



Hours of Employment (Conventions) Act 1936

1936 CHAPTER 22

1 Restriction on the employment of women by night in industrial undertakings.

(1) No woman shall be employed at night in any industrial undertaking except to the extent to which, and in the cases in which, such employment is permitted under the provisions of the Night Work (Women) Convention (Revised) 1934, set out in Part I of the Schedule to this Act.

(2) This section, so far as it relates to employment in coal mines, metalliferous mines and quarries, and factories and workshops, shall have effect as if it formed part of the Coal Mines Act, 1911, and the Acts amending that Act, the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Factory and Workshop Acts, 1901 to 1929, respectively.

If in any place other than the places aforesaid a person employs a woman in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and an inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall, in relation to the case, have the same powers and duties as if the place in which the woman is employed were a factory or workshop.

(3) So much of section one of the Employment of Women, Young Persons and Children Act, 1920, as relates to the employment of women is hereby repealed.

2 Exemption of women in managerial positions from enactments limiting times of employment.

Sections twenty-three to thirty-five of the Factory and Workshop Act, 1901, and sections ninety-two to ninety-five of the Coal Mines Act, 1911 (which limit the times of employment of women, young persons and children in factories, workshops and coal mines) shall not apply in relation to women holding responsible positions of management who are not ordinarily engaged in manual work.

3 Hours of work in automatic sheet-glass works.

(1) The following provisions shall have effect for the purpose of carrying out the Sheet-Glass Works Convention, 1934 :—

- (a) no person to whom the Convention applies shall be employed except in accordance with a system providing for at least four shifts of workers with hours of work not greater and intervals not less than those specified in paragraphs (b), (c), and (d) of this subsection, being a system of which due notice is given in accordance with the provisions of subsection (2) of this section;
- (b) the hours of work of any such person shall not exceed one hundred and sixty-eight in any continuous period of four weeks;
- (c) the length of a spell of work of any such person shall not exceed eight hours;
- (d) the interval between successive spells of work of any such person shall not be less than sixteen hours, except that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts :

Provided that in the following cases, that is to say—

- (i) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure; or
- (ii) in order to make good the unforeseen absence of one or more members of a shift,

the limits of hours and the intervals which would otherwise have to be observed and allowed under this subsection may be departed from, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Due notice shall not be deemed to be given of a system of employment unless—

- (a) a notice is kept posted in a conspicuous position in the works giving particulars of the system and in particular specifying the number of shifts and the hours on each day at which the spells of work for each shift begin and end, and a copy of that notice has been delivered to the inspector of factories for the district in which the works are situate; and
- (b) in the case of a change of the system of employment, a notice specifying the change has been kept posted in the works for at least one month before the date on which the change takes effect and a copy thereof has been delivered to the inspector of factories for the district in which the works are situate before the beginning of that month.

(3) Where by virtue of the proviso to subsection (1) of this section additional hours are worked by any person to whom the Convention applies, compensation for the hours so worked shall be granted by the employer in such manner as may be agreed between the organisations of employers and workers concerned or as may, in default of such agreement, be determined by such method as may be prescribed by the Secretary of State after consulting the Minister of Labour.

Every person who employs any person to whom the Convention applies shall keep a record in such form as may be prescribed by the Secretary of State of all hours so worked and the compensation granted in respect thereof.

(4) If any person employs another person in contravention of the provisions of this section or fails to comply with the requirements of subsection (3) of this section, he shall

in respect of each offence be liable on summary conviction to a fine not exceeding twenty pounds.

- (5) An inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall have the same powers and duties for the purpose of the execution of the provisions of this section as he would have if those provisions were provisions of the said Acts.
- (6) In this section, the expression " person to whom the Convention applies " means a person to whom the Convention is expressed to apply by Article One thereof as set out in Part II of the Schedule to this Act.

4 Interpretation, &c.

- (1) In this Act—
 - " Woman " means a woman of the age of eighteen years or upwards;
 - " Industrial undertaking " has the meaning assigned to it in the provisions set out in Part I of the Schedule to this Act.
- (2) Save as therein expressly provided, the provisions of this Act are in addition to and not in derogation of any of the provisions of any other Act limiting times of employment.

5 Provisions as to Northern Ireland.

- (1) This Act shall apply to Northern Ireland subject to the following modifications :—
 - (a) for any reference to the Factory and Workshop Acts, 1901 to 1929, there shall be substituted a reference to the Factory and Workshop Acts, 1901 to 1920;
 - (b) for the words " the Secretary of State after consulting the Minister of Labour" and the words " the Secretary of State" there shall be substituted the words " the Minister of Labour for Northern Ireland. "
- (2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

6 Short title and commencement.

- (1) This Act may be cited as the Hours of Employment (Conventions) Act, 1936.
- (2) This Act shall come into force on such day as His Majesty in Council may appoint and different days may be appointed for different purposes and different provisions of this Act.