

CHAPTER 120.**BAKERIES (HOURS OF WORK).**

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 120.**BAKERIES (HOURS OF WORK).**

4 of 1946.
7 of 1949.
23 of 1951.

An Ordinance to regulate the working hours in bakeries and for purposes connected therewith.

[23RD MARCH, 1946.]

Short title.

1. This Ordinance may be cited as the Bakeries (Hours of Work) Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“bakery” means any premises in which a person, otherwise than in pursuance of a contract of service, engages by way of trade or for purposes of gain in the manufacture of bread or flour confectionery or in any other work incidental thereto ;

“day” means the period between midnight of one night and midnight of the following night ;

“occupier of a bakery” means a person who, otherwise than in pursuance of a contract of service, engages, by way of trade or for purposes of gain, in a bakery in the manufacture of bread or flour confectionery or in any other work incidental thereto ;

“ week ” means the period between midnight on Saturday night and midnight on the succeeding Saturday night ; and

“ work incidental to the manufacture of bread or flour confectionery ” includes slicing, wrapping, or otherwise preparing bread or flour confectionery for sale or distribution and, where the same persons are employed in manufacture and in distribution, includes work in or incidental to distribution.

3. Subject to the provisions of sections 4 and 5 of this Ordinance, no person shall manufacture bread or flour confectionery in any bakery or engage in any work incidental thereto—

Restriction of working hours in bakeries. 23 of 1951, s. 2.

(a) on any Sunday, except in the work of setting sponge ; or

(b) between the hour of seven in the evening of any day (except Friday) and the hour of five in the morning of the succeeding day, except in the work of setting the sponge, dough making and oven firing ; or

(c) for more than sixty hours in any week.

4. (1) The Governor in Council may, subject to the provisions of subsection (2) of this section, by order published in the Gazette, direct that the restrictions imposed by section 3 of this Ordinance shall not apply, or shall apply subject to such modifications as may be specified in the order, in respect of employment in bakeries—

Power of Governor in Council to make orders modifying the restrictions imposed by section 3.

(a) in dough-making ;

(b) in oven-firing ;

(c) in work undertaken by reason of a breakdown of machinery or plant, or other unforeseen emergency ;

(d) in work for the purpose of providing supplies for public holidays and feast days ;

(e) in respect of employment in any bakery in work for the purpose of meeting a sudden and unexpected demand for bread ;

(f) where the occupier of a bakery is acquiring or erecting new plant or premises, in respect of employment in that bakery during such period as the Governor in Council considers reasonable in the circumstances ; and

(g) in work done in any circumstances or for any other purpose in or for which the Governor in Council is satisfied that special provision should be made,—

and may, by order published in the Gazette, revoke or vary any such order.

(2) No order made under this section shall permit, or shall be construed as permitting, the employment of any person for more than seventy-two hours in any week in a bakery in the manufacture of bread or flour confectionery or in any other work incidental thereto.

(3) Any order made by the Governor in Council under this section may be made—

(a) for a limited period or without limit of period ;

(b) either generally or in relation to any area or to any description of bakery or premises ;

(c) subject to such conditions as he thinks fit,—

and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the order.

5. The Commissioner of Labour may, where he considers it desirable so to do by reason of any breakdown of machinery or plant or other unforeseen emergency, permit the employment of any person in a bakery in the manufacture of bread or flour confectionery between the hour of seven in the evening of any day and the hour of five in the morning of the following day for any period not exceeding two weeks.

Power of the Commissioner of Labour to modify the restrictions imposed by section 3. 23 of 1951, s. 3.

Overtime.

6. A person who is employed in a bakery in the manufacture of bread or flour confectionery or in any other work incidental thereto shall be paid—

(a) at twice the rate at which he would but for this section be paid, in respect of work—

(i) on Sundays, Christmas Day, the day after Christmas Day if Christmas falls on a Sunday, the day commonly known as Boxing Day, the first week-day of January, Good Friday or Easter Monday ; or

(ii) between the hour of seven in the evening of any day and the hour of five in the morning of the succeeding day ; and

(b) at one and a half times the rate at which he would but for this section be paid, in respect of work—

(i) on any public holiday, other than as specified in sub-paragraph (a) (i) of this section, within the meaning of the Public Holidays Ordinance ; or

(ii) on any day in excess of eight hours :

Provided that where the hours of work, or any of them, under this paragraph also fall under paragraph (a) of this section, the provisions of paragraph (a) shall apply in respect of such hours.

