(26) SHIRTMAKING (G.B.)

The Shirtmaking Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1948

1948 No. 1254

Made - - - - 14*th June*, 1948
Coming into Operation 2*nd July*, 1948

S. (35)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Shirtmaking 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 Shirtmaking Wages Council (Great Britain) Wages Regulation Order, 1946(**a**) (hereinafter referred to as " Order S. (30) ") as amended by the Shirtmaking Wages Council (Great Britain) Wages Regulation Order, 1948(**b**) (hereinafter referred to as " Order S. (33)");

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 Shirtmaking Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1948.

(2) In this Order the expression " the specified date " means the 2nd day of July, 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.

Fixing of statutory minimum remuneration and revocation of Order S. (30).

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 S. (30) (**a**) as amended by Order S. (33) (**b**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 14th 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 S. (30) as amended by Order S. (33).

Paragraph 1 PART I—GENERAL.

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 IV 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;

(**a**) S.R. & O. 1946 (No. 599) I, p. 2158. (**b**) S.I. 1948 No. 687.

(*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 or, where no piece work basis time rate is applicable, at least the same amount of money as the general minimum time rate which would be payable if the worker were a time worker.

PART II.—MALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

	Col. 1 General minimum time rates per hour	Col. 2 Piece work basis time rates per hour
	s. d.	s. d.
Paragraph 2		
Subject to the provisions of this Schedule, the general minimum time rates set out in column 1 of this paragraph are payable to male time workers and the piece work basis time rates set out in column 2 are applicable to male workers when employed on piece work, as follows :—		
(*a*) SPECIAL OR MEASURE CUTTERS, PATTERN CUTTERS OR PATTERN TAKERS, who are employed as such during the whole or a substantial part of their time and have had after the age of 18 years not less than three years' employment as a cutter of any class specified in this or the next following sub-paragraph including not less than two years as a measure cutter	2 7	2 9
(*b*) CUTTERS, aged 21 years or over, who are employed as such during the whole or a substantial part of their time and have had not less than four years' employment as a cutter of any class specified in this or the last preceding sub-paragraph	2 5	2 7
(*c*) TIE CUTTERS, aged 22 years or over, who are employed during the whole or a substantial part of their time in tie cutting and have had at least five years' experience therein	2 7	2 9
(*d*) TIE CUTTERS (not being workers to whom sub-paragraph (*c*) applies) aged 21 years or over, who are employed during the whole or a substantial part of their time in tie cutting and have had at least four years' experience therein	2 5	2 7
(*e*) ALL OTHER MALE WORKERS—		
Workers aged 21 years or over	2 1½	
,, ,, 20 and under 21 years ...	1 7½	
,, ,, 19 ,, ,, 20 ,, ...	1 5	
,, ,, 18 ,, ,, 19 ,, ...	1 3	
,, ,, 17 ,, ,, 18 ,, ...	1 1	
,, ,, 16 ,, ,, 17 ,, ...	10½	
,, ,, under 16 years	8½	

PART III—FEMALE WORKERS

GENERAL MINIMUM TIME RATES

Paragraph 3

(1) Subject to the provisions of this Schedule, the general minimum time rates payable to female time workers are as follows:—

	Per hour s.	d.
(*a*) CONVEYOR BELT MACHINISTS (that is to say, female persons employed in machining any work conveyed direct to or from them on a mechanical conveyor belt) not being learners	1	6½
(*b*) LEARNERS during the following periods of employment in the trade:—		
1st six months		7½
2nd six months		9
2nd year		10½
3rd year	1	1
Provided that a worker who enters, or has entered, the trade for the first time at the age of 18 years or over shall be treated for the purposes of this paragraph as though she had, at the date of her entry, completed one year of employment as a learner.		
(*c*) ALL OTHER WORKERS (including home workers) ...	1	5

(2) For the purpose of determining the period of a learner's employment in the trade and the date on which she ceases to be a learner, there shall be reckoned as employment in the trade any employment in any branch of the trade or in the making, wherever carried on, of overalls for male or female persons.

PIECE WORK BASIS TIME RATE

Paragraph 4

	Per hour s.	d.
The piece work basis time rate applicable to a female worker of any age (including home workers) employed on piece work is	1	6½

PART IV—OVERTIME AND WAITING TIME

NORMAL NUMBER OF HOURS

Paragraph 5.

Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 6 are payable to a worker in respect of any time worked—

(*a*) in excess of the hours following, that is to say,

(i) in any week	44 hours
or, where the employer normally requires the worker's attendance on Saturday in alternate weeks only, in the week in which attendance on Saturday is required ...	46 hours
(ii) on any day other than a Saturday, Sunday or customary holiday	8¼ hours
or, where the employer normally requires the worker's attendance on 5 days only in the week	9 hours

(iii) on a Saturday, not being a customary holiday, where the employer normally requires the worker's attendance on 6 days in the week ... ... 4 hours

(*b*) on a Sunday or customary holiday, or, where the employer normally requires the worker's attendance on 5 days only in the week, on a Saturday.

MINIMUM OVERTIME RATES

Paragraph 6

(1) Minimum overtime rates are payable to any worker as follows:—

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

(i) for the first 2 hours worked in excess of 8½ hours ... ... TIME-AND-A-QUARTER.

(ii) for the next 2 hours ... ... TIME-AND-A-HALF.

(iii) thereafter ... ... DOUBLE TIME.

