(ii) SCOTLAND

The Dressmaking and Women's Light Clothing Wages Council (Scotland) Wages Regulation (No. 2) Order, 1948

1948 No. 2150 (S. 170)

Made - - - - *21st September,* 1948
Coming into Operation *6th October,* 1948

W.D.S. (46)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Dressmaking and Women's Light Clothing Wages Council (Scotland) (hereinafter referred to as " the Wages 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 Wages Council operates in substitution for the remuneration fixed for those workers by the Dressmaking and Women's Light Clothing Wages Council (Scotland) Wages Regulation (No. 2) Order, 1947(a) (hereinafter referred to as " Order W.D.S. (42) ") as amended by the Dressmaking and Women's Light Clothing Wages Council (Scotland) Wages Regulation Order, 1948(b) (hereinafter referred to as " Order W.D.S. (44) ");

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 Dressmaking and Women's Light Clothing Wages Council (Scotland) Wages Regulation (No. 2) Order, 1948.

(2) In this Order the expression " the specified date " means the 6th day of October, 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 Orders W.D.S. (42) and W.D.S (44).

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 W.D.S. (42)(a) and Order W.D.S. (44)(b) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 21st day of September, 1948.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

(a) S.R. & O. 1947 (No. 633) I, p. 2393. (b) S.I. 1948 No. 764.

SCHEDULE

The following statutory minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order W.D.S. (42) as amended by Order W.D.S. (44).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 1

The statutory 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 V is:—

(*a*) in the case of a time worker, the general minimum time rate payable to the worker under Part II, Part III or Part 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 at least the same amount of money as the piece work basis time rate applicable to the worker under Part III or Part IV 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 under Part II of this Schedule if the worker were a time worker.

PART II

FEMALE WORKERS IN THE RETAIL BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

Paragraph 2

The general minimum time rates payable to female workers employed in the retail branch in Area A and Area B are respectively as follows:—

	Area A per hour s. d.	Area B per hour s. d.
(*a*) BODICE, COAT, SKIRT, GOWN OR BLOUSE HANDS, aged 20 years or over, who:— (i) having worked for 4 years in the said branch in one or more of the occupations of learner, apprentice or improver and for at least 2 years in the said branch thereafter, (ii) take bodices, coats, skirts, gowns or blouses direct from the fitter in an establishment in which a fitter is employed and make them up without supervision other than the general supervision of the fitter or the workroom foreman or forewoman	1 5	1 3½
(*b*) LEARNERS (as defined in paragraph 14), during the following periods of employment in the retail branch:—		
1st year	5½	5
2nd ,, ...	7½	6½
3rd ,, ...	10	8½
4th ,, ...	1 0½	10½
Provided that a learner 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 her first year's employment as a learner in the said branch.		
(*c*) All other workers	1 3½	1 2

DEFINITION OF AREAS

Paragraph 3

For the purposes of this Part of this Schedule—

Area A—Comprises (*a*) every Royal Parliamentary or Police Burgh (as existing on 26th April, 1931, the date of the Census of 1931), which according to the Report on the Census of Scotland, 1931, had at that date, a population over 12,000; and (*b*) the following Special Lighting Districts, the boundaries of which have been defined, namely, Bellshill and Mossend, Blantyre, Cambuslang, and Larkhall, all in the County of Lanark, Larbert in the County of Stirling, and Vale of Leven in the County of Dumbarton.

Area B—Comprises the whole of Scotland other than Area A.

