STATUTORY INSTRUMENTS

1975 No. 365

WAGES COUNCILS

The Wages Regulation (Hat, Cap and Millinery) Order 1975

Made - - - 11*th March* 1975

Coming into Operation 1*st April* 1975

Whereas the Secretary of State has received from the Hat, Cap and Millinery Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 hereto;

Now therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, and now vested in him**(b)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Hat, Cap and Millinery) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 1st April 1975, 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**(c)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in Schedules 1 and 2 hereto shall have effect as from the specified date and as from that date the Wages Regulation (Hat, Cap and Millinery) Order 1974**(d)** shall cease to have effect.

Signed by Order of the Secretary of State.

11th March 1975.

R. J. Dawe,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1974/810 (1974 II, p. 3076).

Article 3

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hat, Cap and Millinery) Order 1974 (Order H.C.M. (22)).

PART I

GENERAL

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

(*a*) in the case of a time worker, the hourly general minimum time rate;

(*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 hourly piece work basis time rate.

(2) In this Schedule—

"hourly general minimum time rate" means the general minimum time rate applicable to the worker under Part II or Part III of this Schedule divided by 40;

"hourly piece work basis time rate" means the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided by 40;

"per week" means per week of 40 hours.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2. The general minimum time rates applicable to male workers are as follows:—

		Per week £
(1)	Cutters, blockers, body makers or finishers, stiffeners or shapers employed in a section of the trade other than the felt hat section ...	*23·22*
(2)	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 3 years after the age of 18 years	*23·22*
(3)	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 3 years after the age of 18 years	*23·22*
(4)	All other workers—	
	Aged 21 years or over	*22·21*
	„ 20 and under 21 years	*19·71*
	„ 19 „ „ 20 „	*17·83*
	„ 18 „ „ 19 „	*16·12*
	„ 17 „ „ 18 „	*14·34*
	„ under 17 years	*12·40*

Per week
£

Provided that the general minimum time rate applicable 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 or over the age of 19 years shall be:—

During the first six months of such employment	*16·38*
,, ,, second ,, ,, ,, ,, ,, ...	*17·35*

PIECE WORK BASIS TIME RATES

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

	Per week £
(1) Workers specified in sub-paragraph (1), (2) or (3) of paragraph 2 ...	*23·81*
(2) All other workers	*22·85*

PART III
FEMALE WORKERS
FEMALE WORKERS IN ALL BRANCHES OF THE TRADE OTHER THAN THE RETAIL BRANCH IN SCOTLAND
GENERAL MINIMUM TIME RATES

4. The general minimum time rates applicable to female workers other than those referred to in paragraph 6 are as follows:—

(1) Learners during the following periods of employment in the trade:—

Entering the trade	First 6 months Per week £	Second 6 months Per week £	Second year Per week £
Aged under 17 years	*12·63*	*14·53*	*18·00*
,, 17 and under 18 years ...	*13·59*	*15·48*	*18·00*
,, 18 years or over ...	*16·42*	*17·37*	*20·53*

(2) All other workers ... ... £*20·53* per week

PIECE WORK BASIS TIME RATE

Per week
£

5. The piece work basis time rate applicable to female workers of any age employed on piece work other than those referred to in paragraph 7 is ... *21·04*

FEMALE WORKERS IN THE RETAIL BRANCH OF THE TRADE IN SCOTLAND
GENERAL MINIMUM TIME RATES

6. The general minimum time rates payable to female workers employed in the retail branch of the trade in Scotland are as follows:—

(1) Learners during the following periods of employment in the trade:—

Entering the trade	First 6 months Per week £	Second 6 months Per week £	Second year Per week £
Aged under 17 years	*12·63*	*14·53*	*18·00*
,, 17 and under 18 years	*13·59*	*15·48*	*18·00*
,, 18 years or over ...	*16·42*	*17·37*	*20·53*

(2) All other workers ... ... £*20·53* per week

PIECE WORK BASIS TIME RATE

	Per week £
7. The piece work basis time rate applicable to female workers of any age employed on piece work in the retail branch of the trade in Scotland is ...	*21·04*

PART IV

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

8. 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—

(1) in the case of a female worker, a period of 2 years' employment as a learner in the trade, or

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

PART V

OVERTIME RATES AND WAITING TIME

ALL BRANCHES OF THE TRADE OTHER THAN THE RETAIL BRANCH

OVERTIME

9. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 10 are payable to a worker other than a worker employed in the retail branch of the trade in respect of any time worked:—

(1) in excess of the hours following, that is to say:

(*a*) in any week	40 hours
(*b*) on any day other than a Saturday, Sunday or customary holiday—	
where the normal working hours exceed 8½	9 hours
or	
where the normal working hours are more than 8 but not more than 8½	8½ hours
or	
where the normal working hours are not more than 8 ...	8 hours

