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The Size of Manufacturing Establishments

THE following article gives a size-analysis of manufacturing establishments in Great Britain with more than ten employees, the criterion of size being the numbers employed in April, 1959. The figures of employment have been obtained from returns rendered by employers under the Statistics of Trade Act, 1947. The requirement to render returns under the Act applies to all manufacturing establishments with 100 or more employees and to one-quarter of the establishments with 11-99 employees.

Every Employment Exchange has the duty of ensuring that all establishments in its area which are within the scope of the requirement are included in the lists and also of taking the appropriate steps to obtain the returns if they are not rendered by the specified dates. The co-operation of employers in this matter is excellent, but it is not possible to say whether the coverage of the returns is absolutely complete. If there are any shortages they are more likely to be in the lower than in the higher size-ranges.

There are three groups of establishments which, although information about the numbers employed at them is regularly received, cannot for various reasons be allocated to size-ranges. These are Admiralty industrial establishments, Royal Electrical and Mechanical Engineers workshops and N.A.A.F.I. establishments. They are accordingly excluded from the Tables. The total number of employees thus excluded is about 56,000.

The unit in this scheme of employment returns is the individual establishment. In the great majority of cases the "establishment" is a single factory or works engaged in one type of industrial activity. In general, separate returns are required in respect of every establishment, and those firms which have more than one establishment are therefore represented more than once in the figures. It is not possible, however, to adhere to this rule with absolute rigidity in all cases. Some firms, for example, keep all the staff records for a number of establishments at a central office, and where such an arrangement makes it difficult to render separate returns for individual establishments combined returns are accepted. Interchangeability of staff is another reason for accepting combined returns. Separate returns are required, however, in respect of different departments of the same works where the products or

processes of those departments belong to different industrial classifications and the records for each department are kept separately.

The returns for an establishment include its office and other ancillary staffs and are not limited to the classes of workpeople covered by the Factories Acts. With regard to central offices covering more than one industrial establishment, the instruction on the forms is that the staffs of such offices should be included in the returns for one of those establishments. In some cases, however, the central offices are so far away from the establishments that they administer that it is not practicable to include them in the returns for any one of those establishments, and in such cases they are included in the lists as separate units and render separate returns. Separate returns are also received from certain research establishments which are self-contained units distinct from the manufacturing establishments that they serve.

The fact that the returns are obtained under the Statistics of Trade Act, 1947, involves certain limitations on the amount of detailed information that can be published. In particular, the Act prohibits the publication of information about an individual firm or publication in such a form that particulars relating to an individual firm can be identified, and for that reason it has been necessary to combine some of the industry "Orders" of the Standard Industrial Classification and to omit the separate figures for the smaller Development Areas.

As stated above, the requirement to render returns, so far as establishments with 11-99 employees are concerned, is limited to a sample of one-quarter of the total number of establishments. The figures for that size-range have accordingly been obtained by multiplying the actual number of returns received, and the figures of employment on those returns, by four.

The total number of establishments with more than ten employees in manufacturing industries in Great Britain from which returns were received in April, 1959, together with the allowance for the establishments with 11-99 employees not required to render returns, was 55,739. The number of establishments with less than eleven employees is not known, but it is thought to be in the region of 150,000. The total of

THIRD REPORT OF THE COUNCIL ON PRICES, PRODUCTIVITY AND INCOMES

The Council on Prices, Productivity and Incomes have recently issued their Third Report, which has been published by H.M. Stationery Office, price 2s. net (2s. 4d. including postage). The Council were appointed in August, 1957, with the following terms of reference: "Having regard to the desirability of full employment and increasing standards of life based on expanding production and reasonable stability of prices, to keep under review changes in prices, productivity and the level of incomes (including wages, salaries and profits) and to report thereon from time to time". Summaries were given of the first two Reports of the Council in the issues of this GAZETTE for March and September, 1958 (pages 92 and 338).

