1956 No. 439

The Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1956

Made - - - - 23*rd March,* 1956
Coming into Operation 16*th April,* 1956

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Rubber Manufacturing Wages Council (Great Britain) the wages regulation proposals set out in the First and Second Schedules hereto;

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

1. This Order may be cited as the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1956.

2.—(1) In this Order the expression "the specified date" means the 16th day of April, 1956, 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.

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

3. The wages regulation proposals set out in the First and Second Schedules hereto shall have effect as from the specified date and as from that date the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1952(**c**) and the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1955(**d**), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 23rd day of March, 1956.

Harold Emmerson,
Secretary,
Ministry of Labour and National Service.

(**a**) 8 & 9 Geo. 6. c. 17.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.I. 1952/1976 (1952 III, p. 3899).
(**d**) S.I. 1955/544 (1955 II, p. 3111).

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1952 (Order R.U. (38)), as amended by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1955 (Order R.U. (42)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(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*) in the case of a time worker, the general minimum time rate applicable to the worker under Part II of this Schedule;

(*b*) 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 that which is applicable to the worker under Part III of this Schedule; or

(*c*) 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 that which is applicable to the worker under Part III of this Schedule.

(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 5 of this Schedule, by that rate;

(*b*) in respect of any time to which the night worker's supplemental rate applies under paragraph 7 of this Schedule, by that rate;

(*c*) in respect of any shift to which the shift worker's supplemental payment applies under paragraph 8 of this Schedule, by that payment.

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;

(*d*) "minimum aggregate remuneration" means the total remuneration payable to the worker, inclusive of amounts related to time worked, to bonus, and to output but exclusive of waiting time and supplemental overtime and night workers' supplemental rates.

PART II

GENERAL MINIMUM TIME RATES

3. The general minimum time rates applicable to male or female workers are as follows:—

	Rate per hour	
	Male Workers	Female Workers
	s. d.	s. d.
Workers aged 21 years or over	3 2½	2 4
,, ,, 20 and under 21 years	2 8	2 2
,, ,, 19 ,, ,, 20 ,, ...	2 4½	1 11¾
,, ,, 18 ,, ,, 19 ,, ...	2 1¼	1 9¾
,, ,, 17 ,, ,, 18 ,, ...	1 10	1 6½
,, ,, 16 ,, ,, 17 ,, ...	1 6¾	1 3¾
,, ,, under 16 years	1 3½	1 1¼

PART III

PIECE WORK AND SYSTEMS OF PAYMENT BY RESULTS

4. The minimum aggregate remuneration applicable to male or female workers employed on piece work or systems of payment by results referred to in (*b*) and (*c*) of sub-paragraph (1) of paragraph 1 of this Schedule is as follows:—

	Rate per hour	
	Male Workers	Female Workers
	s. d.	s. d.
Workers aged 21 years or over	3 10	2 9
,, ,, 20 and under 21 years	3 2¼	2 7
,, ,, 19 ,, ,, 20 ,, ...	2 10	2 4¼
,, ,, 18 ,, ,, 19 ,, ...	2 6	2 1¾
,, ,, 17 ,, ,, 18 ,, ...	2 2	1 9¾
,, ,, 16 ,, ,, 17 ,, ...	1 10¼	1 6½
,, ,, under 16 years	1 6¼	1 3½

PART IV

SUPPLEMENTAL RATES AND PAYMENT, AND WAITING TIME

SUPPLEMENTAL OVERTIME RATES

5. 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 two 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

6. In this Schedule—

(1) the expression "customary holiday" means—

(*a*) in England and Wales—Christmas Day (*or, if Christmas Day falls on a Sunday, such week day 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 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 general minimum time rate which is applicable to the worker under Part II of this Schedule or which would be so applicable if he were a time worker.

NIGHT WORKERS' SUPPLEMENTAL RATE

7. 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 general minimum time rate which is applicable to the worker under Part II 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 5 of this Schedule.

SHIFT WORKERS' SUPPLEMENTAL PAYMENT

8. The shift workers' 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

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

would be payable to him for one hour's work at the hourly general minimum time rate applicable to him under Part II 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 5 of this Schedule.

WAITING TIME

9.—(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 V

GUARANTEED WEEKLY REMUNERATION

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 the proved sickness of the worker or for any other reason acceptable to the employer.

(3) Subject as is hereinafter provided "guaranteed weekly remuneration" means—

(*a*) as respects 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) remuneration calculated in accordance with the provisions of sub-paragraph (4) hereof for four days or shifts.

(*b*) as respects 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) remuneration calculated in accordance with 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*) "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*) "week" means "pay week".

(*c*) "day or shift" means the number of hours, exclusive of overtime, normally worked by the worker on a full working day or shift in the week, or, where the length of the full working day or shift varies during the week, the average of the number of hours (exclusive of overtime) normally worked by the worker on the first four full working days or shifts in the week.

PART VI

APPLICATION

11. This Schedule does not apply to workers who are persons registered as handicapped by disablement in pursuance of the Disabled Persons (Employment) Act, 1944(a), in respect of their employment by Remploy Limited or 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 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(b), 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 operation 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

(a) 7 & 8 Geo. 6. c. 10. (b) S.R. & O. 1939/236 (Rev. XXIII, p. 491: 1939 II, p. 3186).

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."

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951(a), (Order R.U. (34)), shall have effect as if in the Schedule thereto for sub-paragraph (1) of paragraph 6 (which relates to holiday remuneration for customary holidays and holidays in lieu of customary holidays) there were substituted the following sub-paragraph:—

"(1) Subject to the condition that the worker is in attendance for the normal hours of his employment, in the case of a customary holiday, on the last working day immediately preceding and the first working day immediately following the customary holiday, and, in the case of a holiday in lieu of a customary holiday on the first working day immediately following the holiday in lieu of a customary holiday, a worker shall be paid by his employer in respect of each day which he is entitled to be allowed as a holiday under paragraph 2 of this Schedule—

(*a*) in the case of a worker other than a part-time worker, holiday remuneration equal to the 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 for 9 hours on work for which statutory minimum remuneration is payable;

(*b*) in the case of a part-time worker, holiday remuneration equal to an amount which is in the same proportion to the remuneration to which the worker would be entitled for that day of holiday under the provisions of (*a*) of this sub-paragraph if he were not a part-time worker, as the number of his normal hours of work on the day in the week allowed as a customary holiday or as a holiday in lieu of a customary holiday, as the case may be, bears to 9, and in this paragraph 'part-time worker' has the same meaning as in paragraph 10 of this Schedule."

EXPLANATORY NOTE

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

This Order has effect from the 16th April, 1956. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1952 (Order R.U. (38)), as amended by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1955 (Order R.U. (42)).

New provisions in the First Schedule are printed in italics.

The Second Schedule repeats without alteration the amendment to the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951 (Order R.U. (34)), contained in Order R.U. (38).

Order R.U. (38) and Order R.U. (42) are revoked.

(a) S.I. 1951/1080 (1951 II, p. 1274).