STATUTORY INSTRUMENTS

1973 No. 539

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1973

Made - - - 23*rd March* 1973

Coming into Operation 9*th April* 1973

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

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(**a**), as modified by Article 2 of the Counter-Inflation (Wages Councils) Order 1972(**b**), and now vested in him(**c**), 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) (Scotland) Order 1973.

2.—(1) In this Order the expression "the specified date" means the 9th April 1973, 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(**d**) 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) (Scotland) (No. 2) Order 1972(**e**) shall cease to have effect.

Signed by order of the Secretary of State.
23rd March 1973.

W. H. Marsh,
Assistant Secretary,
Department of Employment.

(**a**) 1959 c. 69.
(**b**) S.I. 1972/1856 (1972 III, p. 5399).
(**c**) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(**d**) 1889 c. 63.
(**e**) S.I. 1972/1532 (1972 III, p. 4497).

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) (Scotland) (No. 2) Order 1972 (Order W.D.S. (99)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

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:—

(1) 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;

(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 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

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

	Area A	Area B
	Per hour p	Per hour p
(1) BODICE, COAT, SKIRT, GOWN OR BLOUSE HANDS, aged 20 years or over, who:—		
(*a*) 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, (*b*) 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	*34*	*33½*
(2) LEARNERS during the following periods of employment in the retail branch:—		
First year	*14*	*13½*
Second „	*17*	*16½*
Third „	*21*	*20½*
Fourth „	*25½*	*24½*

	Area A	Area B
	Per hour p	Per hour p
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	*33*	*32*

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 branch.

DEFINITION OF AREAS

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

Area A comprises—

(1) all Burghs which, according to the Preliminary Report on the Sixteenth Census of Scotland 1961, had a population of 10,000 or more;

(2) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton; and Larbert and Airth in the County of Stirling;

(3) the following areas, the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely, Bellshill and Mossend, Blantyre, Cambuslang, Larkhall, Shotts and Dykehead, and Holytown, New Stevenston and Carfin, all in the County of Lanark; and

(4) the following Burghs—

ANGUS COUNTY	BUTE COUNTY	RENFREW COUNTY
Brechin	Rothesay	Gourock
ARGYLL COUNTY	DUNBARTON COUNTY	STIRLING COUNTY
Dunoon	Helensburgh	Kilsyth
AYR COUNTY	FIFE COUNTY	WEST LOTHIAN COUNTY
Troon	Leven	Armadale.
	Lochgelly	
	St. Andrews	

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

5. The general minimum time rates payable 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 workers to whom (2) of this paragraph applies	*34½*
(2) LEARNERS during the following periods of employment in the wholesale manufacturing branch:—	
First six months	*17*
Second „ „	*20*
Third „ „	*23½*
Fourth „ „	*25*
Fifth „ „	*26*
Sixth „ „	*28½*
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	*34*

RECKONING EMPLOYMENT IN THE RETAIL BRANCH

6. Where a worker has been employed in the retail 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

	Per hour p
7. The piece work basis time rate applicable to female workers of any age employed in the wholesale manufacturing branch on piece work is	*36*

PART IV

MALE WORKERS IN ANY BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

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

	Per hour p
Aged 21 years or over	*38½*
„ 20 and under 21 years	*32½*
„ 19 „ „ 20 „	*29*
„ 18 „ „ 19 „	*25½*
„ 17 „ „ 18 „	*23*
„ 16 „ „ 17 „	*19*
„ under 16 years	*15*
Provided that the general minimum time rates 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 or over the age of 19 years shall be—	
During the first six months of such employment	*25½*
During the second six months of such employment	*28*

PIECE WORK BASIS TIME RATE

	Per hour p
9. The piece work basis time rate applicable to male workers of any age employed in any branch of the trade on piece work is	40½

PART V

OVERTIME AND WAITING TIME

RETAIL BRANCH

OVERTIME

10. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 11 are payable to workers 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... ... ... 8 hours

(*c*) on a Saturday, not being a customary holiday, where the worker normally attends on six days in the week... ... 4 hours

(2) 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

11.—(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 a customary holiday—

(i) for the first two hours worked in excess of 8 hours... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

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

(2) Where the worker normally attends on Sunday and not on Saturday (except where such attendance is unlawful) Saturday shall be treated as a Sunday and, subject to the provisions of (3) of this paragraph, Sunday as a Saturday.

(3) For the purposes of sub-paragraph (1) of this paragraph, where by arrangement an ordinary week day is substituted for Saturday (or where (2) applies, for Sunday) that ordinary week day shall be treated as Saturday and Saturday (or where the case requires Sunday) as an ordinary week day.

WHOLESALE MANUFACTURING BRANCH

OVERTIME

12. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 13 are payable to workers in the wholesale manufacturing 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

13. Minimum overtime rates are payable to a worker in the wholesale manufacturing branch of the trade as follows:—

(1) on any day other than a Sunday or customary holiday—	
(*a*) for the first 2 hours of overtime worked	time-and-a-quarter
(*b*) thereafter	time-and-a-half
(2) on a Sunday or customary holiday— for all time worked	double time
Provided that where the worker normally attends on Sunday and not on Saturday (except where such attendance is unlawful) Saturday shall be treated as a Sunday and Sunday as a Saturday.	
(3) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this paragraph—	
for all time worked in excess of 40 hours	time-and-a-quarter

14. 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(2);

(*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(2).

(2) The expression "customary holiday" means—

(*a*) New Year's Day (or the following day if New Year's Day falls on a Sunday);
The local Spring holiday;
The local Autumn holiday; and
Any day proclaimed as an additional bank holiday or a general holiday throughout Scotland:

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 days not fewer in number may, by agreement between the employer and the worker, be substituted therefor;

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

WAITING TIME

15.—(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

16. In this Schedule—

(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 17;

(2) "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;

(3) "the wholesale manufacturing branch" means any branch of the trade other than the retail branch;

(4) "learner" means a female worker who is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides her with reasonable facilities for such learning.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

17. This Schedule applies 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(a), excluding any processes or operations therein which may be included in the Appendix to the Trade Boards (Shirtmaking) Order 1920(b). 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;

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;

(a) S.R. & O. 1933/37 (1933 p. 2039). (b) S.R. & O. 1920/711 (1920 II, p. 790).

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.)

This Order, which has effect from 9th April 1973, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) (No. 2) Order 1972 (Order W.D.S. (99)), which Order is revoked.

New provisions are printed in italics.

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

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