(11) FLAX AND HEMP (G.B.)

The Flax and Hemp Wages Council (Great Britain) Wages Regulation Order, 1949

1949 No. 520

Made - - - - 23*rd March*, 1949
Coming into Operation 8*th April*, 1949

F.H. (64)

Whereas the Minister of Labour and National Service (hereinafter referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) (hereinafter referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto, being proposals for fixing the remuneration to be paid by their employers to workers in relation to whom the Council operates in substitution for the remuneration fixed for those workers by the Flax and Hemp Wages Council (Great Britain) Wages Regulation Order, 1948(**a**) (hereinafter referred to as "Order F.H. (60)") as amended by the Flax and Hemp Wages Council (Great Britain) Wages Regulation (No. 2) Order 1948(**b**) (hereinafter referred as to "Order F.H. (62)");

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(**c**), and of all other powers in that behalf hereby makes the following Order:—

Short title and interpretation.

1.—(1) This Order may be cited as the Flax and Hemp Wages Council (Great Britain) Wages Regulation Order, 1949.

(2) In this Order the expression "the specified date" means the 8th day of April, 1949, 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.

(3) The Interpretation Act, 1889(**d**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory minimum remuneration and revocation of Order F.H. (60) and Order F.H. (62).

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto.

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order F.H. (60)(**a**) and Order F.H. (62)(**b**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 23rd day of March, 1949.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

(**a**) S.I. 1948 (No. 237) I, p. 4490.
(**b**) S.I. 1948 (No. 2602) I, p. 4500.
(**c**) 8 & 9 Geo. 6. c. 17,
(**d**) 52 & 53 Vict. c. 63.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order F.H. (60) as amended by Order F.H. (62).

PART I

GENERAL

Paragraph 1

(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part V is:—

(*a*) in the case of a time worker, the hourly general minimum time rate applicable to the worker, under the provisions of this Schedule;

(*b*) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker (that is to say, a worker of ordinary skill and experience in the work) at least the same amount of money as the hourly piece work basis time rate applicable to the worker or, where no such rate applies, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker.

Provided that where an hourly guaranteed time rate is applicable to a piece worker, under paragraph 6 or under paragraph 10 of this Schedule and the remuneration calculated on a time work basis at that rate exceeds the remuneration calculated on the basis of the said piece rates the worker shall be paid not less than that guaranteed time rate.

(2) In this Schedule, the expressions "hourly general minimum time rate," "hourly guaranteed time rate," and "hourly piece work basis time rate" mean respectively the general minimum time rate, the guaranteed time rate, and the piece work basis time rate applicable to a worker under Part II, Part III or Part IV of this Schedule divided in each case by the number of hours in the week (as defined in the next following paragraph).

Paragraph 2

In Part II and Part III of this Schedule the expression "week" means:—

(*a*) in relation to a general minimum time rate or a guaranteed time rate—

(i) in the case of a worker who is employed on time work by the week or longer period or on piece work and whose customary working week (excluding any time in respect of which any minimum overtime rate is payable under the provisions of this Schedule) consists of a number of hours less than 45 but not less than 44, that number of hours;

(ii) in any other case, 45 hours;

(*b*) in relation to a piece work basis time rate—45 hours.

PART II

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

Paragraph 3

	Per week (as defined in paragraph 2) s. d.
(1) The following general minimum time rates are applicable to female workers:—	
(*a*) Spinners aged 18 years or over	*61 9*
(*b*) Spinners aged under 18 years who have completed two years' employment (including any period of learnership) in some or all of the processes of bobbin carrying, doffing, piecing, or assisting at spinning frame, and who are in charge of a frame	*59 10*

	s.	d.
(*c*) Card-cutters aged 18 years or over	*61*	*9*
(*d*) Weavers, winders, reelers and warpers aged 18 years or over	*61*	*9*
(*e*) All other workers (except the learners to whom the minimum rates specified in paragraph 4 apply)—		
Workers aged—18 years or over	*55*	*10*
17 and under 18 years	*45*	*11*
16 „ „ 17 „	*39*	*8*
under 16 years	*32*	*9*

(2) For the purposes of this paragraph a winder is a worker (other than a bit or beating winder) who is employed wholly or mainly, on winding from the reel, hank or bobbin.

