STATUTORY INSTRUMENTS

1971 No. 308

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1971

Made - - - *25th February* 1971

Coming into Operation *22nd March* 1971

Whereas the Secretary of State has received from the Dressmaking and Women's Light Clothing Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of his powers under 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 (Dressmaking and Women's Light Clothing) (England and Wales) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 22nd March 1971, 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 Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1970(c) shall cease to have effect.

Signed by order of the Secretary of State.

25th February 1971.

R. R. D. McIntosh,
Deputy Secretary,
Department of Employment.

(a) 1959 c. 69. (b) 1889 c. 63. (c) S.I. 1970/1136 (1970 II, p. 3625).

Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1970 (Order W.D. (91)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. 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 V of this Schedule is:—

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

(2) 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 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 applicable if the worker were a time worker.

PART II

RETAIL BESPOKE BRANCH

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

2. Subject to the provisions of this Schedule, the general minimum time rates applicable to female workers in the retail bespoke branch, in Areas A, B and C respectively, are as follows:—

	Area A *Per Hour* *p*	Area B *Per Hour* *p*	Area C *Per Hour* *p*
(1) BODICE, COAT, SKIRT, GOWN OR BLOUSE HANDS, aged 20 years or over, who—			
having worked for 2½ 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, 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 ..	*25*	*26*	*27*

	Area A *Per Hour* *p*	Area B *Per Hour* *p*	Area C *Per Hour* *p*
(2) LEARNERS (as defined in paragraph 19) during the following periods of employment in the retail bespoke branch:—			
1st year	*12½*	*13*	*15*
2nd year	*16*	*17*	*18½*
6 months then next ensuing	*18*	*19*	*21½*
Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years 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.			
(3) All other workers	*23½*	*24½*	*26*

RECKONING EMPLOYMENT IN THE WHOLESALE MANUFACTURING BRANCH

3. Where a worker has been employed in the wholesale manufacturing branch, one half of the period of such employment shall be treated for the purposes of this Part of this Schedule as employment in the retail bespoke branch.

DEFINITION OF AREAS

4. For the purposes of this Part of this Schedule:—

Area A—comprises each area in England and Wales which at the date of the 1961 census was administered by

(1) a Rural District Council, or

(2) a Municipal Borough Council or an Urban District Council having according to the said census a population of less than 10,000, but does not include any area within the Metropolitan Police District.

Area B—comprises the whole of England and Wales except Area A and Area C.

Area C—comprises the Metropolitan Police District, as defined in the London Government Act 1963(a), the City of London, the Inner Temple and the Middle Temple.

MALE WORKERS
GENERAL MINIMUM TIME RATES

5. Subject to the provisions of this Schedule, the general minimum time rates applicable to male workers in the retail bespoke branch are as follows:—

	Per Hour *p*
Aged 21 years or over	*32*
„ 20 and under 21 years	*27½*
„ 19 „ „ 20 „	*25*
„ 18 „ „ 19 „	*22½*
„ 17 „ „ 18 „	*20*
„ 16 „ „ 17 „	*17*
„ under 16 years	*14*

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

During the 1st six months of such employment	*22½*
„ „ 2nd „ „ „ „ „	*24*

(a) 1963 c. 33.

PIECE WORK BASIS TIME RATE

	Per Hour p
6. The piece work basis time rate applicable to a male worker of any age employed in the retail bespoke branch on piece work is	*34*

PART III

WHOLESALE MANUFACTURING BRANCH

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

7. Subject to the provisions of this Schedule, the general minimum time rates applicable to female workers in the wholesale manufacturing branch are as follows:—

	Per Hour p
(1) 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 learners to whom (2) of this paragraph applies:—	
(*a*) *up to and including 4th April 1971*	*27*
(*b*) *on and after 5th April 1971*	*28*

(2) LEARNERS (as defined in paragraph 19) during the following periods of employment in the wholesale manufacturing branch—

(*a*) *up to and including 4th April 1971*

	1st 6 months *Per Hour* p	2nd 6 months *Per Hour* p	2nd year *Per Hour* p
Entering the trade:—			
Aged 15 and under 16 years	*14½*	*17*	*21½*
„ 16 „ „ 17 „	*16*	*18½*	*22½*
„ 17 „ „ 18 „	*17*	*19½*	*22½*
„ 18 years and over	*21*	*22*	*26*

(*b*) *on and after 5th April 1971*

Entering the trade:—			
Aged 15 and under 16 years	*15½*	*18*	*22½*
„ 16 „ „ 17 „	*16½*	*19*	*24*
„ 17 „ „ 18 „	*18*	*20½*	*24*
„ 18 years and over	*21½*	*23*	*27*

	Per Hour p
(3) All other workers—	
(*a*) *up to and including 4th April 1971*	*26*
(*b*) *on and after 5th April 1961*	*27*

RECKONING EMPLOYMENT IN THE RETAIL BESPOKE BRANCH

8. Where a worker has been employed in the retail bespoke branch, one half of the period of such employment shall be treated for the purposes of this Part of this Schedule as employment in the wholesale manufacturing branch.

