



# Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

## PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

### *Hours and Holidays.*

#### **70 General conditions as to hours of employment of women and young persons.**

Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely :—

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week;
- (b) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon;
- (c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours ;
- (d) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen;
- (e) no woman or young person shall be employed during any such interval allowed for meals or rest.

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## **71 Reduction of weekly hours of work of young persons under sixteen.**

- (1) Subject to the provisions of this section, as from the expiration of a period of one year after the commencement of this Act, the foregoing provision of this Part of this Act limiting the hours worked in any week, exclusive of intervals allowed for meals and rest, shall have effect, in the case of young persons who have not attained the age of sixteen, as if for the reference to forty-eight hours there were substituted a reference to forty-four hours.
- (2) If representations are made to the Secretary of State with respect to any class or description of factory—
  - (a) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of such young persons and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four;
  - (b) that such increased hours would not be likely to be injurious to the health of the young persons; and
  - (c) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry;

the Secretary of State may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all the matters aforesaid, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations.

Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

- (3) If, at the expiration of a period of one year after the commencement of this Act, an inquiry under the last foregoing subsection has been directed but has not been held, or the decision of the Secretary of State after any such inquiry has not been given, this section shall not have effect as respects any class or description of factory or any process to which the inquiry relates until such date as may be appointed by order of the Secretary of State and the date shall, in a case where regulations are made as a result of the inquiry, be the date of the coming into operation of those regulations.
- (4) The Secretary of State may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as appear or appears to him to be necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

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## **72 Notice fixing hours of employment.**

- (1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form which shall be posted in the factory—
  - (a) the period of employment for each day of the week for the women and young persons employed in the factory;
  - (b) the intervals allowed for meals or rest to such women and young persons;and, subject to the provisions of this Part of this Act with respect to overtime and to the special exceptions allowed under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.
- (2) Different periods of employment and different intervals may be fixed for different days of the week.
- (3) A change in the said periods 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.
- (4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

## **73 Overtime employment of women and young persons over sixteen.**

- (1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen :

Provided that the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.
- (2) The overtime employment of a woman or young person shall be subject to the following conditions :—
  - (a) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day;
  - (b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.
- (3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

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- (4) If the Secretary of State is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.
- (5) If representations are made to the Secretary of State with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Secretary of State may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, trade board, or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein.

Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

- (6) Where the Secretary of State is satisfied that work in any class or description of factory is subject to seasonal or other special pressure, he may by regulations as respects that class or description of factory—
- (a) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, so, however, that the increase shall only take place in such number of weeks, not exceeding eight in any year, as may be specified in the regulations;
  - (b) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.
- (7) The Secretary of State may increase the aggregate number of hours of overtime employment allowed for a factory under this section in any week or the number of weeks in any calendar year in which overtime employment can take place—
- (a) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary;
  - (b) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.
- (8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Secretary of State may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number of weeks in which overtime employment can take place, as if it were employment in different factories.

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- (9) If the Secretary of State is satisfied that the nature of the business carried on in any class or description of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—
- (a) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year; and
  - (b) that no woman or young person shall, except as otherwise provided in regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.
- (10) For the purposes of this Part of this Act—
- (a) the expression “overtime employment” means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act;
  - (b) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour; and
  - (c) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

#### **74 Supplementary provisions as to overtime.**

- (1) Before employing any woman or young person in overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed including particulars of any interval for a meal or rest to be allowed under subsection (3) of the last foregoing section.
- (2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kept posted in the factory during such time as may be prescribed.

#### **75 Restriction of employment inside and outside factory on same day.**

- (1) A woman or young person shall not, during any interval allowed to that woman or young person for a meal or rest, or any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory :

Provided that a woman or young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall

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be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.

- (2) For the purposes of this section, a woman or young person to or for whom any work is given out or who takes out any work to be done by her or him outside the factory, shall be deemed to be employed outside the factory on the day on which the work is so given or taken out.

**76 Prohibition of use of rooms during intervals.**

Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

**77 Prohibition of Sunday employment.**

Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or young person employed in any factory on any other day of the week, be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

**78 Annual holidays.**

- (1) Subject to the special exceptions allowed under this Part of this Act, the occupier of a factory shall allow in each year to every woman and young person employed in the factory the following whole holidays :—

In England—

the whole of Christmas Day, Good Friday, and every bank holiday, unless the occupier throughout not less than three weeks before any one of those days posts in the factory a notice that he intends to substitute for that day some other weekday specified in the notice as a whole holiday;

In Scotland—

six weekdays which shall, subject as hereinafter provided, be fixed by the occupier and notified by means of a notice posted in the factory throughout not less than three weeks before the holiday:

Provided that in burghs two of the said weekdays, which shall not be less than three months apart, shall be fixed by the town council.

- (2) At least half of the said whole holidays shall be allowed, between the fifteenth day of March and the first day of October in every year.
- (3) If default is made in complying with the requirements of this section as to the notice to be given of any day substituted or fixed by the occupier as a whole holiday, a whole holiday allowed on that day shall not be deemed to be a whole holiday allowed in compliance with this section.
- (4) Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a whole holiday fixed by or in pursuance of this section for that factory, and a woman or young person employed in any factory shall not be employed on such a whole holiday about the business of the factory or in any other business carried on by the occupier.

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**79 Exception as to women holding positions of management.**

The foregoing provisions of this Part of this Act shall not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

**80 Power to suspend certain provisions of Part VI in emergency.**

The Secretary of State may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories.