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 for seven and a half hours on his normal work to which statutory minimum remuneration applies.

Provided, however, that payment of the above-mentioned remuneration is subject to the conditions (*a*) that the worker has worked the last working day on which work was available to him preceding the holiday and (*b*) that he presents himself for employment at the usual starting hour on and works the first working day following the holiday, or, if he fails to do so, failure is by reason of proved illness or with the consent of the employer."

(3) In paragraph 11 (*a*) (i) " 22½ hours " shall be substituted for " 24 hours."

EXPLANATORY NOTE

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

The First Schedule to this Order sets out the statutory minimum remuneration payable as from the 14th January, 1949, to workers in relation to whom the Rope, Twine and Net Wages Council (Great Britain) operates. It supersedes the First Schedule to Order R. (91). New provisions are printed in italics.

The Second Schedule to this Order repeats the amendments to the First Schedule to Order R. (84) (which relates to holidays and holiday remuneration) contained in the Second Schedule to Order R. (91), now revoked.

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(23) RUBBER MANUFACTURING (G.B.)

The Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1948

1948 No. 1173

Made - - - - 2nd June, 1948

R.U. (26)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Rubber Manufacturing Wages Council (Great Britain) (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 Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1947(**a**) (hereinafter referred to as " Order R.U. (21) ") as amended by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1947(**b**) (hereinafter referred to as " Order R.U. (24) ");

(**a**) S.R. & O. 1947 (No. 3) I, p. 2597.
(**b**) S.R. & O. 1947 (No. 414) I, p. 2602.

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 Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1948. Short title and interpretation.

(2) In this Order the expression "the specified date" means the 21st day of June, 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.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto. Fixing of statutory minimum remuneration and revocation of Order R.U. (21).

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order R.U. (21) (**a**) as amended by Order R.U. (24) (**b**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 2nd day of June, 1948.

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

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order R.U. (21) as amended by Order R.U. (24).

PART I

GENERAL

Paragraph 11

(1) Subject to the provisions of Part V of this Schedule which relate to guaranteed weekly remuneration and to the provisions of sub-paragraph (2) of this paragraph the minimum remuneration payable to a worker to whom this Schedule applies is as follows:—

(*a*) the supplemental time rate applicable to the worker under Part II of this Schedule, and in addition thereto

(*b*) (i) in the case of a time worker the basic time rate applicable to the worker under Part III of this Schedule;

(ii) in the case of a piece worker, 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 one and a quarter times the basic time rate which would be applicable to the worker under Part III of this Schedule if he were a time worker; or

(**a**) S.R. & O. 1947 (No. 3) I, p. 2597.
(**b**) S.R. & O. 1947 (No. 414) I, p. 2602.

(iii) in the case of a worker remunerated on a system of payment by results, not being a piece worker, such time rates with the addition of bonus rates as would yield to an ordinary worker, in the circumstances of the case, at least the same amount of money as one and a quarter times the basic time rate which would be applicable to the worker under Part III of this Schedule if he were a time worker.

(2) The minimum remuneration specified in sub-paragraph (1) of this paragraph shall be increased as follows:—

(*a*) in respect of any time to which a supplemental overtime rate applies under paragraph 6 of this Schedule, by that rate;

(*b*) in respect of any time to which the night worker's supplemental rate applies under paragraph 8 of this Schedule, by that rate;

(*c*) *in respect of any shift to which the shift worker's supplemental payment applies under paragraph 9 of this Schedule, by that payment;*

Paragraph 2

In this Schedule,

(*a*) " ordinary worker " means a worker of ordinary skill and experience in the class of work in question;

(*b*) " system of payment by results " means a system of payment which, in addition to remuneration related to time worked, includes an amount related to output or saving of time over a standard time, whether such amount is calculated on an individual or a collective basis;

(*c*) " time worker " means any worker who is not a piece worker and who is not remunerated on any other system of payment by results.