LEARNERS AND WEAVING TEACHERS

Paragraph 4

(1) The following general minimum time rates are applicable to female learners:—

(*a*) Learners employed in weaving, warping, winding, reeling or spinning for one period of learnership not exceeding six months where such learnership is commenced—		
(i) At 16 years of age or over	*30*	*6*
(ii) Under 16 years of age	*27*	*1*
(*b*) Learners employed in card-cutting for one period of learnership not exceeding twelve months where such learnership is commenced—		
(i) At 16 years of age or over:—		
During the first six months of learnership	*30*	*6*
During the second six months of learnership	*33*	*11*
(ii) Under 16 years of age:—		
During the first six months of learnership	*27*	*1*
During the second six months of learnership	*29*	*4*

(2) For the purpose of this paragraph a learner is a female worker who is employed during the whole or a substantial part of her time in learning weaving, warping, winding, reeling, spinning or card-cutting by an employer who ensures that she receives reasonable and proper facilities for such learning and, in the case of a learner employed in weaving, is placed under a competent worker to be taught.

(3) Notwithstanding the provisions of paragraph 3 of this Schedule, the weekly remuneration applicable to a worker who is employed in teaching a learner weaving shall be not less than the sum of the following amounts, that is to say—

(*a*) the amount obtained by multiplying the worker's average hourly earnings during the previous eight weeks (exclusive of any week during which she was teaching a learner) by the number of hours constituting the worker's normal working week while teaching the learner;

(*b*) the amount (if any) by which the piece work basis time rate in paragraph 5 of this Schedule exceeds the piece work basis time rate which was applicable at the end of the period of eight weeks specified in (*a*); and

(*c*) *seven shillings and sixpence a week.*

PIECE WORK BASIS TIME RATE

Paragraph 5

	Per week of 45 hours s. d.
The piece work basis time rate applicable to female workers employed on piece work is	*62 10*

GUARANTEED TIME RATES FOR PIECE WORKERS

Paragraph 6

	Per week (as defined in paragraph 2) s. d.
The guaranteed time rates applicable to female workers employed on piece work (not being learners specified in paragraph 4) are as follows:—	
Workers aged—	
18 years or over	*55 10*
17 and under 18 years	*45 11*
16 „ „ 17 „	*39 8*
under 16 years	*32 9*

PART III

MALE WORKERS

GENERAL MINIMUM TIME RATES

Paragraph 7

	Per week (as defined in paragraph 2) s. d.
Subject to the provisions of Part IV of this Schedule, the following general minimum time rates are applicable to male workers:—	
(*a*) Tenters aged 21 years or over	*106 10*
(*b*) Under-tenters aged 21 years or over—	
(i) During the first year of employment as an under-tenter at or after the age of 21 years	*78 5*
(ii) During the second and third years of employment as an under-tenter after the age of 21 years	*86 5*
(iii) Thereafter	*94 1*
(*c*) Dressers, mounters, card-cutters and hacklers (hand-dressers) aged 21 years or over	*100 6*
(*d*) Hemp-rollers on non-reciprocating machines and hemp-breakers aged 21 years or over	*102 8*
(*e*) Day Shift spinners—	
Workers aged—	
21 years or over	*88 8*
20 and under 21 years	*75 6*
19 „ „ 20 „	*68 0*
18 „ „ 19 „	*61 1*
17 „ „ 18 „	*46 1*
(*f*) Night Shift spinners—	
Workers aged—	
21 years or over	*90 1*
20 and under 21 years	*77 0*
19 „ „ 20 „	*69 5*
18 „ „ 19 „	*62 3*

	s.	d.
(*g*) Weavers aged 21 years or over—		
(i) During the first six months of employment as a weaver at or after the age of 21 years	*86*	*5*
(ii) Thereafter	*94*	*1*
(*h*) All other workers (except the apprentices and improvers to tenting or dressing to whom paragraph 8 applies):—		
Workers aged—		
21 years or over	*86*	*5*
20 and under 21 years	*73*	*8*
19 „ „ 20 „	*66*	*5*
18 „ „ 19 „	*59*	*8*
17 „ „ 18 „	*46*	*1*
16 „ „ 17 „	*39*	*4*
under 16 years	*32*	*6*

