STATUTORY INSTRUMENTS

1975 No. 1826

WAGES COUNCILS

The Wages Regulation (Coffin Furniture and Cerement-making) Order 1975

Made - - - -	11*th November* 1975
Coming into Operation	1*st December* 1975

Whereas the Secretary of State has received from the Coffin Furniture and Cerement-making Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 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 (Coffin Furniture and Cerement-making) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 1st December 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 Schedules 1 and 2 hereto shall have effect as from the specified date and as from that date the Wages Regulation (Coffin Furniture and Cerement-making) Order 1974**(d)** shall cease to have effect.

Signed by order of the Secretary of State.
11th November 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. 1974/1620 (1974 III, p. 6028).

Article 3

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Coffin Furniture and Cerement-making) Order 1974 (Order U. (85)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. Subject to *the provisions of paragraph 2 and also to* the provisions relating to guaranteed weekly remuneration set out in paragraph 11, the minimum remuneration payable to a worker to whom this Schedule applies is as follows, that is to say:—

(1) for all work except work to which a minimum overtime rate applies under Part IV—

(*a*) in the case of a time worker, the general minimum time rate payable to the worker under the provisions of Part II or Part III 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 the provisions of Part II or Part III of this Schedule;

(2) for all work to which a minimum overtime rate applies under Part IV of this Schedule, that rate.

EARNINGS SUPPLEMENT

2.—(1) In addition to the minimum remuneration specified in paragraph 1, additional remuneration, hereinafter referred to as the "earnings supplement", shall be payable to all workers to whom that paragraph applies in respect of all time worked up to a maximum of 40 hours per week, in accordance with the following table:—

Workers being aged	*p per hour*
18 years or over	*14·5*
17 and under 18	*12·0*
16 and under 17	*10·5*

(2) The earnings supplement shall not be treated as part of the general minimum time rate for the purpose of calculating payment for overtime under paragraph 8, or for calculating guaranteed weekly remuneration under paragraph 11.

3. In this Schedule—

(1) "the coffin furniture section" means that section of the trade specified in paragraph 13 in which there is carried on the manufacture of coffin furniture from any metal by any process, or the finishing of plastic coffin furniture, including the operations of packing, warehousing, despatching or other operations incidental to or appertaining to the manufacture or finishing of such coffin furniture;

(2) "the cerement-making section" means that section of the trade specified in paragraph 13 in which there is carried on the manufacture of cerements, including shrouds, face curtains, face cloths, sidecloths, winding sheets, pillow covers, coffin pads, sleeves or frilling, including the operations of folding, packing, warehousing, despatching or other operations incidental to or appertaining to the manufacture of any of the said articles.

PART II

COFFIN FURNITURE SECTION

GENERAL MINIMUM TIME RATES

4. The general minimum time rates payable to workers (other than engravers or engravers' assistants) employed in the coffin furniture section are as follows:—

	Per hour *p*
(1) Workers aged *18* years or over and employed as:—	
(*a*) Dressers, Planishers (including Wheelers), Platers, Polishers, Pressure Die Casters or Stampers—	
Grade I	*49*
Grade II	*50*
Grade III	*53*
(*b*) Gravity Die Casters, Press Workers, Pressure Die Casters' Assistants, Platers' Assistants or Sprayers	*49*
(*c*) Assemblers, Despatchers, Packers or Warehousmen	*49*
(2) All other workers aged *18* years or over (other than engravers or engravers' assistants as aforesaid)	*49*
(3) Workers aged under *18* years, being—	
Aged 17 and under 18 years	*40*
„ 16 „ „ 17 „	*35*

PIECE WORK BASIS TIME RATE

5. The piece work basis time rate applicable to a worker (other than an engraver or engraver's assistant) employed on piece work in the coffin furniture section is a rate which is equal to the general minimum time rate which would be payable if the worker were a time worker, increased by 15 per cent.

PART III

CEREMENT-MAKING SECTION

GENERAL MINIMUM TIME RATES

6. The general minimum time rates payable to workers employed in the cerement-making section are as follows:—

	Per hour *p*
(1) Workers other than Pinkers or Choppers, being—	
Aged 18 years or over	*49*
„ 17 and under 18 years	*40*
„ 16 „ „ 17 „	*35*
(2) Pinkers or Choppers—the rate appropriate to the worker's age under (1) of this paragraph increased by 10 per cent.	

PIECE WORK BASIS TIME RATE

7. The piece work basis time rate applicable to a worker employed on piece work in the cerement-making section is a rate equal to the general minimum time rate which would be payable if the worker were a time worker, increased by 15 per cent.