PART III

FEMALE WORKERS IN THE WHOLESALE MANUFACTURING BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

Paragraph 4

The general minimum time rates payable to female workers in the wholesale manufacturing branch are as follows:—

	per hour s.	d.
(*a*) CONVEYOR BELT MACHINISTS (that is to say female workers employed in machining any work conveyed directly to and from them on a mechanical conveyor belt), not being workers to whom (*b*) or (*c*) of this paragraph applies ...	1	6½
(*b*) LEARNERS (as defined in paragraph 14) during the following periods of employment in the wholesale manufacturing branch:—		
1st six months		7½
2nd ,, ,, ...		9
2nd year		10½
3rd ,, ...	1	1
Provided that a learner who enters, or who 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 her first year's employment as a learner in the said branch.		
(*c*) *Workers who have completed three years' employment as learners and are under 18 years of age*	1	1
(*d*) All other workers	1	5

PIECE WORK BASIS TIME RATE

Paragraph 5

The piece work basis time rate applicable to female workers of any age employed in the wholesale manufacturing branch on piece work is 1 6½

PART IV

MALE WORKERS IN ANY BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

Paragraph 6

The general minimum time rates payable to male workers in any branch of the trade are as follows:—

	per hour s. d.
Workers aged 21 years or over	1 11½
,, ,, 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

Provided that the general minimum time rate payable during his first year's employment in the trade to a worker who enters, or has entered, the trade for the first time at the age of 19 years or over shall be—

During the 1st six months of such employment ...	1 3
During the 2nd six months of such employment ...	1 3½

PIECE WORK BASIS TIME RATE

Paragraph 7

The piece work basis time rate applicable to male workers of any age employed in any branch of the trade on piece work is 2 3½

PART V

OVERTIME RATES AND WAITING TIME IN ANY BRANCH OF THE TRADE

OVERTIME

Paragraph 8

Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 9 are payable to workers in any branch of the trade in respect of any time worked—

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

(i) in any week	44 hours
(ii) on any day other than a Saturday, Sunday or customary holiday	8½ hours
Provided that where the worker normally attends on five days only in the week minimum overtime rates shall apply after	9 hours
(iii) on a Saturday, not being a customary holiday, where the worker normally attends on six days in the week	4 hours

(*b*) on a Sunday or a customary holiday or, where the worker normally attends on five days only in the week, on a Saturday.

MINIMUM OVERTIME RATES

Paragraph 9

Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in any branch of the trade as follows:—

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

(i) for the first two hours worked in excess of 8½ 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 two hours worked ... ... Time-and-a-quarter
thereafter ... ... Time-and-a-half

(*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 paragraph—
for all time worked in excess of 44 hours ... Time-and-a-quarter

Paragraph 10

For the purposes of this Part of this Schedule,

(*a*) where the worker normally attends on Sunday and not on Saturday (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 (*b*) of this paragraph, Sunday as a Saturday,

(*b*) where the worker normally attends on 6 days in the week and an ordinary week day is substituted for Saturday or, in a case where the provisions of (*a*) of this paragraph apply, for Sunday as the worker's weekly short day (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) as an ordinary week day.

Paragraph 11

In this Part of this Schedule—

(1) 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 male worker employed on piece work in any branch or of a female worker employed on piece work in the wholesale manufacturing branch,

(i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise 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 of a female worker employed on piece work in the retail branch—

(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 the worker under Part II of this Schedule 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 the worker under paragraph 1 (*b*) of this Schedule.

(2) The expression " customary holiday " means—

(*a*) New Year's Day (or the next following day if New Year's Day falls on a Sunday);
The local Spring holiday;
The local Autumn holiday; and
All nationally proclaimed holidays, and

(*b*) Three other days to be agreed between the employer and the worker.

Provided that where in any establishment it is not the custom or practice to observe all or any of the days specified in (*a*) of this sub-paragraph as holidays, another day or days not fewer in number may, by agreement between the employer and the worker, be substituted therefor.

WAITING TIME

Paragraph 12

(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

Paragraph 13

In this Schedule—

(*a*) " the trade " means the trade of dressmaking and the making of women's light clothing, that is to say those branches of the women's clothing trade which are specified in paragraph 15 of this Schedule;

(*b*) " the retail branch " means that branch of the trade in which the employer supplies the garment direct to the individual wearer and employs the worker direct;

(*c*) " the wholesale manufacturing branch " means any branch of the trade other than the retail branch.

