1961 No. 955

WAGES COUNCILS

The Wages Regulation (Rubber Proofed Garment) Order, 1961

Made - - - - 17*th May*, 1961

Coming into Operation 2*nd June*, 1961

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rubber Proofed Garment Making Industry Wages Council 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 11 of the Wages Councils Act, 1959(a), 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 (Rubber Proofed Garment) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the 2nd day of June, 1961, 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), 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 the First and Second Schedules hereto shall have effect as from the specified date and as from that date the Wages Regulation (Rubber Proofed Garment) Order, 1959(c), shall cease to have effect.

Signed by order of the Minister of Labour this 17th day of May, 1961.

Peter Thomas,
Parliamentary Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1959/1938 (1959 II, p. 3107).

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Rubber Proofed Garment) Order, 1959 (Order R.P.G. (8)).

STATUTORY MINIMUM REMUNERATION

PART I

APPLICATION

1. Subject to the provisions of Part VI of this Schedule relating to guaranteed weekly remuneration, the minimum remuneration payable to all workers (including homeworkers) 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 hourly general minimum time rate payable to the worker under Part II, III or IV 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 (that is to say, a worker of ordinary skill and experience in the class of work in question) at least the same amount of money as the hourly piece work basis time rate applicable to the worker under Part II or III of this Schedule or, where no piece work basis time rate applies, at least the same amount of money as the hourly general minimum time rate which would be payable to the worker if the worker were a time worker.

2.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, this Schedule applies to workers in relation to whom the Rubber Proofed Garment Making Industry Wages Council operates, being workers employed in Great Britain in the rubber proofed garment making industry, that is to say—

   (*a*) in manufacturing, altering, repairing, renovating or re-making rubber proofed garments; or,

   (*b*) in warehousing or packing rubber proofed garments or in any other operation incidental to any of the activities included in (*a*) of this sub-paragraph, where the warehousing, packing or other operation is carried on in conjunction with any of the activities included as aforesaid.

(2) This Schedule does not apply to workers—

   (*a*) in respect of employment in connection with headgear, unless the employment is in conjunction or association with manufacture, alteration, repair, renovation, or re-making of rubber proofed garments other than headgear; or,

   (*b*) in relation to whom any Wages Council (other than the Rubber Proofed Garment Making Industry Wages Council) operates in respect of any employment which is for the time being within the field of the operation of that Wages Council;

   (*c*) employed as foremen or forewomen.

(3) In this Schedule the expression "rubber proofed garments" does not include any garment or headgear made from oil or chemically proofed fabrics or from plastic film or textiles processed with plastic, but, save as aforesaid, means all garments (including headgear) made from textiles processed with rubber or rubber substitute, or from any material if in the manufacture of the garment any of the processes of smearing, sticking, or cementing with a solution of rubber or rubber substitute either by hand or machine, is involved.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

3.—(1) Subject to the provisions of this Schedule, the general minimum time rates payable to male workers with the qualifications specified in Column 2 of the next following Table when employed on time work and the piece work basis time rates applicable to such workers when employed on piece work are those set out in Columns 3 and 4 respectively of the said Table:—

Column 1	Column 2	Column 3	Column 4
Class of worker	Qualifying period of employment or age of worker	General minimum time rates	Piece work basis time rates
		Per week s. d.	Per week s. d.
(*a*) MEASURE CUTTER, that is to say, a worker employed in any process of measure cutting who is capable of taking a complete set of measures and of cutting all garments from patterns, and with sufficient technical knowledge to draft and alter the balance and distribution of widths, lengths, etc., for any garment:	Not less than four years' employment after the age of 18 years in actual cutting processes, including not less than three years' employment as a measure cutter ...	176 0	193 7
Provided that where the worker is employed in the London District the said rate shall be	... ...	182 5	200 8
(*b*) CUTTER or TRIMMER, that is to say, a worker substantially employed in one or more of the following processes:— (i) marking-in, or marking-up cloth or linings or other materials; (ii) laying-up, hooking-up or folding cloth or linings or other materials; (iii) cutting cloth or linings or other materials or cutting out patterns of any description to be used afterwards for the cutting out of garments; and (iv) dividing (that is to say, the process ordinarily carried on by cutters or their assistants of dividing, parting or separating the parts of garments after being cut and of assembling them into suitable bundles for making up), other than a measure cutter to whom the minimum rates specified in (*a*) of this Table apply or a knife cutter or knifeman:	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman	168 8	185 6
Provided that where the worker is employed in the London District the said rates shall be	... ...	175 1	192 7

