1976 No. 234

WAGES COUNCILS

Catering Wages Regulation Order (Northern Ireland) 1976

Made . . . . . *9th July* 1976

Coming into operation . . . *27th July* 1976

The Department of Manpower Services, in exercise of the powers conferred on it by section 10 of the Wages Councils Act (Northern Ireland) 1945(a), and now vested in it(b), 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) 1976.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date.

Interpretation

3. In this Order the expression "the specified date" means the 27th July 1976 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 on 9th July 1976.

(L.S.)

J. S. Crozier,
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)

[N.I.C. (10)]

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Catering Wages Regulation Order (Northern Ireland) 1971(c) (Order N.I.C. (7)).

Statutory Minimum Remuneration

GENERAL MINIMUM TIME RATES

Paragraph 1.

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

Column 1	Per hour (excluding recognised breaks for meal times)		
	Column 2	Column 3	Column 4
Grade or description of worker (The number in brackets refers to the number of the definition in paragraph 6)	Where the employer supplies the worker with full board and lodging on seven days a week	Where column 2 is not applicable and the employer supplies the worker with such meals as are normally available in the establishment during the time the worker is on duty	Where neither Column 2 nor Column 3 is applicable
	p	p	p
Barman, Charge Hand—			
(1) Grade 1	27·00	32·81	37·38
(2) Grade 2	28·00	33·85	38·45
(3) Grade 3	29·00	34·90	39·55
(4) Grade 4	30·00	35·94	40·63
(—) Barman, Apprentice (under 21 years of age)—			
1st year	10·62	17·33	22.66
2nd year	11·88	18·67	24·09
3rd year	15·00	22·00	27·63
(5) Barman, Trainee . .	19·00	24·48	28·70

(c) S.R. & O. (N.I.) 1971 No. 337 (p. 1556)

Column 1 Grade or description of worker (The number in brackets refers to the number of the definition in paragraph 6)	Per hour (excluding recognised breaks for meal times) Column 2 Where the employer supplies the worker with full board and lodging on seven days a week	Column 3 Where column 2 is not applicable and the employer supplies the worker with such meals as are normally available in the establishment during the time the worker is on duty	Column 4 Where neither Column 2 nor Column 3 is applicable
	p	p	p
Barman, Assistant—			
(6) 1st year after apprenticeship	16·50	21·88	26·00
(7) 2nd year after apprenticeship	18·50	23·96	28·17
(8) Barman, Qualified Assistant	26·00	31·78	36·30
(9) Cellarman	19·25	24·74	28·98
(10) Chef de cuisine . . .	37·50	43·75	48·75
(11) Chef, Chef de partie or Head Cook . . .	27·25	33·08	37·65
(12) Cook	23·50	29·16	33·58
(13) Cook, Assistant . . .	20·00	25·53	29·80
(14) Cook, Commis—			
during 1st year . .	9·38	16·00	21·25
during 2nd year . .	11·25	18·00	23·38
during 3rd year . .	15·32	22·34	27·98
(15) Porter, Hall (Day) . .	14·26	19·54	23·57
(16) Porter, Hall, Head (Day) .	18·00	23·44	27·63
(17) Porter, Hall (Night) . .	16·00	21·35	25·45
(18) Porter, Hall, Head (Night) .	20·00	25·53	29·80
(19) Stillroom or Service Attendant . . .	19·25	24·74	28·98
(20) Storeman	19·25	24·74	28·98

Column 1 Grade or description of worker (The number in brackets refers to the number of the definition in paragraph 6)	Per hour (excluding recognised breaks for meal times) Column 2 Where the employer supplies the worker with full board and lodging on seven days a week	Column 3 Where column 2 is not applicable and the employer supplies the worker with such meals as are normally available in the establishment during the time the worker is on duty	Column 4 Where neither Column 2 nor Column 3 is applicable
	p	p	p
(21) Waiter aged— *18 years and over*	16·76	23·10	28·19
Under 18 years	14·05	20·76	25·34
(22) Waiter, Head	20·75	26·30	30·60
(23) Waiter, Wine	16·75	22·14	26·27
(24) Kitchen General Worker aged— *18 years and over*	20·00	25·53	29·80
Under 18 years	12·27	19·91	25·42
(25) General Worker aged— *18 years and over*	20.00	25·53	29·80
Under 18 years	12·27	19·91	25·42
(26) Cashier or Clerical Assistant— during 1st year	*16·75*	*22·14*	*26·27*
during 2nd year	*19·25*	*24·74*	*28·98*
thereafter	*20·75*	*26·30*	*30·60*
(27) Counterhand	*19·25*	*24·74*	*28·98*
(28) Housekeeper	*26·00*	*31·78*	*36·30*
(29) House Assistant	*20·75*	*26·30*	*30·60*