APPRENTICES AND IMPROVERS TO TENTING OR DRESSING

Paragraph 8

	Per week (as defined in paragraph 2) s.	d.
(1) Subject to the provisions of Part IV of this Schedule, the following general minimum time rates are applicable to male workers:—		
(*a*) Apprentices to tenting, aged 16 years or over, whose employment complies with the provisions of Part VI of this Schedule—		
During the—		
1st year of apprenticeship	*33*	*8*
2nd „ „	*39*	*4*
3rd „ „	*48*	*1*
4th „ „	*66*	*1*
(*b*) Improvers to tenting—		
During the 1st year of employment as an improver	*79*	*6*
During the 2nd year of employment as an improver	*97*	*8*
(*c*) Apprentices to dressing aged 16 years or over, whose employment complies with the provisions of Part VI of this Schedule—		
During the—		
1st year of apprenticeship	*33*	*8*
2nd „ „	*39*	*4*
3rd „ „	*48*	*1*
(*d*) Improvers to dressing—		
During the one year of employment as an improver	*66*	*1*

(2) For the purposes of this paragraph:—

(*a*) An improver to tenting is a male worker who having completed 4 years' apprenticeship as an apprentice tenter in accordance with the provisions of Part VI of this Schedule has had thereafter less than two years' employment in tenting and is the holder of a certificate of registration as an improver to tenting issued by, or on behalf of, the Wages Council or has made application for such certificate which has been acknowledged and is still under consideration;

(*b*) An improver to dressing is a male worker who having completed three years' apprenticeship as an apprentice dresser in accordance with the provisions of Part VI of this Schedule has had thereafter less than one year's employment in dressing.

PIECE WORK BASIS TIME RATE
HOSE-PIPE WEAVERS

Paragraph 9

	Per week of 45 hours s. d.
The piece work basis time rate applicable to male hose-pipe weavers employed on piece work on power or hand looms is	*99 8*

GUARANTEED TIME RATES FOR PIECE WORKERS
WEAVERS

Paragraph 10

	Per week (as defined in paragraph 2) s. d.
The guaranteed time rates applicable to male weavers employed on piece work are as follows:—	
(i) During the first six months of employment as a weaver at or after the age of 21 years	*86 5*
(ii) Thereafter	*94 1*

PART IV
MALE WORKERS WHOSE TRAINING HAS BEEN INTERRUPTED BY WAR SERVICE

Paragraph 11

Notwithstanding the provisions of Part III of this Schedule—

(*a*) where a worker whose employment has been interrupted by war service, has completed his period of training as a tenter, dresser or mounter under the scheme entitled I.A.S./Scheme No. 53 for the training of apprentices whose apprenticeship has been interrupted by war service, which scheme was adopted by the Wages Council and approved by the Minister on the 17th June, 1946, the minimum remuneration applicable to that worker shall be that applicable to a tenter, dresser or mounter, as the case may be, aged 21 years or over.

(*b*) where a worker immediately before entering on war service—

(i) was undergoing with an employer a course of training of not less than 4 years duration in the occupation of tenting or 3 years in the occupation of dressing or mounting, and

(ii) had completed, in the case of tenting, at least 3 years' employment in such occupation or in the case of dressing or mounting 2 years' employment in such occupation,

the minimum remuneration applicable to that worker on re-employment in the same occupation shall be that applicable to a tenter, dresser or mounter, as the case may be, aged 21 years or over.