Column 1 Class of worker	Column 2 Qualifying period of employment or age of worker	Column 3 General minimum time rates	Column 4 Piece work basis time rates
		Per week s. d.	Per week s. d.
(*c*) KNIFE CUTTER or KNIFEMAN, that is to say, a worker wholly or mainly employed on band, electric or handknife processes: Provided that where the worker is employed in the London District the said rates shall be	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman	168 8 175 1	185 6 192 7
(*d*) MAKER, that is to say, a worker employed in assembling a garment, or part thereof, by any process other than stitching. (*e*) MACHINIST, that is to say, a worker employed in machining and capable of machining any one garment or part thereof. (*f*) PASSER, that is to say, a worker employed in examining garments, either in the course of being made up or upon completion.	Not less than three years' employment as a maker, machinist or passer, or (i) having been a learner to whom paragraph 5 applied has completed 3 years as such or attained 21 years, or (ii) having been a learner to whom (*j*) of this paragraph applied has completed one year as such	183 0	201 4
(*g*) WAREHOUSEMAN, that is to say, a worker employed, wholly or mainly, upon one or more of the following operations:— assembling, keeping, storing and distributing stock, and cutting off lengths of cloth, linings or other materials, except where such operations are mainly connected with the sale of finished garments.	Not less than three years' employment as a warehouseman after the age of 18 years	162 3	178 6
(*h*) PACKER, that is to say, a worker employed, wholly or mainly, in packing goods and materials.	Not less than three years' employment as a packer after the age of 18 years ...	159 6	175 5
(*i*) PORTER, that is to say, a worker employed, wholly or mainly, upon one or more of the operations of unpacking, moving, loading or unloading goods or materials.	21 years of age or over ...	152 2	167 5
(*j*) LEARNER, as defined in paragraph 11.	Aged 21 years or over who was not employed in the industry before attaining the age of 21 years:— During the first month of his employment in the industry ... ... During the second and third months of such employment ... ... During the next following nine months of such employment ... ... Thereafter	104 3 115 4 137 6 183 0	

Column 1	Column 2	Column 3	Column 4
Class of worker	Qualifying period of employment or age of worker	General minimum time rates	Piece work basis time rates
		Per week s. d.	Per week s. d.
(*k*) ALL OTHER WORKERS (not being workers to whom paragraph 5 applies).	Aged 21 years or over ...	147 11	162 8
	,, 20 and under 21 years	131 7	
	,, 19 ,, ,, 20 ,, ...	119 1	
	,, 18 ,, ,, 19 ,, ...	106 7	
	,, 17 ,, ,, 18 ,, ...	95 1	
	,, 16 ,, ,, 17 ,, ...	80 8	
	,, 15 ,, ,, 16 ,, ...	66 3	

(2) In this paragraph, "The London District" means the Metropolitan Police District, as defined in the Police Act, 1946(a), and the City of London.

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

4. Subject to the provisions of this Schedule, the general minimum time rates payable to female workers with the qualifications specified in Column 2 of the next following Table when employed on time work and the piece work basis time rates applicable to such workers when employed on piece work are those set out in Columns 3 and 4 respectively of the said Table:—

Column 1	Column 2	Column 3	Column 4
Class of worker	Qualifying period of employment or age of worker	General minimum time rates	Piece work basis time rates
		Per week s. d.	Per week s. d.
(*a*) MAKER, that is to say, a worker employed in assembling a garment, or part thereof, by any process other than stitching.	Not less than three years' employment as a maker, machinist, passer or finisher, or (i) having been a learner to whom paragraph 5 applied has completed 3 years as such or attained 21 years, or (ii) having been a learner to whom (*f*) of this paragraph applied has completed one year as such	116 6	134 0
(*b*) MACHINIST, other than a machinist referred to in (*e*).			
(*c*) PASSER, that is to say, a worker employed in examining garments, either in the course of being made up or upon completion.			
(*d*) FINISHER, that is to say, a worker employed in sewing by hand a part or parts of a garment.			

(a) 9 & 10 Geo. 6. c. 46.