PART IV

OVERTIME AND WAITING TIME IN BOTH SECTIONS OF THE TRADE

MINIMUM OVERTIME RATES

8. Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to any worker as follows:—

(1) On any day in the week other than a Saturday, Sunday or customary holiday—

(*a*) for the first 2 hours worked in excess of 8 hours...	time-and-a-quarter
(*b*) for the next 2 hours so worked	time-and-a-half
(*c*) thereafter	double time

(2) On a Saturday, not being a customary holiday—

for the first 2 hours worked	time-and-a-quarter
for the next 2 hours	time-and-a-half
thereafter	double time

(3) On a Sunday or a customary holiday—

for all time worked	double time

Provided that where the employer normally requires the worker's attendance on Sunday and not on Saturday (except where in the case of a woman or young person such attendance on Sunday is unlawful), for the purposes of this Part of this Schedule Saturday shall be treated as a Sunday and Sunday as a Saturday.

9. In this Part of this Schedule—

(1) The expression "customary holiday" means—

(*a*) (i) In England and Wales—

Christmas Day; 26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday; New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January; Good Friday; Easter Monday; the last Monday in May; the last Monday in August; or where a day is substituted for any of the above days by national proclamation, that day;

(ii) In Scotland—

New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January;

the local Spring holiday;

the local Autumn holiday; and

four other days (being days on which the worker normally works) 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 (other than a day fixed by the employer and notified to the worker as aforesaid) a day substituted therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day or a day fixed by agreement between the employer and the worker or his representative.

(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 worker employed on piece work—

(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 he were a time worker, and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the piece rates otherwise applicable to the worker under paragraph 1(1)(*b*).

WAITING TIME

10.—(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 the employer, unless he is present thereon in any of the following circumstances, that is to say:—

(*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; or

(*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 V

GUARANTEED WEEKLY REMUNERATION

11.—(1) This paragraph applies to a worker who ordinarily works for the employer for at least 34 hours weekly on work to which statutory minimum remuneration applies under the provisions of this Schedule.

(2) Notwithstanding the foregoing provisions of this Schedule, where in any week

(*a*) no remuneration is payable to the worker under the foregoing provisions of this Schedule, or by way of holiday remuneration under any wages regulation order made by the Secretary of State to give effect to the proposals of the Council, or

(*b*) the total amount of any such remuneration *exclusive of any earnings supplement payable under paragraph 2 for time worked*) is less than the guaranteed weekly remuneration provided for by this Part of this Schedule,

the minimum remuneration payable to that worker for that week, in lieu of any amount aforesaid, shall, subject to the provisions of this paragraph, be the guaranteed weekly remuneration.

(3) The amount of the guaranteed weekly remuneration is 34 hours' pay calculated at the general minimum time rate ordinarily payable to the worker.

(4) 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, 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.

(5) The guaranteed weekly remuneration shall not be payable to a worker

(*a*) in any week in which work is not available to him by reason of a strike or lock-out; or

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

(*c*) if at any time in the week the worker is absent from work by reason of sickness; or

(*d*) if at any time in the week or during the preceding four weeks the worker has been otherwise absent from work without the leave of the employer.

(6) The amount of the guaranteed weekly remuneration applicable to a piece worker shall be the sum to which he would be entitled if he were a time worker.

PART VI

INTERPRETATION

12.—(1) In paragraph 4 the expressions "Grade I", "Grade II" and "Grade III" have the following meanings:—

(*a*) in the case of a Dresser—

"Grade I" means a worker employed on dressing who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a dresser and who turns, screws inside and out, files flat and squares at the vice and finishes his work throughout.

"Grade III" means a worker who has had more than three years' experience as a dresser and who, in addition to fulfilling the conditions of Grade II, is an expert in all processes, or is a charge hand responsible for all work and order in the shop.

(*b*) In the case of a Planisher or Wheeler—

"Grade I" means a worker employed on planishing or wheeling who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a planisher or wheeler and is an expert in all processes and is able to do good class work.

"Grade III" means a worker who has had more than three years' experience as a planisher or wheeler and who, in addition to fulfilling the conditions of Grade II, is employed in making mitred breast plates or handle plates of any design.

(*c*) in the case of a Plater—

"Grade I" means a worker employed as a plater who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a plater and is able to work vats satisfactorily without supervision or is skilled in oxydising and relieving.

"Grade III" means a worker who has had more than three years' experience as a plater and who, in addition to fulfilling the conditions of Grade II, is qualified to make up his own solutions and is an expert in all processes, or is a charge hand responsible for all work and order in the shop.

(*d*) In the case of a Polisher—

"Grade I" means a worker employed as a polisher who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a polisher and is expert in all processes of any class of common work and can emery-bob and mop best work.