(*b*) *"ATTACK ON INFLATION" SUPPLEMENT*
In addition to the remuneration paid under paragraph 1(a) there shall be paid a supplement, entitled the "Attack on Inflation" Supplement, as follows:—

	Supplement per week of 42 hours or more
18 years or over	*£6·00*
Under 18 years	*£4·50*

PART-TIME AND CASUAL WORKERS

Paragraph 2.

(a) A part-time worker, that is to say, a worker employed by an employer on a weekly basis and 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 3.

(a) This paragraph applies to full-time workers, that is to say, workers employed by an employer on a weekly or monthly basis and who ordinarily work for the employer on work to which this Schedule applies for not less than 42 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 for 42 hours work 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

Paragarph 4.

Overtime rates shall be payable as follows:—

(a) On the weekly rest day (as defined in paragraph 6), for all time worked—DOUBLE TIME.

(b) In any fortnight (as defined in paragraph 6), for all time worked in excess of 84 hours—TIME-AND-A-HALF.

(c) On a customary holiday (as defined in paragraph 6), 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 week-day other than a customary holiday.

Paragraph 5.

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 6.

The following expressions have the meanings hereby respectively assigned to them—

BARMAN/BARMAID CHARGE HAND—

(1) Grade 1, is a worker in sole charge and who supervises not more than one other worker.

(2) Grade 2, is a worker in sole charge and who supervises not less than two and not more than three other workers.

(3) Grade 3, is a worker in sole charge and who supervises not less than four and not more than five other workers.

(4) Grade 4, is a worker in sole charge and who supervises six or more other workers.

(5) BARMAN/BARMAID TRAINEE is a worker, 21 years of age or over, who has not, at any time, served as an apprentice barman/barmaid or, if having so served, has not completed the full period of apprenticeship.

BARMAN/BARMAID ASSISTANT—

(6) 1st year, is a worker who has completed three years' employment as an apprentice barman/barmaid.

(7) 2nd year, is a worker who has completed three years' employment as an apprentice barman or barmaid and one year's employment as an assistant barman or barmaid.

(8) BARMAN/BARMAID QUALIFIED ASSISTANT is a worker who has completed three years' employment as an apprentice barman or barmaid and two years' employment as an assistant barman or barmaid or who has completed one year's employment as a trainee barman or barmaid.

(9) CELLARMAN is a male or female worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, bottling, racking, receipt, custody, issue, or keeping records of beers, wines, spirits and minerals.

(10) CHEF DE CUISINE is a cook who is experienced in all departments of the kitchen, is in charge of the kitchen, and who supervises the work of chefs de partie or female head cooks and plans menus, and orders supplies.

(11) CHEF, CHEF DE PARTIE or HEAD COOK is a worker experienced in all departments of the kitchen who exercises authority under a chef de cuisine and performs the duties of the chef de cuisine in his absence.

(12) COOK is a worker (not being an assistant cook or commis cook) who is wholly or mainly employed in the preparation and cooking of food requiring the mixing of two or more ingredients, or the preparation and cooking of meat, poultry, game or fish, and duties ancillary to any of these duties.

(13) COOK, ASSISTANT is a worker aged 20 years or over who is wholly or mainly employed in assisting a chef or head cook, or cook, whether male or female, in the preparation and cooking of food and duties ancillary thereto.

(14) COOK, COMMIS is a worker who has not attained the age of 20 years and who is employed under a written contract which contains the provisions set out in (a) and (b) or provisions substantially to the same effect and no provisions contrary thereto:—

(a) the worker will serve the employer for a period of not less than three years;

(b) the employer will, during the said period, to the best of his power, skill and knowledge, instruct the worker or cause him to be instructed by a chef de cuisine, a head cook or a cook in the underlying principles of cookery, including the preparation, cooking and serving of fish, meat, poultry, game, vegetables, eggs, pastry, cakes and sauces.