7. (1) The occupier of a bakery shall keep a register (hereinafter in this Ordinance referred to as "the register of employees") of the persons employed in the bakery in the manufacture of bread or flour confectionery or in any other work incidental thereto.

Register of employees.

(2) The register of employees shall be in such form, and shall contain such particulars, as are from time to time prescribed by the Commissioner of Labour by notice published in the Gazette.

(3) The register of employees shall be kept up to date.

8. (1) The Commissioner of Labour, the Deputy Commissioner of Labour, any Inspector of Labour, any Assistant Inspector of Labour or any officer or sub-officer of police shall, for the purpose of the execution of this Ordinance, have power—

Powers of the Commissioner of Labour and other officers.

(a) to enter, inspect and examine at all reasonable times, by day and night, any bakery and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a bakery ; and

7 of 1949, s. 2.

(b) to take with him such assistants as he considers necessary ; and

(c) to require the production of the register of employees kept under section 7 of this Ordinance, to inspect, examine and make copies of any entries therein and, if he so thinks fit, to remove the register to his office ; and

(d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance or of any order made thereunder or of any enactments for the time being in force relating to public health are complied with, in relation to the bakery and any persons employed therein ;

(e) to require any person whom he finds in a bakery to give such information as it is in his power to give as to the name and place of residence of the occupier of the bakery ;

(f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Ordinance, every person whom he finds in a bakery or whom

he has reasonable cause to believe to be or to have been within the preceding two months employed in a bakery, and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined :

Provided that no person shall be required under this paragraph to answer any question or to give any evidence tending to incriminate himself ; and

(g) to exercise such other powers as may be necessary for carrying this Ordinance into effect.

(2) The occupier of every bakery, his agents and servants, shall furnish the means required by the Commissioner of Labour, or other officer specified in subsection (1) of this section, as necessary for an entry, inspection, examination, inquiry or otherwise for the exercise of his powers under this Ordinance in relation to such bakery.

Offences.
23 of 1951,
s. 4.

9. (1) Where any person is employed in a bakery in the manufacture of bread or flour confectionery or in any other work incidental thereto, and any of the provisions of section 3 or 5, or of an order made under section 4, of this Ordinance has been contravened in respect of such employment, the occupier of the bakery shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding one hundred dollars.

(2) Where—

(a) no register of employees is kept as required by section 7 of this Ordinance ; or

(b) the name of an employee, or of a person who was an employee, is or has been omitted from such register ; or

(c) any particulars required by the notice under section 7 of this Ordinance to be entered in the register of employees in respect of any employee are omitted from the register of employees, or are inaccurately stated therein,—

the occupier of the bakery shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding one hundred dollars.

7 of 1949,
s. 3.

(3) Any person who—

(a) wilfully delays the examining officer, or any of his assistants under paragraph (b) of subsection (1) of section 8 of this Ordinance, in the exercise of any power under that section ; or

(b) fails to produce the register of employees which he is required by that section to produce ; or

(c) wilfully withholds any information as to who is the occupier of any bakery ; or

(d) conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by the examining officer ; or

(e) in any way obstructs the examining officer in the exercise of his powers or duties under section 8 of this Ordinance,—

shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding fifty dollars.

(4) Where an offence under subsection (3) of this section takes place in a bakery, the occupier of the bakery shall be guilty of an offence under that subsection.

(5) In subsection (3) of this section the expression “ examining officer ” means the Commissioner of Labour or other officer specified in subsection (1) of section 8 of this Ordinance. 7 of 1949,
s. 3.

10. Where, by reason of an agreement in force at the commencement of this Ordinance between the lessor and the lessee of premises the whole or any part of which is used for the manufacture of bread or flour confectionery or any other work incidental thereto, the lessee is prevented from carrying out structural or other alterations in the premises, the lessee may apply to the magistrate of the judicial district in which the premises are situate and, if the magistrate is satisfied that, having regard to the restrictions on hours of work imposed by or under this Ordinance, the lessee ought reasonably to be allowed to carry out any such structural or other alterations, the magistrate may make such order setting aside or modifying the terms of the agreement as the magistrate considers just and equitable in the circumstances of the case. Power of
magistrate
to modify
agreements.

11. This Ordinance shall not apply in respect of the employment of persons in a bakery in which the sole or principal work carried on is the manufacture of biscuits, or in such part of a bakery as may be specified in an order made by the Governor in Council, being a part in which the Governor in Council is satisfied that the sole or principal work carried on is the manufacture of biscuits. Saving for
work in
biscuit
factories.