 21 „	*209 3*	*5 2¾*	*6 1¼*	*6 11¾*	*6 11¾*
21 years and over	*273 9*	*6 10¼*	*8 0*	*9 1¾*	*9 1¾*
(2) FEMALE WORKERS					
(a) Baker	*212 6*	*5 3¾*	*6 2½*	—	—
(b) Learner—					
during 1st year of learnership	*143 6*	*3 7*	*4 2¼*	—	—
„ 2nd „	*167 3*	*4 2¼*	*4 10¾*	—	—
„ 3rd „	*183 3*	*4 7*	*5 4¼*	—	—
(c) All other Female Workers (excluding workers of the classes specified in paragraph 30) aged—					
Under 16 years	*95 0*	*2 4½*	—	—	—
16 and under 17 years	*109 9*	*2 9*	*3 2½*	—	—
17 „ 18 „	*124 3*	*3 1¼*	*3 7½*	—	—
18 „ 19 „	*146 3*	*3 8*	*4 3¼*	—	—
19 „ 20 „	*160 9*	*4 0¼*	*4 8¼*	—	—
20 „ 21 „	*167 9*	*4 2¼*	*4 10¾*	—	—
21 years and over	*190 0*	*4 9*	*5 6½*	—	—

Class of Worker	For time worked in the normal working week (as defined in paragraph 25)				
	Between 6 a.m. and 6 p.m. (Basic rate)		By workers (other than night workers) between 6 p.m. and 10 p.m.	By workers (other than night workers) between 10 p.m. and 6 a.m.	By night workers (as defined in paragraph 22)
Column 1	per week	per hour	per hour	per hour	per hour
	Column 2	Column 3	Column 4	Column 5	Column 6
(B) TRANSPORT WOFKERS					
MALE WORKERS					
(a) Drivers (as defined in paragraph 16) of—					
(i) vehicles (other than articulated vehicles) with an overall length in excess of 25 feet	313 0	7 10	9 1¾	10 5¼	10 5¼
(ii) articulated vehicles with an overall length in excess of 30 feet ..	313 0	7 10	9 1¾	10 5¼	10 5¼
(iii) vehicles drawing trailers ..	313 0	7 10	9 1¾	10 5¼	10 5¼
(iv) vehicles (other than those specified in (i), (ii), and (iii)) with a carrying capacity of—					
(a) over 2 tons	301 0	7 6¼	8 9¼	10 0¼	10 0¼
(b) 2 tons and under	290 6	7 3¼	8 5¾	9 8¼	9 8¼
(b) Helpers (as defined in paragraph 17)	289 0	7 2¾	8 5¼	9 7¾	9 7¾
(c) Lorry Boys (as defined in paragraph 18) aged—					
Under 16 years	102 0	2 6½	—	—	—
16 and under 17 years ..	107 3	2 8¼	3 1¾	—	—
17 „ 18 „	124 9	3 1½	3 7¾	—	—
18 „ 19 „	151 0	3 9¼	4 4¾	5 0¼	5 0¼
19 „ 20 „	179 3	4 5¾	5 2¾	5 11¼	5 11¾
20 „ 21 „	209 3	5 2¾	6 1¼	6 11¾	6 11¾
21 years and over	273 9	6 10¼	8 0	9 1¾	9 1¾
(d) Carters	289 0	7 2¾	8 5¼	9 7¾	9 7¾
(e) Loaders at Quays	289 0	7 2¾	8 5¼	9 7¾	9 7¾
(f) Workers, 21 years of age and over, wholly or mainly employed as—					
(i) Stablemen	273 9	6 10¼	8 0	9 1¾	9 1¾
(ii) Harness Cleaners, Van Washers and Greasers	273 9	6 10¼	8 0	9 1¾	9 1¾

ADDITIONAL PAYMENTS FOR CERTAIN MALE WORKERS

Paragraph 2.

The statutory minimum remuneration applicable to male workers set out in paragraph 1 shall be increased by the appropriate amount specified hereafter, which amount shall not be taken into account for the purpose of the calculation of statutory minimum remuneration payable in respect of overtime—

(a) where the worker's spell of duty commences at or after 1 a.m. and before 3 a.m.	by 5s. 0d. per week of 40 hours
(b) where the worker's spell of duty commences between 3 a.m. and 4.30 a.m. both times inclusive ..	by 12s. 6d. per week of 40 hours

GUARANTEED MINIMUM REMUNERATION

Paragraph 3.

