(10) HAT, CAP AND MILLINERY

(i) *England and Wales.* | (ii) *Scotland*, p. 4519.

(i) ENGLAND AND WALES

The Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation Order, 1948

1948 No. 2000

Made - - - - 1st *September*, 1948
Coming into Operation 17th *September*, 1948

H.M. (38)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Hat, Cap and Millinery Wages Council (England and Wales) (hereinafter referred to as " the Wages Council ")—

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for fixing the remuneration to be paid by their employers to workers in relation to whom the Wages Council operates in substitution for the remuneration fixed for those workers by the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1946(**a**) (hereinafter referred to as " Order H.M. (34) ") as amended by the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation Order, 1947(**b**) (hereinafter referred to as " Order H.M. (36) ");

(*b*) the wages regulation proposals set out in the Second Schedule hereto, being proposals for amending the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1946(**c**) (hereinafter referred to as Order H.M. (32)), which contains (amongst other provisions) provisions requiring workers in relation to whom the Wages Council operates to be allowed holidays by their employers and fixing holiday remuneration to be paid by their employers to those workers;

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

8 & 9 Geo. 6. c. 17.

Short title and interpretation.

1.—(1) This Order may be cited as the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation Order, 1948.

(2) In this Order the expression " the specified date " means the 17th day of September, 1948, 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.

52 & 53 Vict. c. 63.

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

(**a**) S.R. & O. 1946 (No. 1788) I, p. 1924.
(**b**) S.R. & O. 1947 (No. 2285) I, p. 2475.
(**c**) S.R. & O. 1946 (No. 815) I, p. 1917.

Fixing of statutory minimum remuneration and revocation of Orders H.M. (34) and H.M. (36).

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

(2) The provisions of the First Schedule hereto shall have effect as from the specified date and as from that date Order H.M. (34) (a) as amended by Order H.M. (36) (b) shall cease to have effect.

Amendment of Order H.M. (32).

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

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 1st day of September, 1948.

H. H. Wiles,
Deputy Secretary of the
Ministry of Labour and National Service.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order H.M. (34) as amended by Order H.M. (36).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 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 general minimum time rate payable to the worker under Part II or Part III 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 at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

Paragraph 2

The general minimum time rates payable to male workers are as follows:—

	Per hour s.	d.
(*a*) Cutters, blockers, body makers or finishers, stiffeners or shapers, (as defined in paragraph 13) employed in a section of the trade other than the felt hat section	2	4

(a) S.R. & O. 1946 (No. 1788) I, p. 1924.
(b) S.R. & O. 1947 (No. 2285) I, p. 2475.

	Per hour s. d.
(*b*) Workers employed in the felt hat (wool) section of the trade on any of the operations of— hardening; planking processes of barrel twisting, hand planking or hand stretching; proofing (head man only); dyeing (head man only); blocking (other than coning when the operation is preparatory to blocking); pressing; finishing; curling; flanging; cutting; ironing and paring; velouring; if they have worked in any section of the trade on one or more of such operations for at least three years after the age of *18 years*	2 4
(*c*) Workers employed in the felt hat (fur) section of the trade on any of the operations of— forming; hardening; planking; proofing (head man only); dyeing (head man only); blocking; pressing; finishing; brushing; curling and steaming; flanging; cutting; ironing and paring; trimming; velouring, if they have worked in any section of the trade on one or more of such operations for at least three years after the age of *18 years*	2 4
(*d*) All other workers:—	
Workers aged *21 years* or over	1 11½
,, ,, 20 and under 21 years	1 7½
,, ,, 19 ,, ,, 20 ,, ...	1 4½
,, ,, 18 ,, ,, 19 ,, ...	1 2½
,, ,, 17 ,, ,, 18 ,, ...	1 0½
,, ,, 16 ,, ,, 17 ,, ...	10½
,, ,, *under 16 years*	8½
Provided that the general minimum time rate payable during his first year's employment in the trade to a worker specified in this sub-paragraph, who enters, or has entered, the trade for the first time at the age of 19 years or over shall be:—	
During the first six months of such employment ...	1 2½
,, ,, second ,, ,, ,, ,, ,, ...	1 3½

PIECE WORK BASIS TIME RATES

Paragraph 3

The piece work basis time rates applicable to male workers of any age employed on piece work are—

	Per hour s. d.
(*a*) Workers specified in sub-paragraph (*a*), (*b*) or (*c*) of paragraph 2 of this Schedule	2 6
(*b*) All other workers	2 1½

