EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the conditions for treating a non-participating employment as continuing notwithstanding a change of employer and for treating a certificate of non-participation issued to and an election made by the former employer as issued to and made by the new employer.

1961. No. 58 **[NC]**

WAGES COUNCILS

Wages Regulation (Hat, Cap and Millinery)

ORDER, DATED 16TH MARCH, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945.

The Ministry of Labour and National Insurance, 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 Hat, Cap and Millinery Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Hat, Cap and Millinery Wages Regulation (No. 1) Order (Northern Ireland), 1961.

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 Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1956(**b**), and the Hat, Cap and Millinery Wages Regulation (Amendment) (No. 1) Order (Northern Ireland), 1960(**c**), shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 24th day of March, 1961, 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 Ministry of Labour and National Insurance for Northern Ireland this sixteenth day of March, nineteen hundred and sixty-one.

(L.S.) *W. Slinger,*
Assistant Secretary.

(**a**) 1945, c. 21. (**b**) S.R. & O. (N.I.) 1956, No. 53. (**c**) S.R. & O. (N.I.) 1960, No. 38.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1956 (Order N.I.H.M. (23)), as amended by the Hat, Cap and Millinery Wages Regulation (Amendment) (No. 1) Order (Northern Ireland), 1960 (Order N.I.H.M. (35)).

Statutory Minimum Remuneration for Male and Female Workers other than Female Workers employed in the Retail Branch of the Trade

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

MALE WORKERS Paragraph 1.	General Minimum Time Rate Per hour s. d.	Piece Work Basis Time Rate s. d.
(a) Cutters, blockers, body makers or finishers, stiffeners or shapers (as defined in paragraph 9) employed in a section of the trade other than the felt hat section ..	3 $8\frac{1}{2}$	3 $11\frac{1}{2}$
(b) Workers employed in the felt hat (wool) section of the trade on any of the operations of— proofing (head man only); dyeing (head man only); blocking (other than coning when the operation is preparatory to blocking); pressing; finishing; curling; flanging; cutting; ironing and paring; velouring, and who have worked in any section of the trade on one or more of such operations for at least three years after the age of 19 years	3 $8\frac{1}{2}$	3 $11\frac{1}{2}$
(c) Workers employed in the felt hat (fur) section of the trade on any of the operations of— forming; hardening; planking; proofing (head man only); dyeing (head man only); blocking; pressing; finishing; brushing; curling and steaming; flanging; cutting; ironing and paring; trimming; velouring, and who have worked in any section of the trade on one or more of such operations for at least three years after the age of 19 years	3 $8\frac{1}{2}$	3 $11\frac{1}{2}$
(d) All other male workers:—		
Workers aged 21 years and over	3 $3\frac{3}{4}$	3 $6\frac{3}{4}$
„ „ 20 and under 21 years	2 $10\frac{3}{4}$	
„ „ 19 „ 20 „	2 $7\frac{1}{2}$	
„ „ 18 „ 19 „	2 4	
„ „ 17 „ 18 „	2 1	
„ „ 16 „ 17 „	1 $8\frac{3}{4}$	
„ „ under 16 years	1 $4\frac{3}{4}$	

LATE ENTRANTS

Paragraph 2.

Notwithstanding the provisions of paragraph 1 (d), a male worker who commences employment in the trade at or over the age of 19 years may be employed for a period of twelve months as follows:—

(a) for the first six months of such employment, at a general minimum time rate of *2s. 5d.* per hour;

(b) for the second six months of such employment, at a general minimum time rate of *2s. $6\frac{3}{4}$d.* per hour.

On the expiration of twelve months' employment in the trade such worker is entitled to the minimum rate appropriate to a worker of his age.

FEMALE WORKERS	General Minimum Time Rate Per hour	Piece Work Basis Time Rate Per hour
Paragraph 3.		
Female Workers, other than workers of the class specified in paragraph 4	s. d. 2 5	s. d. 2 7½

Paragraph 4.

	General Minimum Time Rate Per hour s. d.
Female Learners, as defined in, and whose employment complies with the conditions specified in, paragraph 10, during the following periods of employment in the trade:—	
during the 1st six months	1 3¼
„ 2nd „	1 5
„ 2nd year	1 9¼
„ 3rd „	2 0¾

Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years, shall be treated as though she had, at the date of her entry completed one year of employment as a learner in the trade.

COMPLETION OF LEARNERSHIP

Paragraph 5.

A female learner ceases to be a learner and becomes entitled to the full general minimum time rate applicable to a worker of her class on the fulfilment of the appropriate conditions set out below:—

Age at entry	Conditions
under 18 years	The completion of three years' employment
18 years and over	The completion of two years' employment.

OVERTIME

Paragraph 6.

Overtime rates are payable as follows:—

(*i*) *On any day, other than Saturday, Sunday, or a customary holiday—*
For the first two hours worked in excess of 9 hours .. .. .. TIME-AND-A-QUARTER
Thereafter .. .. .. TIME-AND-A-HALF

(*ii*) *On a Saturday—*
For all time worked .. .. TIME-AND-A-HALF

(*iii*) *On a Sunday, or a customary holiday—*
For all time worked .. .. DOUBLE TIME

(*iv*) *In any week—*
For all time worked in excess of 43 hours .. .. .. TIME-AND-A-QUARTER
except in so far as higher overtime rates may be payable under the provisions of sub-paragraphs (*i*), (*ii*) and (*iii*).
Provided that where it is or may become the established practice of an employer to require attendance on Saturday in alternate weeks only, the overtime rate is payable in the week in which attendance on Saturday is required only after 45 hours have been worked.