(2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

10.—(1) Minimum overtime rates are payable to any worker other than a worker employed in the retail branch of the trade as follows:—

(*a*) on any day other than a Sunday or customary holiday—	
(i) for the first 2 hours of overtime worked	time-and-a-quarter
(ii) for the next 2 hours	time-and-a-half
(iii) thereafter	double time
(*b*) on a Sunday or customary holiday— for all time worked	double time

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(*c*) 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 40 hours ... ... time-and-a-quarter

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

RETAIL BRANCH

OVERTIME

11. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 12 are payable to workers in the retail branch of the trade as follows:—

(1) in any week, for all time worked in excess of ... ... 40 hours

(2) on any day other than a Saturday, Sunday or customary holiday, for all time worked in excess of ... ... 8 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

(3) on a Saturday, not being a customary holiday,

(*a*) where the worker normally attends on six days in the week, for all time worked in excess of ... ... 4 hours

(*b*) where the worker normally attends on five days only in the week, for all time worked;

(4) on a Sunday or a customary holiday, for all time worked.

MINIMUM OVERTIME RATES

12.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in the retail branch of the trade as follows:—

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

(i) for the first two hours worked in excess of 8 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 2 hours worked ... ... time-and-a-quarter
for the next 2 hours worked ... ... 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 a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 40 hours ... ... time-and-a-quarter

(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 such attendance 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 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.

13. In this Part of this Schedule—

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

(*a*) In England and Wales—

(i) Christmas Day; 26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday; *New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January*; Good Friday; Easter Monday; the last Monday in May; the last Monday in August; (or, where another day is substituted for any of the above days by national proclamation, that day) and one other day to be agreed between the employer and worker; or

(ii) 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.

(*b*) In Scotland—

(i) New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January;

the local Spring holiday;

the local Autumn holiday;

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or other days, not fewer in number, may, by agreement between the employer and the worker, be substituted therefor; and

(ii) *five* other days to be agreed between the employer and the worker.

(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 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 hourly 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 any ordinary worker, at least the same amount of money as the said hourly piece work basis time rate.

WAITING TIME

14.—(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

15. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

(1) "the trade" means the trade specified in paragraph 17.

(2) "the retail branch" means that branch of the trade in which the employer supplies the article direct to the individual wearer and employs the worker direct.

(3) A cutter is a male person who—

(*a*) 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

(*b*) 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.

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

(*a*) covering, pulling-on, or blocking hats or caps; or

(*b*) blocking straws, hoods or shapes of any materials; or

(*c*) 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.

(5) 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.

(6) 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.

(7) A learner means a female worker who 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 17.

PART VII

WORKERS TO WHOM THIS SCHEDULE APPLIES

16. 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 Department of Employment with the employer for a period of approved training and if the requirements of the said scheme are duly complied with.

17. Subject to the provisions of paragraph 16, this Schedule applies to workers in relation to whom the Hat, Cap and Millinery Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Hat, Cap and Millinery Wages Councils (Abolition and Establishment) Order 1963(a), that is to say:—

"All workers employed in Great Britain in 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."

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Hat, Cap and Millinery) (Holidays) Order 1974(b) (Order H.C.M. (23)), shall have effect as if in the Schedule thereto for sub-paragraph (2) of paragraph 2, (which relates to customary holidays) there were substituted the following:—

"(2) The said customary holidays are:—

(*a*) In England and Wales—

(i) Christmas Day; 26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday; *New Year's Day*

(a) S.I. 1963/122 (1963 I, p. 126).

(b) S.I. 1974/811 (1974 II, p. 3084).

if it be not a Sunday or, if it be a Sunday, 2nd January; Good Friday; Easter Monday; the last Monday in May; the last Monday in August; (or, where another day is substituted for any of the above days by national proclamation, that day) and one other day to be agreed between the employer and worker; or

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

(*b*) In Scotland—

(i) New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January;

the local Spring holiday;

the local Autumn holiday;

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or other days, not fewer in number, may, by agreement between the employer and the worker, be substituted therefor; and

(ii) *five* other days to be agreed between the employer and the worker."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order has effect from 1st April 1975. Schedule 1 sets out the increased statutory minimum remuneration payable to workers in relation to whom the Hat, Cap and Millinery Wages Council (Great Britain) operates, in substitution for the statutory minimum remuneration fixed by the Wages Regulation (Hat, Cap and Millinery) Order 1974 (Order H.C.M. (22)). Order H.C.M. (22) is revoked.

Schedule 2 amends the Wages Regulation (Hat, Cap and Millinery) (Holidays) Order 1974 (Order H.C.M. (23)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

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