(15) PORTER, HALL (DAY) is a worker who is wholly or mainly employed on any one or more of the following duties, that is to say, carrying luggage, general porterage, attending to fires and boilers, supplying information to guests or customers, cleaning boots or shoes, or similarly attending to guests or customers or the needs of the establishment.

(16) PORTER, HALL, HEAD (DAY) is a hall porter who supervises all porters (except those employed in or about the kitchen) and who is employed in an establishment where not less than five day hall porters (including himself) are employed.

(17) PORTER, HALL (NIGHT) is a worker who is normally employed on night work, that is, on a turn of duty which includes not less than three hours' work between midnight and 6 a.m., and whose duties consist of any one or more of the following duties, that is to say, attending to the requirements of visitors, acting as night watchman, carrying out household duties (including cleaning premises, furniture or fittings, attending to fires or boilers, cleaning boots or shoes) or duties ancillary to any of these duties.

(18) PORTER, HALL, HEAD (NIGHT) is a night hall porter who supervises all porters (except those employed in or about the kitchen) and who is employed in an establishment where not less than five night hall porters (including himself) are employed.

(19) STILLROOM OR SERVICE ATTENDANT is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, the preparation and dispensing of beverages or food, or on duties ancillary thereto.

(20) STOREMAN is a worker aged 21 years or over who is wholly or mainly employed in the storeroom and is responsible for the receipt, custody, issue and records of goods in his charge, or on duties ancillary thereto.

(21) WAITER is a worker who is wholly or mainly employed in the serving of food or drink, the preparation and laying and clearing of tables, or on duties ancillary to any of these duties.

(22) WAITER, HEAD is a waiter who supervises not less than twelve waiting staff in an establishment where at least twelve such workers are normally employed.

(23) WAITER, WINE is a waiter wholly or mainly employed in the serving of drink at table.

(24) KITCHEN GENERAL WORKER is a worker who is wholly or mainly employed on one or more of the following duties, that is to say, cleaning the kitchen, service or scullery, or kitchen, service, or scullery apparatus; cleaning and preparing raw vegetables or fruit or fish or plucking poultry or game; collecting, cleaning, washing or sorting utensils, cutlery, crockery or glass; or on duties ancillary to any of these duties.

(25) GENERAL WORKER is a worker who is engaged on any duties other than those specified elsewhere in these definitions.

(26) CASHIER OR CLERICAL ASSISTANT is a worker who is wholly or mainly employed in one or more of the following duties, that is to say, receiving payment from and giving change to customers or guests, keeping records of sums received and balancing cash taken with the records kept, or who is wholly or mainly employed on clerical, office, or reception duties, or on duties ancillary to any of these duties.

(27) COUNTERHAND is a worker aged 18 years or over who is wholly or mainly employed in dispensing, or dispensing and serving, food or beverages (other than serving at table), cleaning the dispense counter, and on duties ancillary to any of these duties.

(28) HOUSEKEEPER is a worker aged 21 years or over who is employed on general household administration, selection and control of domestic staff, and who is responsible for domestic stores and the general cleanliness of the establishment.

(29) HOUSE ATTENDANT is a worker who is wholly or mainly employed on one or more of the following duties, that is to say, making beds and cleaning and tidying bedrooms or bathrooms, taking orders for or serving meals or refreshments required in bedrooms or similarly attending to visitors, and on duties ancillary to any of these duties.

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.

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 two 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 7.

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 Catering Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Schedule to the Wages Council (Catering) Order (Northern Ireland) 1965 dated 2nd February 1965 namely:—

1. Subject to the provisions of paragraph 2, the workers to whom this Order applies are all workers employed in Northern Ireland in the catering industry, that is to say, 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.

2. This Order does not apply to workers employed by a Hospital Management Committee or a Hospital Board of Management.

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 27th July 1976, sets out the statutory minimum remuneration payable in substitution for that fixed by the Catering Wages Regulation Order (Northern Ireland) 1971 (Order N.I.C. (7)).

Order N.I.C. (7) is revoked.

New provisions in the Schedule are printed in italics.