Paragraph 12

In this Schedule the expression "war service" means any period of whole-time service in—

(*a*) His Majesty's Armed Forces (including training under the Military Training Act, 1939);

(*b*) The Merchant Navy or Mercantile Marine;

(*c*) The Civil Defence Services;

(*d*) The National Fire Service;

(*e*) The Police Auxiliary;

(*f*) The Civil Nursing Reserve;

(*g*) Any of the capacities mentioned in the First Schedule to the Reinstatement in Civil Employment Act, 1944; or

(*h*) Any other work of national importance, including industrial work, under arrangements made or approved by the Minister.

PART V

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES—ALL WORKERS

Paragraph 13

(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to any worker as follows:—

(*a*) on any day other than a Saturday, Sunday or a customary holiday—

(i) for the first two hours worked in excess of 8¼ hours .. .. TIME-AND-A-QUARTER

(ii) thereafter .. .. TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

(*b*) on a Saturday, not being a customary holiday—

for all time worked in excess of 3¾ hours .. TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

(*c*) on a Sunday or a customary holiday—

for all time worked .. .. DOUBLE TIME

(2) Subject to the provisions of sub-paragraph (3) of this paragraph where the employer and the worker by agreement in writing fix in respect of each week day or shift the number of hours after which a minimum overtime rate shall be payable and the total number of such hours amounts to 45 weekly, the following minimum overtime rates shall be payable in substitution for those set out in sub-paragraph (1) of this paragraph—

(*a*) on any day other than a Saturday, Sunday or customary holiday—

(i) for the first two hours worked in excess of the agreed number of hours .. .. .. TIME-AND-A-QUARTER

(ii) thereafter .. .. TIME-AND-A-HALF

(*b*) on a Saturday, not being a customary holiday—

for all time worked in excess of the agreed number of hours .. .. TIME-AND-A-HALF

Provided that where the said agreement provides that Saturday shall not normally be a working day, the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

(*c*) on a Sunday or a customary holiday—

for all time worked .. .. DOUBLE TIME

(3) Where a worker is employed on a turn of duty which commences on one day and extends into the following day, the whole of that turn of duty shall, for the purposes of this paragraph, be treated as occurring on the day on which the worker was required to commence such turn.

Paragraph 14

In this Part of this Schedule:—

(1) The expression "customary holiday" means any day which is a statutory holiday and any day which is customarily observed as a holiday in the flax and hemp trade in the district in which the employer's establishment is situated, but the number of such customary holidays shall not exceed 11 working days in any year.

(2) The expressions "time-and-a-quarter," "time-and-a-half" and "double time" mean respectively:—

(*a*) in the case of a time worker, one-and-a-quarter times, one-and-a-half times and twice the hourly general minimum time rate otherwise applicable to the worker;

(*b*) in the case of a female worker employed on piece work:—

(i) a time rate equal respectively to one-quarter, one-half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*) of this Schedule;

(*c*) in the case of a male hose-pipe weaver employed on piece work:—

(i) a time rate equal respectively to one-quarter, one-half and the whole of hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*) of this Schedule;

(*d*) in the case of any other male worker employed on piece work:—

(i) a time rate equal respectively to one-quarter, one-half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply and in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*) of this Schedule.

WAITING TIME

Paragraph 15

(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—

(*a*) without the employer's consent, express or implied;

(*b*) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;

(*c*) by reason only of the fact that he is resident thereon; or

(*d*) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable to him if he were employed as a time worker.

PART VI

CONDITIONS AS TO RATES FOR MALE APPRENTICES AND PROSPECTIVE APPRENTICES TO TENTING OR DRESSING

Paragraph 16

Subject to the provisions of this Part of this Schedule, the general minimum time rates applicable to apprentices to tenting or dressing under paragraph 8 of this Schedule apply only where the following conditions are fulfilled:—

(*a*) The apprentice shall be employed during the whole of his time under a written contract of apprenticeship, for a period of four years in the case of an apprenticeship to tenting or three years in the case of an apprenticeship to dressing, which has been duly executed and (except in the case of an apprenticeship arranged at the sole charge of a public charity) duly stamped, and which contains the following provisions, or provisions substantially to the same effect, and no provisions contrary thereto:—