Where in any week a male worker has worked for an employer on work to which statutory minimum remuneration applies for not less than 40 hours and the total remuneration payable to that worker for that week for time worked (inclusive of any bonus payments but exclusive of overtime) is less than 320s. in the case of a journeyman baker or 300s. in the case of any other male worker (including a transport worker) who is 21 years of age or over then, notwithstanding anything contained in this Schedule the minimum remuneration payable to that worker shall be 320s. or 300s. per week as the case may be.

STATUTORY MINIMUM REMUNERATION FOR CERTAIN TIME WORKED ON A DAY PRECEDING A CUSTOMARY HOLIDAY

Paragraph 4.

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 immediately preceding a customary holiday he shall be paid, in respect of all time so worked in excess of those two hours, twice the appropriate rate set out in Column 3 of the table in paragraph 1.

EXTRA PAYMENT FOR CERTAIN FEMALE WORKERS

Paragraph 5.

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

FEMALE LATE ENTRANTS

Paragraph 6.

Female workers of the class specified in paragraph 1(A)(2)(c) 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.

OVERTIME

Paragraph 7.

Overtime rates are payable as follows—

(1) On a day other than the worker's rest day, a Sunday, or a customary holiday—
for each hour worked in excess of the worker's normal working day—
One-and-a-half times the appropriate minimum rate set out in Column 3 of the table in paragraph 1.
provided that, where it is, or may become, the established practice of an employer to require the worker to work on only four-and-a-half days in the week the said overtime rate of time-and-a-half shall be payable on each of four days after 9 hours' work and on the short day after 4 hours' work.

(2) On a rest day, not being a customary holiday—
(i) where the time worked does not exceed 4 hours—one-and-a-half times the appropriate minimum rate set out in Column 3 of the table in paragraph 1 for 4 hours,
(ii) where the time worked exceeds 4 hours—one-and-a-half times the appropriate minimum rate set out in Column 3 of the table in paragraph 1 for all time worked.

(3) On a Sunday—
twice the appropriate minimum rate set out in Column 3 of the table in paragraph 1 for all time worked.

(4) On a customary holiday—
twice the appropriate minimum rate set out in Column 3 of the table in paragraph 1 for all time worked subject to any alternative provisions contained in a wages regulation order made by the Ministry of Health and Social Services pursuant to Proposals by the Baking Wages Council (Northern Ireland) relating to holidays and holiday remuneration.

OVERTIME IN RESPECT OF TIME WORKED ON CERTAIN WEEKDAYS FOLLOWING A NAMED DAY OF CUSTOMARY HOLIDAY

Paragraph 8.

Where the day immediately following a named day of customary holiday (as defined in paragraph 27) falls on a Monday or Tuesday (or, in the case of a Tuesday to Saturday worker, on a Tuesday or a Wednesday) and the worker is required by the employer to work on that day he shall be paid, in respect of all time so worked, twice the appropriate minimum rate set out in Column 3 of the table in paragraph 1—
provided that
in the case of a night worker (as defined in paragraph 22) whose spell of duty commences on either the said Monday or Tuesday, or the said Tuesday or Wednesday, as the case may be, he shall be paid, in respect of each hour of his normal working day, the appropriate rate set out in Column 6 of the table in paragraph 1 and, in addition, the appropriate rate set out in Column 3 of that table for each hour of his normal working day, and, in respect of each hour worked in excess of his normal working day, he shall be paid twice the appropriate rate set out in Column 3 of the said table.

DEFINITIONS

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 served an apprenticeship of four years in the baking trade.

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.

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 and,

(b) (i) if employed in the County Borough of the City of Belfast or in districts situate within a radius of fifteen statute miles therefrom, 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
(a) Not less than 4 and not more than 10 ..	One
(b) More than 10 ...	One additional apprentice for each complete group of ten journeymen in excess of the first group of ten

(ii) if employed in areas other than those specified in (b)(i), 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
(a) Not less than 4 and not more than 6 ..	One
(b) More than 6 ..	One additional apprentice for each complete group of six journeymen in excess of the first group of six

Provided that—

the provisions of this sub-paragraph do not apply in the case of apprentices who commenced their employment with the employer before the 25th March 1969.