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

Paragraph 4

The general minimum time rates payable to female workers are as follows:—

	Per hour s. d.
(*a*) Learners (as defined in and whose employment complies with the conditions specified in paragraph 13) during the following periods of employment in the trade:—	
1st six months	7½
2nd ,, ,, ...	9
2nd year	10½
3rd ,, ...	1 1

	Per hour s.	d.
Provided that a learner who enters, or has entered, the trade for the first time at the age of 18 years or over shall be treated for the purpose of this sub-paragraph as though she had, at the date of her entry, completed her first year's employment as a learner in the trade.		
(*b*) *Workers who have completed three years' employment as a learner and are under 18 years of age*	1	1
(*c*) All other workers (including home workers)	1	5

PIECE WORK BASIS TIME RATE

Paragraph 5

The piece work basis time rate applicable to a female worker of any age employed on piece work is	1	6½

PART IV

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

Paragraph 6

Where any worker has completed *a full course of training* as a machinist in the cloth hat and cap section of the trade under the Government Vocational Training Scheme for resettlement training, such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as if it were—

(*a*) in the case of a female worker, a period of *3 years'* employment as a learner in the trade, or

(*b*) in the case of a male worker, a period of at least one year's employment in the trade at the age of *21 years or over.*

MALE OR FEMALE WORKERS WHOSE EMPLOYMENT OR TRAINING HAS BEEN INTERRUPTED BY WAR SERVICE

Paragraph 7

(1) Where a worker whose employment has been interrupted by war service has completed a period of training under the Scheme entitled I.A.S./Scheme No. 45 for the training of apprentices whose apprenticeship has been interrupted by war service (which Scheme was adopted by the Wages Council for the trade and approved by the Minister on the 24th day of December, 1946), he shall be treated, for the purposes of this Schedule—

(*a*) if a male worker of an occupation specified at (*a*), (*b*) or (*c*) of paragraph 2 of this Schedule, as a worker who has completed the appropriate period of employment specified, respectively, in sub-paragraphs (2), (3), (4) and (5) of paragraph 13 and at (*b*) and (*c*) of paragraph 2 of this Schedule;

(*b*) if a male worker of any other occupation, as a worker aged *21 years* or over who has worked for at least 12 months in the trade;

(*c*) if a female worker, as a worker who has worked for *3 years* as a learner in the trade.

(2) A worker who immediately before entering on war service was undergoing with an employer a course of not less than three years' training in any of the following occupations or operations, that is to say—

(*a*) in the case of a male or female worker—

(i) in a section of the trade other than the felt hat section—

cutter, blocker, body maker or finisher, stiffener or shaper,

(ii) in the felt hat (wool) section of the trade—

proofing, dyeing, blocking (other than coning when the operation is preparatory to blocking), pressing, finishing, curling, flanging, cutting, ironing and paring, velouring,

(iii) in the felt hat (fur) section of the trade—

forming, hardening, planking, proofing, dyeing, blocking, pressing, finishing, brushing, curling and steaming, flanging, cutting, ironing and paring, trimming, velouring,

or (*b*) in the case of a female worker—stitching, binding, trimming, lining making, wool forming, finishing and hand sewing, machining (being employment on all processes of machining in the making of a hat or cap, but excluding special machining)

and had completed in the case of a male worker, at least two years of employment in such occupation or on such operation after attaining the age of *18 years*, or in the case of a female worker, at least *2 years* of employment as a learner in the trade, shall, on re-employment in the same occupation or operation be treated for the purposes of this Schedule—

(i) if a male worker of an occupation specified at (*a*), (*b*) or (*c*) of paragraph 2 of this Schedule, as a worker who has completed the appropriate period of employment specified, respectively, in sub-paragraphs (2), (3), (4) and (5) of paragraph 13 and at (*b*) and (*c*) of paragraph 2 of this Schedule;

(ii) if a male worker of any other occupation, as a worker aged *21 years* or over who has worked for at least 12 months in the trade;

(iii) if a female worker, as a worker who has worked for *3 years* as a learner in the trade.

Paragraph 8

For the purpose of this Schedule, war service means any period of whole-time service in—

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

(*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(b);

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

PART V

OVERTIME RATES AND WAITING TIME

NORMAL NUMBER OF HOURS

Paragraph 9

Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 10 are payable to workers to whom this Schedule applies as follows:—

(*a*) In any week,

For all time worked in excess of ... ... 44 hours.

Provided that where the worker normally attends on Saturday in alternate weeks only, the weekly minimum overtime rate shall be payable in the week in which attendance on Saturday is required after 46 hours work.

(a) 2 & 3 Geo. 6. c. 25. (b) 7 & 8 Geo. 6. c. 15.

(*b*) On any day other than a Saturday, Sunday or a customary holiday,

For all time worked in excess of ... ... 8¼ hours.

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked after ... ... 9 hours.

(*c*) On a Saturday, not being a customary holiday,

(i) Where the worker normally attends on six days in the week,

For all time worked in excess of ... ... 4 hours.

(ii) Where the worker normally attends on five days only in the week,

For all time worked.

(*d*) On a Sunday or a customary holiday,

For all time worked.

MINIMUM OVERTIME RATES

Paragraph 10

(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

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

(i) where the worker normally attends on six days in the week—

for all time worked in excess of 4 hours ... TIME-AND-A-HALF

(ii) where the worker normally attends on five days only in the week—

for the first two hours worked ... ... TIME-AND-A-QUARTER.

thereafter ... ... TIME-AND-A-HALF.

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

for all time worked ... ... DOUBLE TIME.

(*d*) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 44 hours ... TIME-AND-A-QUARTER.

Provided that, where the worker normally attends on Saturday in alternate weeks only, the said weekly minimum overtime rate shall be payable in the week in which attendance on Saturday is required after 46 hours' work (exclusive of any time in respect of which a minimum overtime rate may be payable as aforesaid).

(2) The minimum overtime rates set out in sub-paragraph (1) (*a*), (*b*) or (*c*) of this paragraph are payable in any week, whether or not the minimum overtime rate set out in sub-paragraph (1) (*d*) of this paragraph is also payable.

(3) Where the worker normally attends on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful), Saturday shall be treated as a Sunday and subject to the provisions of sub-paragraph (4) of this paragraph, Sunday as a Saturday.

(4) Where the worker normally attends on six days in the week and an ordinary weekday is substituted for Saturday or, in a case where the provisions of sub-paragraph (3) of this paragraph apply, for Sunday as the worker's weekly short day, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such substitution is unlawful) that ordinary weekday shall be treated as a Saturday and Saturday or Sunday, as the case may be, as an ordinary weekday.

(5) Where the worker normally attends on five days only in the week, including Saturday, a weekday on which he normally does not attend shall, for the purposes of this Part of this Schedule, be treated as a Saturday, and Saturday as another weekday.

Paragraph 11

In this part of this Schedule—

(1) the expression " customary holiday " means:—

(*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, Good Friday, Easter Monday, Whit Monday and August Bank Holiday; or

(*b*) in the case of each of the said days a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(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 general minimum time rate otherwise payable to the worker;

(*b*) in the case of a piece worker—

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

(ii) piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the said piece work basis time rate.

WAITING TIME

Paragraph 12

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

(*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;

(*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 payable if he were a time worker.

PART VI

INTERPRETATION

Paragraph 13

In this Schedule—

(1) " the trade " means the trade specified in paragraph 15 of this Schedule.

(2) a cutter is a male person who—

(i) is employed in a section of the trade, other than the silk hat section, on one or more of the operations of marking in or cutting any kind of material, laying up, hooking up or stripping and,

(ii) for not less than 3 years after the age of *18 years* has been employed in any section of the trade mainly on one or more of the last mentioned operations.

Provided that the work of a cutter shall not include the cutting of cloth or other textile materials for stitchers of hat leathers or for use as hat linings.

(3) A blocker, body maker, or finisher is a male person who is employed on one or more of the operations of—

(i) covering, pulling-on, or blocking hats or caps; or
(ii) blocking straws, hoods or shapes, of any materials; or
(iii) making shapes by means of a gas block;

and for not less than 3 years after the age of *18 years* has been employed in any section of the trade mainly on one or more of the last mentioned operations.

(4) A stiffener is a male person who is employed in stiffening and has been employed in any section of the trade mainly in stiffening for not less than 3 years after the age of *18 years*.

(5) A shaper is a male person who is employed in putting into shape by hand work the brim part of any hat or helmet which is made on a body or foundation of any material, and has been so employed in any section of the trade for not less than 3 years after the age of *18 years*.