Column 1	Column 2	Column 3	Column 4
Class of worker.	Qualifying period of employment or age of worker	General minimum time rates	Piece work basic time rates
		Per week s. d.	Per week s. d.
(*e*) BUTTONHOLE MACHINIST, BUTTON MACHINIST, BAR TACKER, MARKER, FOLDER, EYELETTER AND STUDDER.	(i) Workers aged 21 years or over (or on the completion of three years' experience in the industry, whichever is the earlier)	116 6	
	(ii) Workers (other than those mentioned in (i) above) aged:—		
	20 and under 21 years	102 0	134 0
	19 ,, ,, 20 ,,	97 6	
	18 ,, ,, 19 ,,	93 2	
	17 ,, ,, 18 ,,	78 9	
	16 ,, ,, 17 ,,	64 4	
	15 ,, ,, 16 ,,	55 6	
(*f*) LEARNER, as defined in paragraph 11.	Aged 21 years or over:—		
	(i) who was not employed in the industry before attaining the age of 21 years:—		
	During the first month of her employment in the industry	86 6	
	During the second and third months of such employment ...	93 2	
	During the next following nine months of such employment ...	106 5	
	Thereafter	116 6	
	(ii) with six months' experience on power-operated machinery, other than in the industry:—		
	During the first two months of her employment in the industry	93 2	
	During the next following ten months of such employment ...	106 5	
	Thereafter	116 6	
(*g*) ALL OTHER WORKERS (not being workers to whom paragraph 5 applies).	Aged 21 years or over ...	113 8	
	,, 20 and under 21 years	99 2	
	,, 19 ,, ,, 20 ,, ...	94 8	
	,, 18 ,, ,, 19 ,, ...	90 3	130 8
	,, 17 ,, ,, 18 ,, ...	75 10	
	,, 16 ,, ,, 17 ,, ...	61 6	
	,, 15 ,, ,, 16 ,, ...	52 7	

PART IV

MALE OR FEMALE WORKERS AGED UNDER 21 EMPLOYED AS LEARNERS

GENERAL MINIMUM TIME RATES

5. The following general minimum time rates are payable to male or female workers aged under 21 years who are employed as learners:—

Period of service with employer	Age of worker on first entering the trade		
	Under 17 years	17 and under 18 years	18 years or over
	Per week s. d.	Per week s. d.	Per week s. d.
1st 6 months	55 6	66 7	77 8
2nd 6 ,, ...	66 7	77 8	88 9
3rd 6 ,, ...	77 8	88 9	99 10
4th 6 ,, ...	88 9	99 10	110 11
5th 6 ,, ...	99 10	110 11	110 11
6th 6 ,, ...	110 11	110 11	110 11

Provided that, where such a worker completes three years' service or attains the age of 21 years, whichever is the earlier, the worker shall be paid the appropriate adult time rate.

PART V

OVERTIME AND WAITING TIME

NORMAL NUMBER OF HOURS

6. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 7 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 ... ... 42 hours

(ii) 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 not more than 8½ 8½ hours

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

MINIMUM OVERTIME RATES

7.—(1) Minimum overtime rates are payable to any worker (other than a homeworker) as follows:—

(a) on any day other than a Saturday, 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 Saturday, not being a customary holiday—

(i) for the first 4 hours worked ... ... TIME-AND-A-HALF

(ii) thereafter ... ... DOUBLE TIME

(c) on a Sunday or 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 *42 hours*	TIME-AND-A-QUARTER

(2) 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 (3) of this paragraph, Sunday shall be treated as a Saturday.

(3) Where another week-day is substituted for Saturday, or, in a case where the provisions of sub-paragraph (2) 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 other week-day shall be treated as a Saturday, and Saturday or Sunday, as the case may be, shall be treated as a week-day other than the worker's weekly short day.

8. 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 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:

Provided that in the case of a worker who normally works on each week-day except Saturday—

(*a*) *if Christmas Day falls on a Saturday, the Friday immediately preceding or the next following Tuesday shall be a customary holiday;*

(*b*) *if Boxing Day falls on a Saturday, the Thursday immediately preceding or the next following Monday shall be a customary 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 for the employer) 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 hourly general minimum time rate otherwise payable to the worker;

(*b*) in the case of a worker who is employed on piece work,

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate applicable to the worker or, where no hourly piece work basis time rate applies, the hourly general minimum time rate which would be payable to

the worker 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 the worker under paragraph 1 (*b*).

WAITING TIME

9.—(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 not engaged on piece work is a time rate equal to the piece work basis time rate otherwise applicable to the worker or where no piece work basis time rate would be applicable, the appropriate general minimum time rate.

PART VI

GUARANTEED WEEKLY REMUNERATION

10.—(1) Subject to the provisions of this paragraph, a worker, other than a homeworker, who has been in the employment of the employer for not less than four weeks and who ordinarily works for the employer at least *33 hours* weekly on work to which this Schedule applies shall be paid not less than the guaranteed weekly remuneration in respect of any week in which he is in the employment of the employer, and either performs no work to which this Schedule applies or works for less than *33 hours* on such work.

(2) The guaranteed weekly remuneration is *33 hours'* pay calculated at the hourly general minimum time rate ordinarily applicable to the worker or which would be applicable if he were a time worker.

(3) The guaranteed weekly remuneration in any week shall be reduced by the amount of any holiday remuneration paid, or payable, by the employer to the worker in respect of any holiday allowed to, and taken by, the worker in that week under the provisions of the Wages Councils Act, 1959.

