1970. No. 228 [NC]

WAGES COUNCILS

Wages Regulation (Boot and Shoe Repairing)

ORDER, DATED 19TH AUGUST 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, 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 Boot and Shoe Repairing Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1970.

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 Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1960(b) and the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1969(c) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 8th day of September 1970, 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 Health and Social Services for Northern Ireland this 19th day of August 1970.

(L.S.)

W. G. H. Quigley,
Senior Assistant Secretary

(a) 1945. c. 21.
(b) S.R. & O. (N.I.) 1960, No. 157.
(c) S.R. & O. (N.I.) 1969, No. 168.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Boot and Shoe Repairing Wages Regulation Order (Northern Ireland) 1960 (Order N.I.B.S. (85)) as amended by the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1969 (Order N.I.B.S. (107)):—

Statutory Minimum Remuneration

GENERAL MINIMUM TIME RATES

	Per week of 41 hours	
	Up to and including 14th February 1971	From 15th February 1971
MALE WORKERS	s. d.	£
Paragraph 1. MALE WORKERS (other than male learners to whom the minimum rates specified in paragraph 3 apply), 21 years of age and over, employed—		
(a) as makers of bespoke hand-sewn (which term includes surgical) footwear	*280 0*	*14·00*
(b) in operating power sole stitchers or both power sole stitchers and Blake or other power sole sewing machines on the Blake principle	*266 0*	*13·30*
(c) in operating Blake or other power sole sewing machines on the Blake principle	*257 0*	*12·85*
Paragraph 2. MALE WORKERS (other than workers of the class specified in paragraph 1 and male learners to whom the minimum rates specified in paragraph 3 apply)	*243 0*	*12·15*
Paragraph 3. MALE LEARNERS whose employment complies with the conditions specified in paragraphs 6 to 10—		
During the first year of learnership	*121 0*	*6·05*
„ „ second „ „	*131 0*	*6·55*
„ „ third „ „	*158 0*	*7·90*
„ „ fourth „ „	*172 0*	*8·60*
„ „ fifth „ „	*192 0*	*9·60*
FEMALE WORKERS		
Paragraph 4. FEMALE WORKERS of—		
21 years of age and upwards	*182 0*	*9·10*
20 and under 21 years of age	*161 0*	*8·05*
19 „ „ 20 „ „ „	*145 0*	*7·25*
18 „ „ 19 „ „ „	*134 0*	*6·70*
17 „ „ 18 „ „ „	*114 0*	*5·70*
under 17 „ „ „	*106 0*	*5·30*

Provided that female workers of the age of 18 years or under shall, for the first twelve months employment in the trade, be entitled only to a minimum rate 25 per cent. less than the appropriate general minimum time rate otherwise applicable.

Calculation of Hourly Rates

Paragraph 5.

For the purpose of calculating the general minimum time rate payable in respect of each hour of employment the respective rates set out above must be divided by 41.

Conditions of Employment of Male Learners

Paragraph 6.

The following conditions of employment apply to male learners:—

(a) That the worker is employed during the whole or a substantial part of his time as a learner in the trade and is receiving, during such time, adequate instruction in a progressive manner in—

(i) benching by hand and all operations of benching by machine which are carried out in the establishment, and

(ii) finishing by hand and all operations of finishing by machine which are carried out in the establishment,

and not less than two-thirds of his time in each year is spent in either such benching or such finishing.

Provided that the provisions of this sub-paragraph do not apply to a learner during his first year of learnership in the trade,

And provided also that, for the purposes of this sub-paragraph, all machines, other than finishing and patching machines, shall be deemed to be benching machines,

(b) That the worker 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,

(c) That the certificate of learnership is submitted to the Wages Council at the end of the second, third, fourth and fifth years of learnership,

(d) That the period of learnership shall be FIVE YEARS.

Paragraph 7.

The general minimum time rates for male learners apply only if, as respects all male learners, the proportion in any establishment of learners to journeymen at any time be not more than one learner to every two (and not less than two) journeymen.

Provided that one learner may be employed in any establishment in which only one journeyman is employed.

Paragraph 8.

For the purpose of determining the number of journeymen employed in any establishment at any time the following conditions apply:—

(1) A casual absence of a journeyman or a casual vacancy for a short period in the number of journeymen employed will not affect compliance with the above condition, and

(2) Where an employer is himself performing the work of a journeyman he will be treated as a journeyman for the purpose hereof.

Paragraph 9.

For the purpose of determining the proportion of learners to journeymen in accordance with the provisions set out in paragraph 7:—

(1) An apprentice counts as a learner,

(2) A journeyman (subject to the provisions of sub-paragraph (2) of paragraph 8) will be deemed to be:—

(a) any male worker, whether employed on time work or on piece work, who, if employed on time work, would be entitled to the appropriate general minimum time rate specified in paragraph 1 or 2 for male workers other than learners, and

(b) any other workers employed at general minimum piece rates.

LEARNERS TO BE REGISTERED AND TO HOLD CERTIFICATES

Paragraph 10.

Application must be made to the Wages Council for a certificate of learnership in respect of every worker whom it is desired to employ at the special rates for learners. Unless such certificate has been obtained or application made to the Wages Council therefor the general minimum time rate payable is the appropriate rate for workers other than learners as set out in paragraph 1 or 2.

Provided that the certification of a learner may be cancelled by the Wages Council if the other conditions of learnership are not complied with.

An employer may employ a learner on his first employment in the trade for a probation period not exceeding four weeks, but, in the event of the learner being continued thereafter at his employment, the probation period will be included in his period of learnership.

YEARLY ADVANCES TO LEARNERS

Paragraph 11.

The advances to be given to learners become due on the completion of each twelve months' employment in the trade.

TERMINATION OF PERIOD OF LEARNERSHIP

Paragraph 12.

A learner ceases to be a learner and becomes entitled, if employed on time work, to payment at not less than the appropriate general minimum time rate set out in paragraph 1 or 2 on the completion of five years' employment in the trade.

Notwithstanding compliance with the conditions relating to learnership set out above a person will not be deemed to be a learner if he works in a room used for dwelling purposes and is not in the employment of his parent or guardian.

PIECE WORK BASIS TIME RATES

	Per hour	
	Up to and including 14th February 1971	From 15th February 1971
Paragraph 13.		
MALE WORKERS	*5s. 11½d.*	*29·792p*
Paragraph 14.		
FEMALE WORKERS	*4s. 5½d.*	*22·292p*

APPLICATION OF PIECE WORK BASIS TIME RATES

Paragraph 15.

Where the piece work basis time rate applies, each piece rate paid must be such as will yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the appropriate piece work basis time rate. In determining whether any piece rate satisfies the foregoing condition regard shall be had only to the earnings of ordinary workers, that is, workers of ordinary skill and experience in the class of work in question and not to the earnings of workers of less than ordinary skill and experience, for example, juvenile and infirm workers.

Paragraph 16.

Where workers are employed on operations for which in-workers' and out-workers' general minimum piece rates have been fixed, piece rates calculated to yield, in the circumstances of the case, to an ordinary worker, not less than the appropriate piece work basis time rate, are deemed to include all such general minimum piece rates.

EMPLOYMENT OF JUVENILE WORKERS ON PIECE WORK

Paragraph 17.

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 remuneration at less than the statutory minimum remuneration 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 remuneration at less than the statutory minimum remuneration unless he shows that such worker has, in respect of his employment on piece work, been paid at piece rates each of 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.