PART II

SUPPLEMENTAL TIME RATES

FOR ALL MALE OR FEMALE WORKERS

Paragraph 3

The supplemental time rate applicable to any worker to whom this Schedule applies is as follows:—

	Rate per hour d.
Workers aged 21 years or over	4
" " 20 and under 21 years	4
" " 19 " " 20 "	3¾
" " 18 " " 19 "	3½
" " 17 " " 18 "	3
" " 16 " " 17 "	2½
" " under 16 years	2¼

Part III

BASIC TIME RATES FOR TIME WORKERS

Paragraph 4

The basic time rates applicable to male or female time workers are as follows:—

	Rate per hour	
	Male Workers	*Female Workers*
	s. d.	*s. d.*
Workers aged 21 years or over	*1 7½*	*1 1*
,, ,, 20 and under 21 years	*1 3¾*	*1 0*
,, ,, 19 ,, ,, 20 ,, ...	*1 2*	*11¼*
,, ,, 18 ,, ,, 19 ,, ...	*1 0¼*	*10¼*
,, ,, 17 ,, ,, 18 ,, ...	*10½*	*8½*
,, ,, 16 ,, ,, 17 ,, ...	*8¾*	*7¼*
,, ,, under 16 years	*7¼*	*6¼*

WAITING TIME

Paragraph 5

(1) *A worker is entitled to payment of the minimum remuneration specified in Part I of this Schedule for all time, other than meal times, during which he is present on the premises of his employer and waiting for work to be given to him to perform, provided that he is so present with the employer's consent, express or implied.*

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a worker employed on piece work or on a system of payment by results other than piece work, when not engaged on such work, is that which would be applicable if he were a time worker.

Part IV

SUPPLEMENTAL OVERTIME, NIGHT WORKERS' AND SHIFT WORKERS' RATES

Supplemental Overtime Rates

Paragraph 6

The supplemental overtime rates applicable to any worker to whom this Schedule applies are as follows:—

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

(i) for the first 2 hours worked in excess of 9 hours ... Quarter Time

(ii) thereafter ... ... Half Time

Provided that where the employer normally requires the worker to attend on five days only in the week (workers attending on five shifts being treated as five-day workers), the said overtime rates of quarter time and half time shall be payable after 10 hours' and 12 hours' work respectively;

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

(i) for the first 2 hours worked in excess of 5 hours ... Quarter Time

(ii) thereafter ... ... Half Time

Provided that

(1) where the employer normally requires the worker (not being a worker employed on a double day shift system or a three shift

system) to attend on five days only in the week (workers attending on five shifts being treated as five-day workers) the said overtime rate of quarter time shall be payable in respect of the first *2 hours* worked on a Saturday (or on the sixth shift) and the said overtime rate of half time thereafter;

(2) where the worker is employed on a regular shift which involves work over Friday midnight, the said overtime rates of quarter time and half time shall not apply until 10 hours and 12 hours respectively have been worked on that shift;

(*c*) on a Sunday or customary holiday, for all time worked SINGLE TIME

(*d*) in any week, exclusive of any time for which any overtime rate is payable under the foregoing provisions of this paragraph, for all time worked in excess of *45 hours* ... ... QUARTER TIME

Paragraph 7

In this Schedule

(1) the expression " customary holiday " means—

(*a*) in England and Wales—Christmas Day, Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday or, in the case of any worker, the days which may be substituted for the said days under Section 78 of the Factories Act, 1937(a), in the case of women and young persons employed in a factory;

(*b*) in Scotland—six week days which shall be fixed by the employer and notified by means of a notice posted in the factory throughout not less than three weeks before each such holiday.

Provided that in a burgh two of the said week days shall be those fixed by the town council under Section 78 of the Factories Act, 1937.

(2) the expressions " quarter time ", " half time " and " single time " mean respectively one quarter, one half and the whole of the basic time rate which is applicable to the worker under Part III of this Schedule or which would be so applicable if he were a time worker.

NIGHT WORKERS' SUPPLEMENTAL RATE

Paragraph 8

The night workers' supplemental rate is payable to any worker to whom this Schedule applies in respect of all time worked on any shift which commences between the hours of 6 p.m. and 4 a.m. inclusive and the amount thereof is one fifth of the basic time rate which is applicable to the worker under Part III of this Schedule or which would be so applicable if he were a time worker.