Provided that where the employer normally requires the worker's attendance on 5 days only in the week, the said minimum overtime rates of time-and-a-quarter, time-and-a-half and double time shall be payable after 9, 11 and 13 hours' work respectively;

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

(i) where the employer normally requires the worker's attendance on 6 days in the week—

for the first 4 hours worked in excess of 4 TIME-AND-A-HALF.

thereafter ... ... DOUBLE TIME.

(ii) where the employer normally requires the worker's attendance on 5 days only in the week—

for the first 2 hours worked ... ... TIME-AND-A-QUARTER.

for the next 2 hours ... ... TIME-AND-A-HALF.

thereafter ... ... DOUBLE TIME.

(*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 any 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 employer normally requires the worker's attendance 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 is 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*) is also payable.

(3) Where the employer normally requires the worker's attendance 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 an ordinary week-day 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 week-day shall be treated as a Saturday, and Saturday or Sunday as the case may be, shall be treated as an ordinary week-day.

Paragraph 7

In this Part of this Schedule—

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

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such other 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.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;
the local Autumn holiday; and

three other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the 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 worker employed on piece work (other than a worker specified in paragraph 2 (*e*) of this Schedule or a learner)—

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

(ii) the piece rates otherwise payable to the worker under paragraph 1 (*b*) of this Schedule;

(*c*) in the case where a worker specified in paragraph 2 (*e*) of this Schedule is employed on piece work—

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

(ii) the piece rates otherwise payable to him under paragraph 1 (*b*) of this Schedule;

(*d*) in the case of a learner employed on piece work—

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

(ii) the piece rates otherwise payable to her under paragraph 1 (*b*) of this Schedule.

WAITING TIME

Paragraph 8

(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 V—INTERPRETATION

Paragraph 9

In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby expressly assigned to them:—

(1) A CUTTER is a worker (other than a special or measure cutter, a pattern cutter or a pattern taker) substantially employed in one or more of the following processes:—

(*a*) marking-in or marking-out or marking-up materials;

(*b*) laying-up or hooking-up or folding materials;

(*c*) cutting materials; and

(*d*) dividing, that is to say, the process ordinarily carried on by cutters or their assistants of dividing, parting or separating parts of garments which are being cut and of assembling them into suitable bundles for making-up;

(2) A LEARNER is a female worker who—

(*a*) is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides her with reasonable facilities for such learning;

(*b*) does not work in a room used for dwelling purposes, except where she is in the employment of her parent or guardian, and

(*c*) has received a certificate of registration of learnership from the Council, or has made an application to the 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 Council if the foregoing provisions of this sub-paragraph are not complied with;

(ii) an employer may employ a learner on her first employment in any branch of the trade to which this Schedule applies 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 provision with regard to a certificate shall not apply before the date declared by His Majesty in Council under section four 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;

(3) A SPECIAL OR MEASURE CUTTER is a worker who—

(*a*) is able to take a complete set of measures and cut from model patterns; and

(*b*) has sufficient technical knowledge to alter patterns (excluding stock patterns);

(4) " THE TRADE " means the shirtmaking trade as specified in paragraph 11 of this Schedule.

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

Paragraph 10

A worker who has completed his period of training under the Government Vocational Training Scheme as a male cutter or as a female machinist shall, for the purpose of this Schedule be treated—

(i) in the case of a male worker, as a cutter or a tie cutter as the case may be, aged 21 years or over who has had not less than four years' employment as a cutter or tie cutter;

(ii) in the case of a female worker, as a worker who has worked for three years as a learner in the trade.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 11

Subject to the provisions of paragraph 12 of this Schedule and to the provisions of the Wages Councils Act, 1945, this Schedule applies to workers in relation to whom the Shirtmaking Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in any branch of the trade specified in the Trade Boards (Shirtmaking Trade, Great Britain) (Constitution and Proceedings) Regulations, 1929(b), namely:—

(1) The making from textile fabrics of shirts, collars, cuffs, pyjamas, aprons, chefs' caps, hospital ward caps, and other washable clothing worn by male persons;

(2) the making of women's collars and cuffs and of nurses' washing belts where carried on in association with or in conjunction with the making of the before-mentioned articles;

(3) the making of neckties worn by male persons, and of neckties worn by female persons where made in association with or in conjunction with the making of neckties worn by male persons;

including:—

Laundering, smoothing, folding, ornamenting, boxing, packing, warehousing, and all other operations incidental to or appertaining to the making of any of the above-mentioned articles;

(a) 3 & 4 Geo. 6. c. 7.
(b) S.R. & O. 1929 (No. 825) p. 1374.

but excluding:—

(1) the making of articles which are knitted or are made from knitted fabrics;

(2) the making of handkerchiefs, mufflers, gloves, socks, stockings, spats, gaiters, bonnets, hats or caps (other than chefs' caps and hospital ward caps);

(3) the making of boys' washing suits;

(4) the making of washable clothing to be worn by children without distinction of sex;

(5) the making of any articles, the making of which is included in the Trade Boards (Tailoring) Order, 1919(a).

TRAINING UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

Paragraph 12

Notwithstanding anything hereinbefore contained, this Schedule shall not apply to—

(*a*) female workers employed as machinists, or

(*b*) male workers employed as cutters—

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.

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 2nd July, 1948, revokes the Shirtmaking Wages Council (Great Britain) Wages Regulation Order, 1946 (Order S. (30)) which, as amended by the Shirtmaking Wages Council (Great Britain) Wages Regulation Order, 1948 (Order S. (33)), 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.

(a) S.R. & O. 1919 (No. 1201) II, p. 528.