"Grade III" means a worker who has had more than three years' experience as a polisher and who, in addition to fulfilling the conditions of Grade II, is an expert in all processes of both common and best work, or is a charge hand responsible for all work and order in the shop.

(*e*) in the case of a Pressure Die Caster—

"Grade I" means a worker employed on pressure die casting who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a pressure die caster and is able to work correctly any modern type of die casting machine and to insert and remove his own dies.

"Grade III" means a worker who has had more than three years' experience as a pressure die caster and who, in addition to fulfilling the conditions of Grade II, is an expert in all processes without supervision, or is a charge hand responsible for all work and order in the shop.

(*f*) in the case of a Stamper—

"Grade I" means a worker employed on stamping who is not of Grade II or III.

"Grade II" means a worker who has had not less than one year's experience as a stamper and is an expert in all processes and undertakes all classes of work of all strengths of metal used.

"Grade III" means a worker who has had more than three years' experience as a stamper and, in addition to fulfilling the conditions of Grade II, is an expert in all classes of stamping, pressing and cutting out by hand, or is a charge hand responsible for all work and order in the shop.

(2) For the purposes of paragraph 4:—

(*a*) "plater" means a worker employed in a plating shop who works with plating solutions;

(*b*) "plater's assistant" means a worker employed in a plating or spraying department who is normally employed in wiring up or jigging and who does not work with plating solutions.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

13. This Schedule does not apply to any worker employed in engraving or in assisting a worker so employed, but, save as aforesaid, this Schedule applies to workers in relation to whom the Coffin Furniture and Cerement-making Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Coffin Furniture and Cerement-making trade specified in the Regulations with respect to the Constitution and Proceedings of the Trade Board for the Coffin Furniture and Cerement-making Trade (Great Britain) made by the Minister of Labour and dated 16th December 1919**(a)**, *as varied by the Coffin Furniture and Cerement-making Wages Council (Great Britain) (Variation) Order 1975***(b)** *and set out in the Schedule to that order which reads as follows*:—

"1.—(*a*) The manufacture wherever carried on of Coffin Furniture from any metal by any process;

(*b*) the manufacture of Cerements, including shrouds, face curtains, face cloths, sidecloths, winding sheets, pillow covers, coffin pads, sleeves or frilling;

(*c*) *the finishing of plastic coffin furniture when carried on at an establishment wholly or mainly engaged in any of the activities referred to in* (*a*), *or* (*b*) *above; including:*

(*d*) the operations of folding, packing, warehousing, despatching or other operations incidental to or appertaining to the *activities set out in* (*a*), (*b*) *or* (*c*) *above.*

2. *In this Schedule the expression 'finishing' includes spray painting, lacquering and metal deposition.*"

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Coffin Furniture and Cerement-making) (Holidays) Order 1971**(c)** (Order U. (81)) shall have effect as if in the Schedule thereto for sub-paragraphs (1) and (2) of paragraph 2, which relates to customary holidays, there were substituted the following sub-paragraphs:—

"CUSTOMARY HOLIDAYS

2.—(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a 'customary holiday') in each year on the days specified in the following sub-paragraph, provided that the worker has been in his employment for a period of not less than *four* weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and (unless excused by the employer or absent by reason of the proved illness of the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day; 26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday; New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January; Good Friday; Easter Monday; the last Monday in May and the last Monday in August;

or, where a day is substituted for any of the above days by national proclamation, that day;

(a) S.R. & O. 1919/2222 (1919 II, p. 544). (b) S.I. 1975/758 (1975 II, p. 2790).
(c) S.I. 1971/923 (1971 II, p. 2664).

(ii) in Scotland—

New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January;

the local Spring holiday;

the local Autumn holiday; and

four 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 (other than a day fixed by the employer and notified to the worker as aforesaid) a day substituted therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day, or a day agreed between the employer and the worker or his representative."

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order has effect from 1st December 1975. Schedule 1 sets out the increased statutory minimum remuneration and an earnings supplement payable to workers in relation to whom the Coffin Furniture and Cerement-making Wages Council (Great Britain) operates, in substitution for the statutory minimum remuneration fixed by the Wages Regulation (Coffin Furniture and Cerement-making) Order 1974 (Order U. (85)). Order U. (85) is revoked.

Schedule 2 repeats the amendment to the Wages Regulation (Coffin Furniture and Cerement-making) (Holidays) Order 1971 (Order U. (81)) which was contained in Order U. (85), and further amends that amendment by providing for a reduction in the qualifying period for customary holidays from six to four weeks.

New provisions are printed in italics.

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