STATUTORY INSTRUMENTS

1975 No. 137

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1975

Made - - - 6th February 1975

Coming into Operation 27th February 1975

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**), 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 (Dressmaking and Women's Light Clothing) (Scotland) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 27th February 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 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 1974(**d**). shall cease to have effect.

Signed by order of the Secretary of State.

6th February 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. 1974/1000 (1974 II, p.3765).

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 1974 (Order W.D.S. (108)).

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 III is:—

(1) in the case of a time worker, the general minimum time rate payable to the worker under Part II 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 II 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

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to learners are as follows:—

(1) LEARNERS during the following periods of employment:—	Per hour p
First six months	*27·00*
Second „ „	*30·75*
Third „ „	*34·75*
Fourth „ „	*38·50*

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 he had, at the date of his entry, completed his first year's employment as a learner.

(2) OTHER WORKERS

The general minimum time rates payable to workers other than workers to whom sub-paragraph (1) of this paragraph applies are as follows:—

	Per hour p
Aged 21 years or over	*46·00*
„ 20 and under 21 years	*44·00*
„ 19 „ „ 20 „	*41·50*
„ 18 „ „ 19 „	*38·50*
„ 17 „ „ 18 „	*34·75*
„ under 17 years	*27·00*

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	*30·58*
During the second six months of such employment	*33·55*

PIECE WORK BASIS TIME RATE

	Per hour p
3. The piece work basis time rate applicable to workers of any age employed on piece work is	*48·00*

PART III

OVERTIME AND WAITING TIME

OVERTIME

4. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 5 are payable to workers 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

5. Minimum overtime rates are payable to a worker as follows:—

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

(a) for the first two hours of overtime worked ... ... *time-and-a-quarter*

(b) for the next two hours ... ... *time-and-a-half*

(c) thereafter ... ... *double time*

(2) on a Saturday not being a customary holiday—

(a) for the first two hours of overtime worked ... ... *time-and-a-quarter*

(b) for the next two hours ... ... *time-and-a-half*

(c) thereafter ... ... *double time*

(3) on a Sunday or customary holiday—

for all time worked ... ... *double time*

(4) 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*

(5) 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 (6) of this paragraph, Sunday as a Saturday.

(6) For the purposes of sub-paragraph (1) of this paragraph, where by arrangement an ordinary week day is substituted for Saturday (or where (5) 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.

6. 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 worker employed on piece work—

(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);

(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; and

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

WAITING TIME

7.—(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 IV

INTERPRETATION

8. 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 9;

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

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

9. 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;

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;

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

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 27th February 1975, sets out the increased statutory minimum remuneration payable to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (Scotland) operates, in substitution for the statutory minimum remuneration fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) (No. 2) Order 1974 (Order W.D.S. (108)).

The Order also eliminates area differentials and separate rates for the retail and wholesale branches.

Order W.D.S. (108) is revoked.

New provisions are printed in italics.

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

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