Introduction

In an introductory chapter the Council refer to their two previous Reports. The First Report was devoted, in the main, to an attempt to determine the cause of the continuous rise in prices since the end of the Second World War and to consider what should be the Government's policy on prices. The Council say that the conclusions of the First Report may be summarised very briefly as follows:—(a) the main cause of the rise in prices and incomes in the post-war period had been excessive demand; (b) the objective of Government policy should be to stop inflation and not merely to moderate its course; (c) the introduction of the restrictive measures in September, 1957, was fully justified and at the date of the Report the time had not arrived for a relaxation of the pressure. But (d) the immediate impact of damping down demand must be a check to the growth of investment and some increase in unemployment. Though the Council concluded that restraints were necessary at that time, they continued to hold in view the steady growth of production and a high level of employment as objectives of economic policy and the structure of the Second Report was arranged with a view to discussing how far, consistently with reasonable stability of prices, those objectives could be attained. The Council also considered certain measures already adopted by the Government and aimed at an expansion of demand. They came to the conclusion that these measures were justified and that policy should continue to aim at this expansion, though it should proceed gradually and with caution if reasonable stability of prices were to be maintained.

The present Report contains, as previously, a chapter bringing up to date the facts and figures about prices, productivity and incomes. The Council then review the developments in the economic situation since the Second Report and consider the prospects for the next few months. They stress the strategic importance of manufacturers seizing the present opportunity of rising output per head to reduce prices. The next chapter sets out some factors which bear on the course of prices and productivity in the longer run. The Council then turn to a more detailed consideration of a particular aspect of their problem. They examine the possible reasons for the check to the rate of growth of United Kingdom output in recent years; and this leads to a discussion of the problem of how to hold a middle course between the mood and measures of restraint, which stop prices rising but also hold back output and employment, and those of expansion, which stimulate output and employment but lead to constantly rising prices. This rise in prices is bound up with a rise in money incomes, and the Council set out some proposals which have been made for keeping within bounds the rise of money pay and profits. The final chapter of the Report contains a summary of the facts and figures set out in more detail earlier in the Report and of the conclusions reached by the Council on the various matters they have examined. A summary is given below of some of the main points made in the Report, based on the Council's own summary.

Facts and Figures

The chapter on facts and figures contains sections on prices, incomes, production, employment and unemployment, production and incomes, consumption and investment, and trade and the balance of payments. There is also a section giving some international comparisons.

The index of retail prices has not altered very much over the last eighteen months. Food prices were no higher in June, 1959, than in June, 1958. The cost of housing continued to go up while prices of alcoholic drink and durable household goods fell. The price indices covering the rest of the country's output have remained steady in recent months. The wholesale price index of manufactured goods did not reflect the earlier fall in raw materials prices and it appears that the fall has been offset by increases in money incomes.

In 1958 incomes from employment rose by 4 per cent. and other incomes (including gross profits, incomes from self-employment and rent) rose by 1½ per cent. Gross company profits fell, but dividends rose. In the first quarter of 1959 "other incomes" rose proportionately more than incomes from employment. The index of weekly wage rates was 2.9 per cent. higher in June, 1959, than a year earlier and had risen only a little since the beginning of 1959. Earnings rose less than wage rates between October, 1957, and October, 1958, but more between October, 1958, and April, 1959.

National output and industrial production fell by one per cent. in 1958. Industrial production began to rise in 1959 and by May was up by about 4½ per cent. compared with a year before. With regard to productivity, the Report says that, in the first quarter of 1959, output per person in industry was rising faster than total production. Comparing the trends of production and incomes, the Report says that all the main kinds of money incomes, except

company profits, rose faster than output in 1958. Company profits began to rise again in 1959.

Employment in May, 1959, was still below the level of May, 1958, but the numbers registered as unemployed began to fall after January, 1959. By June the average rate of unemployment had fallen to 1.9 per cent., although in some Regions the rate remained high. An analysis of the occupations of the unemployed, and the numbers of vacancies notified in each occupation, showed that more than half the unemployed men over 18 years of age were labourers and very few vacancies were notified for light labourers.

During the past year taxes have been lowered, personal borrowing has been made easier, and consumption has risen. Public investment was held back in 1958 and is expected to go ahead more quickly in 1959. Private investment is not expected to increase much in 1959.