(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 will 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 will be included in the period of apprenticeship.

Paragraph 14.

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 15.

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.

Paragraph 16.

DRIVERS are workers, other than bread-servers (as defined in paragraph 19), who drive, and are in charge of, vehicles used for the transport of bread or other bakery products or raw materials used in the manufacture thereof.

Paragraph 17.

HELPERS are workers who assist the drivers of vehicles of the classes specified in paragraph 1(B)(a)(i), (ii), (iii) and (iv)(a) in collecting or loading goods (other than bread, biscuits or other bakery products) to be carried in or on the vehicles and/or in unloading or delivering such goods after being so carried.

Paragraph 18.

LORRY BOYS are workers, other than helpers, who accompany and assist the drivers of vehicles.

Paragraph 19.

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 20.

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 21.

A BREADVAN BOY is a boy who accompanies and assists a bread-server on his rounds.

Paragraph 22.

A NIGHT WORKER is a worker whose spell of duty commences betwen 6 p.m. and midnight, both times inclusive.

FEMALE WORKERS

Paragraph 23.

A FEMALE BAKER is a worker who has served a period of learnership of not less than three 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 24.

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 will 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 will 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 will be entitled to count the normal period of such course as if it had been employment in the trade.

NORMAL WORKING WEEK

Paragraph 25.

NORMAL WORKING WEEK means—a week of 40 hours worked on 5 consecutive working days.

NORMAL WORKING DAY

Paragraph 26.

NORMAL WORKING DAY means a day—

(a) not exceeding 8 hours' work on each of 5 days in the week, or

(b) in the case of workers other than production workers, not exceeding 9 hours' work on each of 4 days in the week and 4 hours' work on the other day, being a Monday or a Saturday.

CUSTOMARY HOLIDAY

Paragraph 27.

CUSTOMARY HOLIDAY means—

(a) in the case of a worker employed in the County Borough of the City of Belfast or in districts situate within a radius of 15 statute miles therefrom—

Christmas Day, Easter Monday, 12th July (herein referred to as "named days") and one other day in addition to each of those named days,

Provided that—

(i) where a named day falls on a Saturday, Sunday, or Monday, the additional day of customary holiday shall be allowed by the employer to the worker within the period of four weeks next ensuing on a weekday to be agreed between the employer and the worker or his representative;

(ii) where Christmas Day or 12th July falls on a Tuesday, Wednesday, Thursday, or Friday, the additional day of customary holiday shall be allowed by the employer to the worker either on the day immediately preceding or on the day immediately following that day, according to production and distribution requirements;

(iii) where a named day falls on a worker's rest day the employer shall allow the customary holiday to the worker either on the weekday immediately preceding or on the weekday immediately following that day according to production and distribution requirements and the additional day shall be allowed in accordance with the provisions specified in (i).

(b) in the case of a worker employed in an area other than that specified in (a)—

the provisions set out in (a) shall apply subject to the substitution for "12th July", wherever it occurs, of the words "August Bank Holiday or a day substituted therefor, being a day recognised by local custom, or by custom in the establishment, as a day of customary holiday."

GENERAL

Waiting Time

Paragraph 28.

A worker is 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 does 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 29.

The statutory minimum remuneration aforesaid applies, 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 the trade specified in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations 1938(c) 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.

(c) S.R. & O. (N.I.) 1938, No. 77.

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—

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

(b) the Trade Boards (Sugar Confectionery and Food Preserving) Order 1913(**e**), 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 30.

Notwithstanding anything contained in this Schedule, the aforesaid statutory minimum remuneration does not apply to workers employed as bread-servers, breadvan checkers, breadvan boys, outside messengers, shop assistants and charwomen.

(**d**) S.R. & O. 1920, No. 341.
(**e**) Scheduled to, and confirmed by, 3 and 4 Geo. 5. c. clxii.

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 April 1970, sets out the statutory minimum remuneration payable in substitution for that fixed by the Baking Wages Regulation Order (Northern Ireland) 1969 (Order N.I.Bk. (341)), the First Schedule of which Order is revoked.

New provisions in the Schedule are printed in italics.