



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

Special Exceptions.

81 Exception as to male young persons employed in shifts.

- (1) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on a system of shifts outside the hours specified in this Part of this Act for the beginning and end of the period of employment, subject to the conditions hereinafter specified, and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct, on work which is by reason of the nature of the process required to be carried on continuously day and night. The period of employment for any such shift as aforesaid may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and ten o'clock in the evening on Sundays.
- (2) The conditions referred to in the last foregoing subsection are as follows :—
 - (a) the number of turns worked by any such young person shall not exceed six in any week;
 - (b) the interval between successive turns of any such young person shall not be less than fourteen hours;
 - (c) no such young person shall, in two consecutive weeks, be employed between twelve midnight and six o'clock in the morning:

Provided that, as respects young persons employed in a system of four shifts and any young persons employed in the manufacture of glass, the conditions contained in this subsection shall be subject to such modifications as the Secretary of State may by regulations direct.

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- (3) The total hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week or one hundred and forty-four in any continuous period of three weeks.
- (4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory shall not continue to be so employed after the expiration of such period, not being less than seven days, as may be prescribed by regulations of the Secretary of State unless he has, in accordance with those regulations, been examined by the examining surgeon and certified by him to be fit for such employment, and the regulations shall provide for the re-examination of young persons so employed at intervals not exceeding six months.
- (5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (2) of this section and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct; and the total hours worked by those young persons may exceed forty-eight in any week, but shall not exceed the limits specified in subsection (3) of this section.
- (6) The provisions of this Part of this Act with respect to the overtime employment of women and young persons, shall not apply to any young persons employed in accordance with the foregoing provisions of this section.
- (7) The industries and processes to which this section applies are—
 - the smelting of iron ore;
 - the manufacture of wrought iron, steel or tin-plate;
 - processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges, or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Secretary of State;
 - the galvanising of sheet metal or wire (except the pickling process);
 - the manufacture of paper;
 - the manufacture of glass.

82 Exception for factories operating the five-day week.

- (1) In any factory conducted on the system of employing women and young persons on not more than five days in the week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.
- (2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week, subject to the following conditions:—
 - (a) the total hours worked on that day shall not exceed four and a half; and
 - (b) no woman or young person shall be employed overtime on any other day in that week;

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and any such employment as aforesaid on a sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.

83 Exception as to hour of commencement of period of employment.

Where the Secretary of State is satisfied that the exigencies of the trade carried on in any factory or class or description of factory or the convenience of the persons employed therein so require, he may—

- (a) in the case of any class or description of factory, by regulations; or
- (b) in the case of any factory, by order;

allow the period of employment for women and young persons as respects either the whole factory or any part thereof or any set of persons employed therein and either for the whole year or for any part of the year to begin at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

84 Exception as to simultaneous hours for meals and rest.

- (1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—

- (a) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
- (b) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the said inspector.

- (2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

85 Exception as to employment during intervals.

The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the manufacture of wrought iron, steel or tinplate, or in the manufacture of paper or in the manufacture of glass.

86 Exception as to use of rooms during intervals.

- (1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—

- (a) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
- (b) where different sets of persons have different intervals for meals or rest; or

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(c) as respects any interval allowed in the course of a spell of continuous employment.

- (2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

87 Exception as to continuous employment of male young persons employed with men.

The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four-and-a-half hours without an interval of at least half-an-hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four-and-a-half hours as the length of the spell for which they may be employed continuously.

88 Exception as to male young persons employed on repairing work.

- (1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in repairing any part of the factory or any machinery or plant therein.
- (2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

89 Exception as to Saturday.

- (1) Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class or description of factories require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description a special exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.
- (2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of the nature thereof requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

90 Exception as to holidays on different days for different sets.

Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class or description of factories so require, he

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may by regulations grant to factories of that class or description a special exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

91 Exception as to Sundays and Saturdays in Jewish factories.

- (1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday.

Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.

- (2) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath, if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise.

92 Exception as to laundries.

- (1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening :

Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

- (2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

93 Exception as to manufacture of bread or flour confectionery or sausages.

- (1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening:

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Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

- (2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

94 Exception as to the preserving of fish, fruit and vegetables.

- (1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, and annual holidays shall not apply to the employment of women and young persons who have attained the age of sixteen in processes connected with—

- (a) the preserving, canning or curing of fish or the preparing of fish for sale; or
- (b) the preserving or canning of fruit or vegetables during the months of June, July, August and September;

where such processes require to be carried out without delay in order to prevent goods from being spoiled.

- (2) Where an occupier avails himself of this exception, the notice required to be served and posted by an occupier availing himself of any special exception need not, except in so far as regulations made under this section so require, specify the period of employment or the intervals to be allowed for meals or rest.

95 Exception as to factories where milk is treated.

In the case of factories, or any class or description of factory, in which cream, butter or cheese is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Secretary of State may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and young persons who have attained the age of sixteen, and any such regulations may make different provision in respect of different processes or different periods of the year :

Provided that the hours worked in any week by any such woman or young person shall not exceed fifty-four, except that in such factories as may be specified in regulations of the Secretary of State, being factories in which cheese is made, and during such period of the year as may be so specified, the hours worked in any week as aforesaid may extend to sixty.

96 Provision for protection of women and young persons employed under exceptions.

Where it appears to the Secretary of State that the adoption of any special provision is required for the protection of the health or welfare of women or young persons

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employed overtime or in pursuance of a special exception under this Part of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

97 Notices, registers, &c, relating to special exceptions.

- (1) An occupier of a factory, not less than seven days before he avails himself of any special exception under this Part of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention so to avail himself, as from a date specified in the notice, and whilst he so avails himself shall keep the notice so posted.
- (2) Before the service of the notice on the inspector, the special exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had previously served on the inspector for the district notice that he no longer intended to avail himself of the exception.
- (3) The notice so served and posted must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the special exception shall be employed otherwise than in accordance with the notice.
- (4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.
- (5) The Secretary of State may by order direct that every occupier of a factory availing himself of such special exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified respecting the employment of women and young persons in pursuance of that special exception.