PIECE WORK BASIS TIME RATE

	Up to and including 4th April 1971 Per Hour p	*On and after 5th April 1971 Per Hour* p
9. The piece work basis time rate applicable to a female worker of any age employed in the wholesale manufacturing branch on piece work is	*27½*	*29*

MALE WORKERS

GENERAL MINIMUM TIME RATES

10. Subject to the provisions of this Schedule, the general minimum time rates applicable to male workers in the wholesale manufacturing branch are as follows:—

	Up to and including 4th April 1971 Per Hour p	*On and after 5th April 1971 Per Hour* p
(1) CUTTERS aged 21 years or over who have had at least 4 years' experience as cutters in the wholesale manufacturing branch	*35*	*36½*
(2) All other workers:—		
Aged 21 years or over	*32*	*33½*
„ 20 and under 21 years	*28*	*29*
„ 19 „ „ 20 „	*25½*	*26½*
„ 18 „ „ 19 „	*22½*	*23½*
„ 17 „ „ 18 „	*20½*	*21*
„ 16 „ „ 17 „	*17*	*18*
„ under 16 years	*14½*	*15*
Provided that the general minimum time rate applicable during his first year's employment in the trade to a worker who enters, or has entered, the trade for the first time at or over the age of 19 years shall be—		
During the 1st six months of such employment	*22½*	*23½*
„ „ 2nd „ „ „ „ „	*24*	*24½*

PIECE WORK BASIS TIME RATES

11. The piece work basis time rates applicable to male workers employed in the wholesale manufacturing branch on piece work are as follows:—

	Up to and including 4th April 1971 Per Hour p	*On and after 5th April 1971 Per Hour* p
(1) CUTTERS aged 21 years or over who have had at least 4 years' experience as cutters in the wholesale manufacturing branch	*37*	*38*
(2) All other workers	*34*	*35½*

PART IV

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

12. Where any worker has completed a full course of training as a machinist or as a hand sewer 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 though it were

(1) in the case of a female worker, a period of three years' employment as a learner in the branch of the trade in which she is employed, or

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

PART V

RETAIL BESPOKE BRANCH AND WHOLESALE MANUFACTURING BRANCH

OVERTIME AND WAITING TIME

ALL WORKERS OTHER THAN ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO ATTEND ON 6 DAYS IN THE WEEK

NORMAL NUMBER OF HOURS

13. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 14 are payable to workers in any branch of the trade, other than alteration hands referred to in paragraphs 15 and 16, 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 not more than 8½ .. 8½ hours

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

MINIMUM OVERTIME RATES

14.—(1) Minimum overtime rates are payable to a worker in any branch of the trade other than an alteration hand referred to in paragraphs 15 and 16 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.

(3) Where a worker employed in the retail bespoke branch of the trade normally attends work on a Saturday, instead of on another week-day, for the purposes of this Part of this Schedule that other week-day shall be treated as a Saturday and Saturday as another week-day.

ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO ATTEND ON 6 DAYS IN THE WEEK

NORMAL NUMBER OF HOURS

15. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 16 are payable to workers in any branch of the trade who are normally required to attend on six days in the week and who are employed solely in the alteration (including repairing and renovating) of any of the articles specified in inclusion (1) in paragraph 21 and who are employed in or about a shop engaged in the retail sale of the articles so specified, 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 a customary holiday,
for all time worked in excess of .. .. 8 hours

(3) on a Saturday, not being a customary holiday,
for all time worked in excess of .. .. 4 hours

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

MINIMUM OVERTIME RATES

16.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in any branch of the trade who is normally required to attend on six days in the week and who is employed solely in the alteration (including repairing and renovating) of any of the articles specified in inclusion (1) in paragraph 21 and who is employed in or about a shop engaged in the retail sale of the articles so specified, 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) for the next two 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 in excess of 4 hours..	time-and-a-half
(ii) 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 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 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.

17. In this Part of this Schedule:—

(1) the expression "customary holiday" means—

(*a*) 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 (or where another day is substituted therefor by national proclamation, that day), August Bank Holiday, and one other day (being a day of the week on which the worker normally works for the employer) in the course of each calendar year, to be fixed by consultation between the employer or his representative and the worker or his representative 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 male worker employed on piece work in either 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(2);

(*c*) in the case of a female worker employed on piece work in the retail bespoke 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 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(2).

WAITING TIME

18.—(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

19. 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 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 21.

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

(3) The wholesale manufacturing branch means any branch of the trade other than the retail bespoke branch.

(4) A cutter means a person who is 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;

(*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.

(5) A learner means a female worker who is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, one of the branches of the trade or the various processes involved in the making of any of the articles specified in the definition of the trade set out in paragraph 21.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

20. This Schedule shall not apply to—

(*a*) machinists

(*b*) hand sewers

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.

21. Subject to the provisions of paragraph 20, this Schedule applies to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in those branches of the Women's Clothing Trade which are specified in Regulation 1 of the Trade Boards (Dressmaking and Women's Light Clothing Trade, England and Wales) (Constitution and Proceedings) Regulations 1928(a), excluding any processes or operations included in the appendix to the Trade Boards (Shirtmaking) Order 1920(b).

The said branches of the women's clothing trade are specified in the said Regulations 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;

(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 re-making 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 re-making of such garments;

(a) S.R. & O. 1928/628 (1928 p. 1265). (b) S.R. & O. 1920/711 (1920 II, p. 790).

(4) All processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or re-making 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 re-making of any of the above-mentioned articles;

BUT EXCLUDING:—

(*a*) The making of knitted articles; the making of under-clothing, 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.*)

This Order, which has effect from 22nd March 1971, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1970 (Order W.D. (91)), which Order is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/570 (1919 II, p. 509).