Paragraph 7.

Overtime rates are payable in respect of all overtime worked on any day, notwithstanding that the total number of hours worked in the week does not exceed *43*.

Paragraph 8.

For the purpose of paragraph 6, the expressions time-and-a-quarter, time-and-a-half, and double time mean, respectively, one-and-a-quarter times, one-and-a-half times, and twice the amount of the minimum rate otherwise applicable.

GENERAL

DEFINITIONS

Paragraph 9.

(a) A CUTTER is a male worker who—

(i) is employed in a section of the trade other than the silk hat section, on one or more of the operations of marking in or cutting any kind of material, laying up, hooking up or stripping and,

(ii) for not less than three years after the age of 19 years has been employed in any section of the trade mainly on one or more of the last mentioned operations.

Provided that the work of a cutter shall not include the cutting of cloth or other textile materials for stitchers of hat leathers or for use as hat linings.

(b) A BLOCKER, BODY MAKER or FINISHER is a male worker who is employed on one or more of the operations of—

(i) covering, pulling-on, or blocking hats or caps; or

(ii) blocking straws, hoods or shapes, of any materials; or

(iii) making shapes by means of a gas block and,

for not less than three years after the age of 19 years has been employed in any section of the trade mainly on one or more of the last mentioned operations.

(c) A STIFFENER is a male worker who is employed in stiffening and has been employed in any section of the trade mainly in stiffening for not less than three years after the age of 19 years.

(d) A SHAPER is a male worker who is employed in putting into shape by hand work the brim part of any hat or helmet which is made on a body or foundation of any material, and has been employed in any section of the trade for not less than three years after the age of 19 years.

Paragraph 10.

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 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 the certification or registration of a learner will become invalid if at any time during learnership the provisions set out in this Schedule relating thereto are not complied with.

Provided that an employer may employ a 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 her employment, the probation period must be included in her period of learnership.

Provided further that notwithstanding compliance with the conditions contained herein a person will not be regarded as a learner if she works in a room used for dwelling purposes and is not in the employment of her parent or guardian.

Paragraph 11.

The expression "customary holiday" means—

(a) Christmas Day (or, if Christmas Day falls on a Sunday, such other week day as may be appointed by national proclamation or, if none is so appointed, 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; or

(b) a day substituted by the employer for any one of the said days, being a day recognised by local custom as a day of holiday in substitution for the said day.

Paragraph 12.

The RETAIL BRANCH of the trade means that branch of the trade specified in paragraph 15 in which it is the practice of the employer to supply the article direct to the wearer.

EMPLOYMENT OF JUVENILE WORKERS ON PIECE WORK

Paragraph 13.

An employer will, in any case where a learner or other juvenile worker is employed on piece work during the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has received in respect of his employment on piece work in each week during that period, at least the same amount of money as such worker would have been entitled to receive if employed on time work.

An employer will, in any case where any such worker is so employed at any time subsequent to the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has, in respect of his employment on piece work, been paid at piece rates which would yield, in the circumstances of the case, to an ordinary worker (not being a juvenile worker) at least the same amount of money as the appropriate piece work basis time rate.

WAITING TIME

Paragraph 14.

(i) A worker is entitled to payment of the statutory minimum remuneration for all 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) A piece worker is, during any time during which he is present as aforesaid and is not doing piece work, entitled to payment of the general minimum time rate applicable to a worker of the class to which he belongs.

Provisions (i) and (ii) do 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 15.

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 Hat, Cap and Millinery Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in

the Trade Boards (Hat, Cap and Millinery Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1925(a), dated 23rd February, 1925, namely:—

The making from any material of men's, women's or children's headgear, or the trimming thereof:

INCLUDING:—

Warehousing, packing or other operations incidental to or appertaining to the making or trimming of men's, women's or children's headgear;

BUT EXCLUDING:—

(1) The casting and making of solid metal helmets;

(2) the making of rubberised or oilskin headgear where carried on in association with or in conjunction with the making of other rubberised or oilskin articles;

(3) the making of nurses' or servants' caps, chefs' caps, hospital ward caps or similar articles;

(4) the making of field bonnets, sun bonnets, boudoir caps, or infants' millinery where carried on in association with or in conjunction with the making of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports coats, neckwear, tea-gowns, dressing-gowns, dressing jackets, pyjamas, underclothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby linen or similar articles;

(5) the making of fur hats, where made in association with or in conjunction with the manufacture of furs or furriers' skins into garments, rugs, or similar articles;

(6) the making of knitted headgear and the making of headgear from knitted fabrics where carried on in association with or in conjunction with the manufacture of the knitted fabric;

(7) warehousing and packing of men's, women's and children's headgear and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made or trimmed on the premises.

Provided that, notwithstanding anything contained in this Schedule, the statutory minimum remuneration aforesaid does not apply to carmen, outside messengers, charwomen, boilermen, enginemen and mechanics.

Paragraph 16. PAYMENT OF HIGHER RATES

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.

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 24th March, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1956 (Order N.I.H.M. (23)), as amended by the Hat, Cap and Milinery Wages Regulation (Amendment) (No. 1) Order (Northern Ireland), 1960 (Order N.I.H.M. (35)), which Orders are revoked.

New provisions in the Schedule are printed in italics.

(a) S.R. & O. (N.I.) 1925, No. 23.