(4) In calculating the number of hours worked in any week for the purposes of this paragraph, the worker shall be treated as though he had worked on any holiday allowed to, and taken by, him in that week under the provisions of the Wages Councils Act, 1959, for the number of hours ordinarily worked by him on that day of the week, provided that the worker shall not be treated as having worked in any week throughout which he is on holiday.

(5) Payment of the guaranteed weekly remuneration in any week is subject to the condition that the worker throughout the period of his ordinary employment in that week, excluding any day allowed to him as a holiday as aforesaid, is—

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

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available to him in the establishment in which he is employed.

(6) The guaranteed weekly remuneration shall not be payable to a worker for any week—

(*a*) in which work is not available for him by reason of a strike or lockout; or

(*b*) in which the worker has been dismissed on the grounds of serious misconduct; or

(*c*) in which the amount of remuneration payable to the worker, calculated in accordance with the preceding paragraphs of this Schedule, exceeds the amount of the remuneration which would be payable to him under the provisions of this paragraph.

(7) *If the employer is unable to provide the worker with work by reason of shortage of supplies or orders or other circumstances beyond his control and gives the worker not less than one week's notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during the whole of which the employer is unable to provide work as aforesaid:*

Provided that the period of such suspension of guaranteed weekly remuneration shall not exceed four consecutive weeks on any one occasion and shall not exceed eight weeks in the aggregate in any six consecutive calendar months.

(8) In this paragraph "week" means pay week.

PART VII
INTERPRETATION

11. In this Schedule—

"HOMEWORKER" means a worker who works in his own home or in any other place which is not under the control or management of the employer.

"HOURLY GENERAL MINIMUM TIME RATE" means the general minimum time rate applicable to the worker under Part II, III or IV of this Schedule divided by *42*.

"HOURLY PIECE WORK BASIS TIME RATE" means the piece work basis time rate applicable to the worker under Part II or III of this Schedule divided by *42*.

"LEARNER" means a worker (other than a worker to whom paragraph 4 (*e*) applies) who is employed during the whole or a substantial part of his time in learning the processes of making, machining, passing or finishing by an employer who provides the worker with reasonable facilities for such learning.

"THE INDUSTRY" means the rubber proofed garment making industry as defined in paragraph 2.

SECOND SCHEDULE
HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Rubber Proofed Garment) (Holidays) Order, 1958(a) (Order R.P.G.(4)), shall have effect as if in the Schedule thereto—

1. for sub-paragraph (2) of paragraph 2 (which relates to customary holidays), there were substituted the following sub-paragraph:—

"(2) The said customary holidays are:—

(*a*) (i) 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:

Provided that in the case of a worker who normally works on each week-day except Saturday—

(*a*) *if Christmas Day falls on a Saturday, the Friday immediately preceding or the next following Tuesday shall be a customary holiday;*

(*b*) *if Boxing Day falls on a Saturday, the Thursday immediately preceding or the next following Monday shall be a customary holiday.*

(a) S.I. 1958/2050 (1958 II, p. 2681).

(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 for the employer) 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. for sub-paragraph (1) of paragraph 6 (which relates to holiday remuneration for customary holidays), there were substituted the following sub-paragraph:—

"(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 as holiday remuneration whichever of the following amounts is the greater:—

(*a*) one-fifth of the average weekly earnings of the worker during the twelve months ended on 5th April immediately preceding the holiday, such average weekly earnings to be determined by dividing, by the number of weeks of employment with the employer during the said period, the total remuneration (including holiday remuneration) paid to him by the employer during that period:

Provided that when Good Friday or Easter Monday in England and Wales or the local Spring holiday in Scotland (or days substituted therefor under the provisions of sub-paragraph (2) (*b*) of paragraph 2 of this Schedule or holidays in lieu of such customary holidays) fall after 5th April in any year, the holiday remuneration for any such holiday under this sub-paragraph shall be one-fifth of the average weekly earnings of the worker (calculated as aforesaid) during the twelve months ended on 5th April in the preceding calendar year;

or (*b*) in the case of a worker normally employed for more than 24 hours a week one-fifth, or in the case of any other worker one-tenth, of the amount of statutory minimum remuneration which would be payable to him at the date of the holiday if he were paid for *42 hours'* work at the hourly general minimum time rate applicable to him or, in the case of a piece worker, which would be applicable to him if he were a time worker."

EXPLANATORY NOTE

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

This Order has effect from 2nd June, 1961. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Rubber Proofed Garment) Order, 1959 (Order R.P.G. (8)), which is revoked.

The Second Schedule amends the Wages Regulation (Rubber Proofed Garment) (Holidays) Order, 1958 (Order R.P.G. (4)), by varying the provisions relating to customary holidays and to remuneration for customary holidays and holidays in lieu of customary holidays.

New provisions are printed in italics.