



Factories Act 1961

1961 CHAPTER 34

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Exceptions

97 Power to authorise employment in shifts

- (1) The Minister may, upon the application of the occupier of any factory, authorise in the factory or part of the factory the employment of women and of young persons who have attained the age of sixteen on a system of shifts whereby each shift may be employed between such times as may be specified in the authorisation.
- (2) The time that may be so specified as the beginning of the period of employment for a shift shall be not earlier than six o'clock in the morning, and the time that may be so specified as the end of such a period shall be not later than ten o'clock in the evening on a weekday other than Saturday and two o'clock in the afternoon on a Saturday.
- (3) The system of shifts that may be authorised under this section shall be such that the hours for each shift shall not exceed an average of eight hours a day except that, where the work or process for which the system is authorised is not carried on on more than five days in each week, the hours for each shift may exceed that average but in that case must not exceed ten hours on any day, nor forty-eight hours in a week nor eighty-eight hours in a period of two weeks.
- (4) The Minister shall by regulations make provision as to the manner in which workpeople concerned are to be consulted, and for the ascertainment of their opinions by secret ballot before any application is granted under this section, and shall not grant such an application, except in the case mentioned in subsection (5) of this section, unless satisfied that the requirements of the regulations have been complied with and that the majority of the workpeople concerned consent to the granting of the application.

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- (5) Where the Minister is satisfied that an application under this section relates to a factory which is about to be, or has recently been, newly established and that the system of shifts is intended to be permanently adopted therein for the employment of women and of young persons who have attained the age of sixteen, the application may be granted without any such consultation, ballot or consent as aforesaid.
- (6) If upon an application under this section it appears to the Minister that the employment of women and young persons in accordance with the application is required only for the purpose of making provision for a temporary emergency or a temporary pressure of work which is not of a seasonal and recurring character, any authorisation given by him on the application shall be limited to such period as appears to him to be necessary for the purpose but may, if necessary, be subsequently extended by him if the temporary emergency or temporary pressure of work continues.
- (7) In granting any application under this section the Minister shall impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts, and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and of facilities for meals and of transport facilities for workers residing at a distance and, in the case of young persons, of reasonable facilities for attending courses of further education.
- (8) The Minister may direct that the duty of dealing with applications for such temporary purposes as are mentioned in subsection (6) of this section may be performed by the chief inspector of factories or by any superintending inspector of factories, and while such a direction is in force references in this section to the Minister shall, in relation to such applications, be construed as including references to the inspector; but no authorisation given by an inspector shall be given or extended so as to have effect for more than six months.