STATUTORY INSTRUMENTS

1975 No. 2096

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (No. 2) Order 1975

Made - - - - 9*th December* 1975

Coming into Operation 29*th December* 1975

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 Schedule 1 and Schedule 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 (Dressmaking and Women's Light Clothing) (England and Wales) (No. 2) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 29th 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 Schedule 1 and Schedule 2 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 1975(**d**) shall cease to have effect.

Signed by order of the Secretary of State.

9th December 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. 1975/323 (1975 I, p. 851).

Article 3

SCHEDULE 1

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 1975 (Order W.D. (103)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker, including a home-worker, to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III 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

GENERAL MINIMUM TIME RATES

2. Subject to the provisions of this Schedule, the general minimum time rates applicable to all workers are as follows:—

	Per hour p
(1) CUTTERS (as defined in paragraph 10) who have had at least 3 years' experience in any of the occupations set out in the definition	*59·25*
(2) All other workers:—	
Aged 18 years or over	*57·25*
„ *17½ years and under 18 years*	*51·00*
„ *17* „ „ „ *17½* „	*44·50*
„ *16½* „ „ „ *17* „	*39·75*
„ *16* „ „ „ *16½* „	*36·00*
Provided that the general minimum time rate applicable to a worker of 17½ years or over during the first six months of employment in the trade shall be...	*51·00*

PIECE WORK BASIS TIME RATES

3. The piece work basis time rates applicable to workers of any age employed on piece work are as follows:—

	Per hour p
(1) CUTTERS (as defined in paragraph 10) who have had at least 3 years' experience in any of the occupations set out in the definition	*62·25*
(2) All other workers	*60·75*

PART III

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

4. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 5 are payable to workers, other than alteration hands referred to in paragraphs 6 and 7, 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

5.—(1) Minimum overtime rates are payable to a worker in any branch of the trade, other than an alteration hand referred to in paragraphs 6 and 7, 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*) of this paragraph 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

6. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 7 are payable to workers 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 12 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

7.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker 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 12 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.

8. In this Part of this Schedule:—

(1) the expression "customary holiday" means—

(*a*) 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 another day is substituted for any of the said days by national proclamation, that day); 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 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).

WAITING TIME

9.—(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

10. 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 12.

(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) 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*) cutting materials to shape.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

11. This Schedule shall not apply to machinists during any period in respect of which they are in receipt of allowances as provided under arrangements made pursuant to section 2 of the Employment and Training Act 1973(a).

12. Subject to the provisions of paragraph 11, 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) Regulation 1928(b), excluding any processes or operations included in the appendix to the Trade Boards (Shirtmaking) Order 1920(c).

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;

(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;

(a) 1973 c. 50. (b) S.R. & O. 1928/628 (1928, p. 1265). (c) 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.

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (Holidays) Order 1974(b) (Order W.D.(102)) shall have effect as if in the Schedule thereto for sub-paragraph (6)(*a*) of paragraph 9 there were substituted the following sub-paragraph:—

"(*a*) in respect of that 12 months an amount equal to the holiday remuneration for the days of annual holiday for which he has qualified, calculated in accordance with the provisions of sub-paragraph (1) of paragraph 7, *less any amount paid to the worker by the employer in respect of days of annual holiday allowed to the worker before the termination of the employment; and*".

EXPLANATORY NOTE

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

This Order has effect from 29th December 1975. Schedule 1 sets out the statutory minimum remuneration payable in relation to workers to whom the Dressmaking and Women's Light Clothing Wages Council (England and Wales) operates in substitution for that fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1975 (Order W.D. (103)). Order W.D. (103) is revoked.

Schedule 2 amends the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (Holidays) Order 1974 (Order W.D.(102)).

New provisions are printed in italics.

(a) S.R. & O. 1919/570 (1919 II, p. 509). (b) S.I. 1974/575 (1974 I, p. 2337).

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