1961. No. 59 **[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. 2) 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. 2) Order, 1956(b), and the Hat, Cap and Millinery Wages Regulation (Amendment) (No. 2) 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. 54. (c) S.R. & O. (N.I.) 1960, No. 39.

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. 2) Order, 1956 (Order N.I.H.M. (24)) as amended by the Hat, Cap and Millinery Wages Regulation (Amendment) (No. 2) Order (Northern Ireland), 1960 (Order N.I.H.M. (36)).

Statutory Minimum Remuneration for Female Workers employed in the Retail Branch of the Trade

GENERAL MINIMUM TIME RATES	Workers employed in	
	AREA A	AREA B
	(as defined in paragraph 10)	
	Per hour	
	s. d.	s. d.
Paragraph 1. Female workers, 21 years of age and over, who have had not less than two years' experience after completion of learnership in the Retail Branch of the trade	2 5	2 4½
Paragraph 2. Female Workers, under 21 years of age or who, having attained the age of 21 years, have not had two years' experience after completion of learnership in the Retail Branch of the trade	2 4	2 3½
Paragraph 3. Female Outworkers (as defined in paragraph 10)	2 4	2 3½
Paragraph 4. Female Learners, as defined in, and whose employment complies with the conditions specified in, paragraph 10, during the following periods of employment in the Retail Branch of the trade—		
during the 1st six months	1 3¼	1 3
„ 2nd „	1 5	1 4½
„ 2nd year	1 9¼	1 8¼
„ 3rd „	2 0¾	2 0

Provided that a learner who enters, or has entered, the Retail Branch of 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—

(a) On any day other than Saturday (or the weekly short day substituted therefor), Sunday, or a customary holiday—

For the first two hours worked in excess of $8\frac{1}{2}$ hours .. .. TIME-AND-A-QUARTER

Thereafter .. .. TIME-AND-A-HALF

Provided that, where it is or may become the established practice of an employer to require the worker's attendance on only five days in the week, the said overtime rates of time-and-a-quarter and time-and-a-half shall be payable on those five days after *9* and *11* hours' work respectively.

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

(i) In respect of that class of worker which customarily attends on six days of the week—

For all time worked in excess of *4* hours .. TIME-AND-A-HALF

(ii) In respect of that class of worker which customarily attends on five days in the week—

For all time worked .. .. .. TIME-AND-A-HALF

(c) On Sunday, or a customary holiday—

For all time worked .. .. .. DOUBLE TIME

(d) 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 (a), (b) or (c).

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.

Where it is the established practice of an employer to require attendance on Sunday instead of Saturday, the overtime rates as set out in paragraph 6 apply to workers in like manner as if the word "Saturday" were substituted for "Sunday" and the word "Sunday" for "Saturday."

Paragraph 8.

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 *45*.

Paragraph 9.

For the purposes 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 10.

"AREA A" means—the Counties of the Cities of Belfast and Londonderry.

"AREA B" means—all areas other than Area A.

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 Retail Branch 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 also 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 the employment, the probation period must be included in the 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.

A "FEMALE OUTWORKER" is a worker who works in her own home or in any other place not under the control or management of the employer.

"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.

"RETAIL BRANCH" of the trade means that Branch of the trade specified in paragraph 11 in which it is the practice of the employer to supply the article direct to the wearer.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 11.

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;

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

(4) the making of field bonnets, sun bonnets, boudoir caps, or infant's 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.

PAYMENT OF HIGHER RATES

Paragraph 12.

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. 2) Order, 1956 (Order N.I.H.M. (24)) as amended by the Hat, Cap and Millinery Wages Regulation (Amendment) (No. 2) Order (Northern Ireland), 1960 (Order N.I.H.M. (36)), which Orders are revoked.

New provisions in the Schedule are printed in italics.