

1978 No. 826
TERMS AND CONDITIONS OF EMPLOYMENT
The Guarantee Payments (Exemption) (No. 18) Order 1978

<i>Made</i>	- - - -	<i>6th June 1978</i>
<i>Coming into Operation</i>		<i>13th July 1978</i>

Whereas the collective agreements listed in Schedule 1 to this Order make provision whereby employees to whom the said agreements relate, being employees in the card clothing industry in the United Kingdom, have a right to guaranteed remuneration:

And whereas the parties to the said collective agreements (whose descriptions are set out in Schedule 2 to this order) all made application to the Secretary of State under section 28(1) of the Employment Protection Act 1975(a) ("the Act"):

And whereas the Secretary of State, having regard to the provisions of the agreements (which so far as are material are set out in Schedule 3 to this Order), is satisfied that section 22 of the Act should not apply to those employees:

And whereas the said agreements comply with section 28(4) of the Act:

Now, therefore, the Secretary of State in exercise of the powers conferred on him as the appropriate Minister under section 28(1) of the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Guarantee Payments (Exemption) (No. 18) Order 1978 and shall come into operation on 13th July 1978.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) The "exempted agreements" mean the collective agreements which are listed in Schedule 1 to this Order.

(a) 1975 c.71.

(b) 1889 c.63.

Exemption

3. Section 22 of the Act shall not apply to any person who is an employee to whom an exempted agreement relates.

Signed by order of the Secretary of State.
6th June 1978.

Harold Walker,
Minister of State,
Department of Employment.

SCHEDULE 1
THE COLLECTIVE AGREEMENTS

1. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Card Dressers' Society ("the first agreement").
 2. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Amalgamated Society of Wire drawers and Kindred Workers ("the second agreement").
 3. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Card Setting Machine Tenters' Society ("the third agreement").
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SCHEDULE 2
PARTIES TO THE COLLECTIVE AGREEMENTS

1. *Representing employers:*
the Employers' Federation of Card Clothing Manufacturers.
 2. *Representing employees:*
 - (a) the first agreement—the Card Dressers' Society;
 - (b) the second agreement—the Amalgamated Society of Wire drawers and Kindred Workers;
 - (c) the third agreement—the Card Setting Machine Tenters' Society.
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SCHEDULE 3
MATERIAL PROVISIONS OF THE COLLECTIVE AGREEMENTS
Guaranteed Payment Agreement

1. Throughout this Agreement the expression "Day Rate" includes any supplements payable under the Day Rate Agreement currently in force.
2. It is agreed that in the event of short time working or temporary lay off, each employee will be paid the Day Rate for each day up to a maximum of TEN days in any period of twenty-six consecutive weeks. The amount to be paid in respect of each day will be a fifth of the Day Rate per standard working week of forty hours.
3. The guarantee shall apply only provided that during the period of the guarantee, the employee has been continuously employed by the same employer for not less than four weeks, is capable of, available for, and willing to perform according to his/her capabilities, the work associated with his/her usual occupation, or reasonable alternative work when his/her normal work is not available. When he/she undertakes such alternative employment within the company, payment shall be made at the rate applicable to that alternative employment or his/her day rate, whichever is the greater.

4. The guarantee shall not apply:

- (a) at any plant or unit of plant
 - (i) when that plant or unit is laid idle through avoidable absenteeism or failure of any employee to take reasonable action to keep the plant in operation.
 - (ii) when short time working is introduced by agreement as an alternative to redundancy.
 - (iii) when by custom and practice, or by mutual agreement between the employer and employees, it is decided that a shift, or part shift at the commencement or resumption of holiday periods shall be an unpaid holiday.
- (b) to any individual employee who has been summarily dismissed without notice or has been suspended for disciplinary reasons.
- (c) to any employee who refuses to accept reasonable alternative employment when his/her normal work is not available.

5. The guarantee shall be suspended automatically in the event of dislocation of work as a result of strike action or irregular action short of strike action within any company which is a member of the Employers' Federation of Card Clothing Manufacturers.

6. The guarantee shall be reduced in the case of a holiday recognised by agreement or custom and practice in respect of the standard working week in which the holiday takes place, in the same proportion as the normal working days or shifts are reduced in that standard working week.

7. Any difference arising in relation to this agreement may be referred to an industrial tribunal.

8. This agreement may be cancelled by either party giving three months' notice in writing.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order excludes from the operation of section 22 of the Employment Protection Act 1975 employees in the card clothing industry to whom one of the following agreements relates:—

1. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Card Dressers' Society ("the first agreement").

2. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Amalgamated Society of Wire drawers and Kindred Workers ("the second agreement").

3. The Guaranteed Payment Agreement between the Employers' Federation of Card Clothing Manufacturers and the Card Setting Machine Tenters' Society ("the third agreement").

Copies of the Agreements are available for inspection between 10 a.m. and noon and between 2 p.m. and 5 p.m. on any week-day (except Saturdays) at the offices of the Department of Employment, 8 St. James's Square, London SW1Y 4JB.

SI 1978/826
ISBN 0-11-083826-2

