

1978 No. 241

WAGES COUNCILS

**Dressmaking and Women's Light Clothing Wages Regulation (Amendment)
(No. 1) Order (Northern Ireland) 1978***Made* 20th June 1978*Coming into operation* 27th June 1978

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 Dressmaking and Women's Light Clothing Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1978.

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 27th June 1978, 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
20th June 1978.

(L.S.)

D. J. Perham,
Senior 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)

FIRST SCHEDULE

Statutory Minimum Remuneration for Workers Employed in the Factory Branch of the Trade

The Dressmaking and Women's Light Clothing Wages Regulation (No. 1) Order (Northern Ireland) 1976(c) (Order N.I.W.D. (160)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1977(d) (Order N.I.W.D. (164)) shall have effect as if in the Schedule thereto for paragraphs 1, 2, 3, 4, 6, 8 and 12 there was substituted the following—

GENERAL MINIMUM TIME RATES

WORKERS

Paragraph 1.

Per hour

P

CUTTERS (as defined in paragraph 14) 88.55

Paragraph 2.

PRESSERS (as defined in paragraph 15) 87.45

Paragraph 3.

MACHINISTS; and other workers over 21 86.35

20 and under 21 years 77.60

19 and under 20 years 73.46

18 and under 19 years 66.94

17 and under 18 years 55.67

16 and under 17 years 49.16

Paragraph 4.

TRAINEES (as defined in paragraph 17):—

Period of Employment	Trainees commencing at:—		
	16 and under 17 years of age	17 and under 18 years of age	18 years of age and over
	Per hour		
	P	P	P
During 1st six months of employment	54.47	57.35	73.70
During 2nd six months of employment	63.27	66.23	76.68
During 2nd year of employment	73.70	76.68	—

Paragraph 6 was deleted.

(c) S.R. 1976 No. 187 (I, p. 885)

(d) S.R. 1977 No. 367 (II, p. 1894)

GUARANTEED TIME RATE FOR CERTAIN WORKERS ON INCENTIVE PAYMENT SCHEMES

Paragraph 8.

Where an employer transfers a worker other than a trainee (as defined in paragraph 17), who is at the time employed by him in any trade other than the Dressmaking and Women's Light Clothing Trade, to employment on incentive on the employer's premises in any branch, process or method of manufacture or operation in the Dressmaking and Women's Light Clothing Trade (as defined in paragraph 23) of which the worker has had no previous experience, that worker must, during the first **FOUR WEEKS** of such employment, be paid a guaranteed time rate of *86.35p PER HOUR*.

Where a guaranteed time rate is appropriate an employer must pay workers who are employed on incentive not less than the guaranteed time rate notwithstanding that their earnings on incentive are less than such sum, that is, the worker's earnings must be made up to the guaranteed time rate.

Paragraph 12.

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, New Year's Day, Easter Monday, Easter Tuesday, and *three* other days (being days on which the worker normally works but not being weekly short days) 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.

SECOND SCHEDULE

Holidays and Holiday Remuneration

The Dressmaking and Women's Light Clothing Wages Regulation (Holidays) Order (Northern Ireland) 1974(e) (Order N.I.W.D. (153)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1977 (Order N.I.W.D. (164)) shall have effect as if in the Schedule thereto there was substituted for paragraphs 2, 6(1) and 7 the following paragraphs:—

Paragraph 2.

- (1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than eight weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the customary holiday.
- (2) The said customary holidays are:—
 - (a) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, New Year's Day, Easter Monday, Easter Tuesday, and *three* other days (being days on which the worker normally works but not being weekly short days) 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.

- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or a young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions to work thereon and, in lieu of any customary holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday within the period of four weeks next ensuing.
- (4) A worker who is required to work on a customary holiday shall be paid:—
- (a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and
 - (b) in respect of the holiday in lieu of the customary holiday, in accordance with paragraph 6.

CUSTOMARY HOLIDAYS

Paragraph 6.

- (1) For each day of customary holiday (including a customary holiday falling on a Saturday) to which a worker is entitled under Part II, *during the year 6th April 1978 to 5th April 1979*, he shall be paid by the employer as holiday remuneration whichever of the following amounts is the greater:
- (a) one-fifth of the average weekly earnings of the worker during the twelve months ended on 5th April 1978 such average weekly earnings to be determined by dividing the total remuneration (including holiday remuneration) paid to him by the employer during the said period, *increased by 7%*, by the number of weeks of employment with the employer during that period; or
 - (b) the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of customary holiday and he had worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

ANNUAL HOLIDAYS

Paragraph 7.

- (1) Subject to the provisions of paragraph 8, a worker qualified to be allowed an annual holiday under this Schedule, *during the year 6th April 1978 and 5th April 1979*, shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday as holiday remuneration whichever of the following amounts is the greater:
- (a) an amount equal to seventeen two-hundred-and-sixtieths of the total remuneration (including holiday remuneration) paid by the employer to the worker during the twelve months ended 5th April 1978 *increased by 7%*; or
 - (b) one day's holiday pay (as defined in paragraph 12) in respect of each day thereof.
- (2) Where under the provisions of paragraph 4 an annual holiday is allowed in two or more separate periods, the holiday remuneration shall be apportioned accordingly.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order comes into operation on 27th June 1978.

The First Schedule amends the Dressmaking and Women's Light Clothing Wages Regulation (No. 1) Order (Northern Ireland) 1976 (Order N.I.W.D. (160)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1977 (Order N.I.W.D. (164)) by increasing the statutory minimum remuneration fixed by those Orders.

The Second Schedule amends the Dressmaking and Women's Light Clothing Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.W.D. (153)) as amended by the Dressmaking and Women's Light Clothing Wages Regulation (Amendment) (No. 1) Order (Northern Ireland) 1977 (Order N.I.W.D. (164)) by increasing the number of Customary Holidays by one and increasing Holiday Remuneration.

Order N.I.W.D. (164) is revoked.

New provisions in the Schedules are printed in italics.