DEFINITION OF LEARNER

Paragraph 14

In this Schedule a learner is a female worker who—

(*a*) is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, the branch of the trade carried on by him and the various processes involved in the making of any of the articles specified in the definition of the trade set out in paragraph 15; and

(*b*) has received a certificate of registration from the Wages Council, held subject to compliance with the provisions of this paragraph, or has made an application to the Wages 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 Wages Council if the provisions of (*a*) of this paragraph are not complied with;

(ii) an employer may employ a learner on her first employment without a certificate for a probationary period not exceeding four weeks, and 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 condition that a learner shall have received or applied for a certificate of registration from the Wages Council 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.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 15

This Schedule applies, subject to the provisions of the Wages Councils Act, 1945, to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (Scotland) operates, that is to say, workers employed in Scotland in those branches of the Women's Clothing Trade which are specified in the Schedule to the Trade Boards (Dressmaking and Women's Light Clothing Trade, Scotland) (Constitution and Proceedings) Regulations, 1933(**b**), excluding any processes or operations therein which may be included in the Appendix to the Trade Boards (Shirtmaking) Order, 1920(**c**). The Schedule to the said Regulations is as follows:—

" Those Branches of the Women's Clothing Trade that are engaged in the making of Non-Tailored Garments, namely, the making from textile or knitted fabrics of (*a*) non-tailored wearing apparel (other than handkerchiefs) worn by women or girls, or by children without distinction of sex, or (*b*) boys' ready-made washing-suits or sailor suits, where carried out in association with or in conjunction with the making of garments to be worn by women or girls, or by children without distinction of sex;

INCLUDING—

1. All operations and processes of cutting, making or finishing by hand or machine of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports-coats, neckwear, tea-gowns, dressing-gowns, dressing-jackets, pyjamas, under-clothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby-linen, or similar non-tailored articles;

(**a**) 3 & 4 Geo. 6. c. 7. (**b**) S.R. & O. 1933 (No. 37) p. 2039.
(**c**) S.R. & O. 1920 (No. 711) II, p. 790.

2. 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 any of the articles mentioned in paragraph 1 above;

3. (*a*) The altering, repairing, renovating or remaking of any of the above-mentioned articles;

(*b*) The cleaning of any of the above-mentioned articles where carried on in association with or in conjunction with the altering, repairing, renovating or remaking of such garments;

4. All processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or remaking of such articles other than hand embroidery or hand-drawn-thread work on articles made of linen or cotton or of mixed linen and cotton;

5. The following processes if done by machine:—thread-drawing, thread-clipping, top-sewing, scalloping, nickelling and paring;

6. Laundering, smoothing, folding, ornamenting, boxing, packing, warehousing, or other operations incidental to or appertaining to the making, altering, repairing, renovating or remaking of any of the above-mentioned articles;

BUT EXCLUDING—

A. The making of knitted articles; the making of underclothing, socks and stockings, from knitted fabrics; and the making from knitted fabrics of articles mentioned in paragraphs 1 and 2 above, where carried on in association with or in conjunction with the manufacture of the knitted fabrics;

B. The making of gloves, spats, gaiters, boots, shoes and slippers;

C. The making of headgear, other than the articles mentioned in paragraph 2 above;

D. The branches of trade covered by the Trade Boards (Corset) Order, 1919(a);

E. The making of rubberised or oilskin garments;

F. The making of women's collars and cuffs and of nurses' stiff washing belts where carried on in association with or in conjunction with the making of men's or boys' shirts or collars;

G. Warehousing, packing and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made on the premises."

EXPLANATORY NOTE

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

The Schedule to this Order sets out the minimum remuneration to be paid to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (Scotland) operates, as from the 6th October, 1948. It supersedes the Schedules to Orders W.D.S. (42) and W.D.S. (44). New provisions are printed in italics.

(a) S.R. & O. 1919 (No. 570) II, p. 509.