(i) the apprentice of his own free will and with the consent of the guardian binds himself to serve the employer as his apprentice in his trade for the term of 3 or 4 years as aforesaid;

(ii) the employer will employ the apprentice as his apprentice during the said term, and to the best of his power, skill and knowledge instruct the apprentice, or cause him to be instructed, in tenting or dressing as the case may be;

(iii) the employer will keep the apprentice under his own supervision, or place him under the supervision of one or more fully qualified journeymen; and

(iv) the employer will, during the term of the apprenticeship, afford the apprentice reasonable facilities, during working hours if necessary, to attend classes at which technical instruction in the principles of the operation being taught is given, or, if at any time no such class exists in the district in which the apprentice is employed, the employer will place the apprentice under the charge of one of his own workers, who need not be a journeyman mentioned in (iii) of this subparagraph, but is competent to instruct the apprentice in the elementary principles of the operation being taught.

(*b*) The apprentice shall be the holder of a certificate of registration of apprenticeship issued by, or on behalf of, the Wages Council or of the Trade Board which preceded the Wages Council, or shall have made application for such certificate which has been duly acknowledged and is still under consideration.

Provided that the Wages Council may decline to issue a certificate in any case where it is not satisfied that the said conditions have been complied with at the date of the application therefor, and the Council may at any time thereafter cancel the certificate, if, in its opinion, any of the said conditions have not been complied with.

PROSPECTIVE APPRENTICES

Paragraph 17

Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective apprentice to tenting or dressing for a probationary period not exceeding 12 weeks and all the conditions specified in the foregoing paragraph other than those with regard to employment under a written contract of apprenticeship and certification by the Wages Council are fulfilled, the minimum remuneration applicable to that worker during the said period shall be that applicable to an apprentice employed in accordance

with the conditions specified in the said paragraph, and in the event of the worker being continued thereafter at his employment as an apprentice, the probationary period shall for the purposes of this Schedule be treated as part of the period of apprenticeship, whether or not it is included therein.

Provided that where the employer does not on or before the last day of the said probationary period enter into with the worker such a contract of apprenticeship as is mentioned in the said paragraph, the employer shall pay to the worker a sum equal to the difference between the minimum remuneration payable to him as a prospective apprentice and the amount that would have been payable to him had the provisions of this paragraph not applied.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 18

This Schedule applies to the workers in relation to whom the Flax and Hemp Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Flax and Hemp Trade, Great Britain) (Constitution and Proceedings) Regulations, 1940(a), that is to say:—

The preparing, spinning, and weaving (*a*) of scutched flax, (*b*) of hemp, (*c*) of a mixture of scutched flax and any other fibre, or (*d*) of a mixture of hemp and any other fibre;

INCLUDING:—

(1) The preparing and spinning of waste reclaimed at any stage; and

(2) All packing, despatching, warehousing, storing, or other operations incidental to or appertaining to any of the above-mentioned work:

BUT EXCLUDING:—

(1) The calendering, bleaching, dyeing or finishing of any of the above-mentioned materials; and

(2) The preparing or spinning of materials required for the making or re-making of (*a*) rope (including driving rope and banding), (*b*) cord (including blind and window cord, but excluding silk, worsted and other fancy cords), (*c*) core for wire ropes, (*d*) lines, (*e*) twine (including binder and trawl twine), (*f*) lanyards, (*g*) net and similar articles when such spinning or preparing is carried on in the same factory or workshop as the said making or re-making; and

(3) The making or repair of sacks or bags; and also

(4) The weaving of carpets, rugs and mats.

EXPLANATORY NOTE

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

The Schedule to this Order sets out the statutory minimum remuneration payable as from the 8th April, 1949, to workers in relation to whom the Flax and Hemp Wages Council (Great Britain) operates. It supersedes the Schedule to Order F.H. (60) (as amended). New provisions are printed in italics.

(a) S.R. & O. 1940 (No. 1886) I, p. 1031.