(6) A learner means a female worker who—

(*a*) is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, any branch of the trade or the various processes involved in the making of any of the articles specified in the definition of the trade referred to in paragraph 15 and

(*b*) has received a certificate of registration from the Wages Council, and held subject to compliance with the foregoing provisions of this sub-paragraph, or has made an application to the Wages Council for such certificate, which has been duly acknowledged and is still under consideration,

Provided that—

(i) the certification of a learner may be cancelled by the Wages Council if the provisions of (*a*) of this sub-paragraph are not complied with;

(ii) an employer may employ a learner on her first employment without a certificate for a probationary period not exceeding four weeks, but in the event of such learner being continued thereafter at her employment, the probationary period shall be treated for the purposes of this Schedule as part of her period of learnership; and

(iii) the provisions of (*b*) of this sub-paragraph shall not apply before the date declared by His Majesty in Council under Section 4 of the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940(a), to be the date on which the emergency that was the occasion of the passing of that Act came to an end.

Part VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 14

This Schedule shall not apply to workers employed as machinists in the cloth hat or cap section of the trade during *any period in respect of which they are in receipt of allowances as provided* under the Government Vocational Training Scheme for resettlement training if they are trainees who have been placed by the Ministry of Labour and National Service with the employer for a period of approved training and if the requirements of the said scheme are duly complied with.

(a) 3 & 4 Geo. 6. c. 7.

Paragraph 15

Subject to the provisions of paragraph 14 of this Schedule and to the provisions of the Wages Councils Act, 1945, this Schedule applies to workers in relation to whom the Hat, Cap and Millinery Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the trade specified in Regulation 1 of the Trade Boards (Hat, Cap and Millinery Trade, England and Wales) (Constitution and Proceedings) Regulations, 1928(a), that is to say:—

"The making from any material of men's, women's or children's headgear, or the trimming thereof;

including:—

Warehousing, packing or other operations incidental to or appertaining to the making or trimming of men's, women's or children's headgear;

but excluding:—

(1) The casting and making of solid metal helmets;

(2) The making of rubberised or oilskin headgear where carried on in association with or in conjunction with the making of other rubberised or oilskin articles;

(3) The making of nurses' or servants' caps, chefs' caps, hospital ward caps, or similar articles;

(4) The making of field bonnets, sun bonnets, boudoir caps, or infants' millinery where carried on in association with or in conjunction with the making of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports coats, neckwear, tea-gowns, dressing gowns, dressing jackets, pyjamas, underclothing, under-skirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby linen or similar articles;

(5) The making of fur hats, where made in association with or in conjunction with the manufacture of furs or furriers' skins into garments, rugs or similar articles;

(6) The making of knitted headgear and the making of headgear from knitted fabrics where carried on in association with or in conjunction with the manufacture of the knitted fabrics;

(7) Warehousing, and packing of men's, women's or children's headgear and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made or trimmed on the premises."

SECOND SCHEDULE

HOLIDAYS WITH PAY

The First Schedule to Order H.M. (32) shall be amended by the substitution of the following sub-paragraph for sub-paragraph 6 (1) thereof—

(1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to 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 holiday and he had been employed on work to which statutory minimum remuneration applies:—

(*a*) in the case of a worker normally employed for more than 30 hours a week, for 8½ hours, or

(*b*) in the case of a part-time worker normally employed for 30 hours a week or less, for 4 hours.

(a) S.R. & O. 1928 (No. 678) p. 1269.

EXPLANATORY NOTE

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

1. The First Schedule to this Order sets out the statutory minimum remuneration payable as from 17th September, 1948, to workers in relation to whom the Hat, Cap and Millinery Wages Council (England and Wales) operates.

2. The provisions of Order H.M. (34) as amended by Order H.M. (36) cease to have effect when the provisions of this Order come into force.

3. The provisions of the First Schedule to this Order which differ substantially from those in the First Schedule to Order H.M. (34) (as amended) are set out in italics.

4. The Second Schedule to this Order repeats the amendments to Order H.M. (32) which were contained in Order H.M. (34).

(ii) SCOTLAND

The Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1948

1948 No. 1645 (S. 145)

Made - - - - 15*th July*, 1948
Coming into Operation 2*nd August*, 1948

H.M.S.(32)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Hat, Cap and Millinery Wages Council (Scotland) (hereinafter referred to as " the 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 Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1946(a) (hereinafter referred to as " Order H.M.S.(30) ");

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945, and of all other powers in that behalf hereby makes the following Order:— 8 & 9 Geo. 6. c. 17.

1.—(1) This Order may be cited as the Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1948. Short title and interpretation.

(a) S.R. & O. 1946 (No. 2143) I, p. 1932.