Provided that the night workers' supplemental rate shall not be payable to a worker for any time worked *for which a supplemental overtime rate is payable under paragraph 6 of this Schedule.*

SHIFT WORKERS' SUPPLEMENTAL PAYMENT

Paragraph 9

The shiftworkers' supplemental payment is payable to any worker employed on a double day shift system or on a three shift system and the amount thereof is, in respect of each shift worked, one half of the amount which would be payable to him for one hour's work at the hourly basic time rate applicable to him under Part III of this Schedule or which would be applicable to him if he were a time worker.

Provided that the shift workers' supplemental payment shall not be payable to a worker for any shift in respect of the whole of which a supplemental overtime rate is payable to him under paragraph 6 of this Schedule.

(a) 1 Edw. 8 & 1 Geo. 6. c. 67.

PART V

GUARANTEED WEEKLY REMUNERATION

Paragraph 10

(1) Notwithstanding the foregoing provisions of this Schedule, where in any week the minimum remuneration payable to any worker under those provisions would be less than the guaranteed weekly remuneration provided for by this paragraph, the minimum remuneration payable to that worker for that week shall, in lieu of the minimum remuneration which would otherwise be payable under those provisions, be the guaranteed weekly remuneration provided for by this paragraph.

(2) Guaranteed weekly remuneration in respect of any week shall be payable under this paragraph only to workers who during the three months immediately preceding that week have been in the continuous employment of the employer on work to which this Schedule applies and, for the purpose of this paragraph, a worker shall be treated as having been in the continuous employment of the employer as aforesaid in any week in which he performs any such work or throughout which he is absent on holiday or on account of proved sickness or for any other reason acceptable to the employer.

(3) Subject as is hereinafter provided,

(*a*) A full time worker (that is to say, a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies) shall, in respect of any week, be entitled to be paid guaranteed weekly remuneration for 34 hours calculated in accordance with the provisions of sub-paragraph (4) hereof.

(*b*) A part-time worker (that is to say, a worker who normally works for the employer for less than 36 hours in the week on work to which this Schedule applies) shall, in respect of any week, be entitled to be paid guaranteed weekly remuneration calculated in accordance with the provisions of sub-paragraph (4) hereof for *thirty-four forty-fifths* of the hours normally worked by him in a week for the employer on work to which this Schedule applies.

(4) The guaranteed weekly remuneration in respect of any week shall be calculated as follows:—

(*a*) in respect of any time worked by the worker for the employer, the amount paid, or payable, by the employer to the worker in respect thereof, which amount, in so far as it is attributable to work to which this Schedule applies, shall not be less than the minimum remuneration payable in respect thereof under the provisions of this Schedule other than this paragraph;

(*b*) in respect of any remaining time for which guaranteed weekly remuneration is payable under the provisions of sub-paragraph (3) of this paragraph, the minimum remuneration which would be payable to the worker under the provisions of this Schedule, other than this paragraph, if he were employed as a time worker on his usual work for the employer to which this Schedule applies, and a supplemental overtime rate did not apply thereto.

(5) Guaranteed weekly remuneration is not payable in respect of any week unless during that week, in respect of the hours normally worked by the worker (excluding any time during which he is absent with the permission of the employer), the worker is

(*a*) capable of and available for work; and

(*b*) willing to perform satisfactorily his usual work or such other services as may reasonably be required by the employer when his usual work is not available for him.

(6) Guaranteed weekly remuneration is not payable in respect of any week if the worker is dismissed or suspended in that week by the employer on the ground of serious misconduct and is so informed by the employer at the time of dismissal or suspension.

(7) Guaranteed weekly remuneration is not payable in respect of any week if, during that week, or part of it, the employer is unable to provide work for the worker as the result of strike action where the strike takes place either in the establishment where the worker is employed or in some other establishment belonging to the employer.

(8) If the employer is unable to provide the worker with work because of shortage of supplies or orders or through circumstances beyond the control of the employer (other than the circumstances specified in sub-paragraph (7) above) and gives the worker seven clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or part of which the employer continues to be unable to provide work as aforesaid.

Provided that the guaranteed weekly remuneration payable to a worker in respect of the week in which the said notice expires shall be such proportion of the guaranteed weekly remuneration payable under the provisions of sub-paragraph (3) of this paragraph as the number of the worker's normal working hours on work to which this Schedule applies, falling in that week up to the expiry of the notice, bears to the number of hours in a week normally worked by the worker for the employer on work to which this Schedule applies.

(9) Notwithstanding the foregoing provisions of this paragraph, where in any week a worker is absent from work by reason of a recognised holiday allowed by the employer the guaranteed weekly remuneration payable under the said provisions (hereinafter in this paragraph referred to as " full guaranteed weekly remuneration ") shall be reduced by such proportion of the full guaranteed weekly remuneration as the number of hours for which the worker is absent from work in that week by reason of the holiday aforesaid bears to the number of hours normally worked in a week by the worker for the employer on work to which this Schedule applies.

(10) Where in any week holiday remuneration or accrued holiday remuneration is payable to the worker under any wages regulation order made by the Minister to give effect to the proposals of the Council that remuneration shall be payable in addition to any guaranteed weekly remuneration payable to the worker under the foregoing provisions of this paragraph.

(11) In this paragraph,

(*a*) the expression " recognised holiday " means any annual or customary holiday allowed under a Wages Regulation Order, and any other holiday or half holiday allowed by the employer to the worker upon receipt of a request made by or on behalf of the majority of workers in the establishment.

(*b*) the expression " week " means " pay week."

PART VI

APPLICATION

Paragraph 11

This Schedule does not apply to canteen workers, clerks and bookers, commissionaires, engineers (including workers employed as stokers and boiler firemen in raising steam heat for vulcanisers), maintenance workers, sweepers and cleaners of premises, lift attendants, lavatory attendants or watchmen, but save as aforesaid, this Schedule applies, subject to the provisions of the Wages Councils Act, 1945, to workers in relation to whom the Rubber Manufacturing Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Rubber Manufacturing Branch of the Rubber Manufacturing Trade which branch is specified in the Schedule to

the Trade Boards (Rubber Manufacturing Trade, Great Britain) (Constitution and Proceedings) Regulations, 1939(a), as follows:—

"Subject to the provisions of this Schedule the Rubber Manufacturing branch of the Rubber Manufacturing Trade consists of the following operations:—

1. (*a*) the preparation and manufacture of rubber materials and the manufacture and repair of rubber articles in an establishment wholly or mainly so engaged, or in a branch or department of an establishment being a branch or department wholly or mainly engaged as aforesaid;
   (*b*) the rubberising of fabrics;
   (*c*) all work incidental to the operations specified in sub-paragraphs (*a*) and (*b*) of this paragraph.

2. Notwithstanding anything in this Schedule the following operations are not operations in the Rubber Manufacturing branch of the Trade aforesaid:—
   (*a*) the preparation or manufacture of rubber materials and the manufacture or repair of rubber articles, including work incidental thereto, in a department of a factory, if the factory as a whole is mainly engaged on operations other than those specified in paragraph 1 hereof and the materials and articles are used in the manufacture or repair of articles made or repaired in the factory, not being rubber articles;
   (*b*) the making up from rubberised fabrics of articles other than vulcanised articles;
   (*c*) work performed by dental mechanics;
   (*d*) the manufacture of articles made from asbestos;
   (*e*) the manufacture of electric cables;
   (*f*) the regeneration of used or waste rubber and work incidental thereto.

3. For the purpose of this Schedule:—
   'rubber materials' includes materials wholly or mainly composed of one or more of the following substances or substitutes, that is to say, rubber, gutta percha, balata, rubber compounds and dispersions commonly known in the Rubber Manufacturing Trade as rubber, and substitutes for any of the aforementioned substances if such substitutes are processed on machinery of the kind normally used for processing rubber;
   'rubber articles' includes articles commonly known in the said Trade as rubber articles, gutta percha articles or balata articles;
   'work incidental' includes the work of general factory labourers and storemen."

EXPLANATORY NOTE

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

This Order which has effect from the 21st June, 1948, revokes the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1947 (Order R.U. (21)) as amended by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1947 (Order R.U. (24)), which fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates, and substitutes the statutory minimum remuneration set out in the Schedule to this Order.

The provisions of the Schedule to this Order which differ from those in the Schedule to Order R.U. (21) (as amended) are set out in italics.

(a) S.R. & O. 1939 (No. 236) II, p. 3186.