In connection with trade and the balance of payments, the Report notes that last year the volume of imports rose relatively to the volume of exports, but there was a surplus on current account in the balance of payments because import prices fell more than export prices. In the first half of this year the volume of imports was up by 7 per cent. and the volume of exports by 3 per cent. The Report says that the surplus on current account in the balance of payments in 1958 is unlikely to be reached again this year unless exports rise substantially. The gold and convertible currency reserves stood at £1,133 millions in June, 1959.

Charts setting out world trends in output, wage costs per unit of output, earnings, etc., show that countries whose methods of adjusting rates of pay are different have experienced similar movements in pay and prices.

Recent Developments and the Immediate Prospect

In reviewing recent economic developments, the Report says that over the last year restraints have been progressively removed and important measures have been taken to stimulate expansion. Until the spring of 1959 economic activity on balance declined, but the recovery in the United States joined with the measures of expansion in the United Kingdom to produce a marked improvement from March onwards. Since the 1957 crisis was a crisis of confidence, it was essential to move gradually in stimulating re-expansion. There is now evidence of restored confidence.

The Council considered whether more stimulus to expansion should have been applied during the last year and noted that the main weapon of expansion had been increased consumption. With regard to investment, total fixed capital investment was stationary throughout 1958 and private investment in manufacturing industry declined. In attempting to estimate the effects on private investment of the measures of expansion so far introduced, and whether enough has been done for investment, the Council conclude that investment allowances do not much affect the timing of investment by big firms but may well bring forward that by smaller firms. The present high long-term rate of interest seems likely to be holding back some forms of investment, but action to bring it down can hardly succeed while the public's desire to hold fixed interest stocks is vulnerable to fears of renewed inflation. The Council's conclusion is that the recovery of private investment has depended mainly on the revival of confidence and the taking up of unused capacity and that the measures available to the Government could not have added much to what has been achieved in this way.

The Council draw attention to the significance of price stability. The index of retail prices has been virtually stable for 18 months, the fall in world commodity prices having offset continued, though smaller, rises in pay. Prices seem likely to remain fairly steady and this offers an opportunity to break away from the inflationary spiral.

The prospects for the next twelve months can be assessed, the Report says, by setting prospective expenditure against possible output. Of the elements in total expenditure it seems likely that personal consumption will go on rising, central and local government current expenditure will not alter significantly, total fixed capital expenditure will increase, and stocks may rise somewhat. The fact that there will probably be a smaller rise in the reserves to be financed will be some offset to the size of the Government's borrowing programme for capital commitments in the public sector. There seems no reason to expect that voluntary savings will fall short of investment. A smaller, though still substantial, surplus in the balance of payments on current account is to be expected in 1959 compared with 1958. In all, by the end of 1959, expenditure seems likely to be 4 per cent. above the level of the end of 1958. The figures for capital investment since 1955, and recent estimates of unused capacity, coupled with the employment figures, suggest that output can be raised to match this expenditure. The Council add that no precise judgment of the balance of all these factors is possible. Further measures of expansion are readily available should they be needed. On the other hand, if inflationary pressures reappear they should be checked promptly.

In a section on the prospects for employment, money incomes and prices, the Report says that employment is unlikely to rise as much as output. The resulting rise in output per head means lower unit costs and offers a valuable opportunity to reduce prices. Real incomes would then be raised without pushing up money incomes and the prospects of avoiding a renewal of the inflationary spiral would be improved. If unit costs fall but prices are not reduced, either profit margins will be increased or there will be room for some rise in pay without raising prices. If, in industries whose productivity increases, some incentive rise in pay and profits is combined with price reductions,

there should be room for pay increases in other industries without raising the general price level. Claims for shorter hours generally have the same sort of effect in raising costs as claims for higher pay. But, if productivity increases, increased leisure is a natural way of realising part of the gain. The Council emphasise that the country should seize the opportunity to raise output and real incomes without renewing the spiral of rising pay, profits and prices, which must end in another setback.

The Longer View

The Council examine the effect of developments overseas on the United Kingdom. They say that movements in pay, profits and prices in the United Kingdom appear to have been part of a general trend. As a trading country the United Kingdom is closely affected by changes in the international setting. A fall in world commodity prices reduces our import bill but it also reduces the ability of primary producers to buy our exports. No further significant fall in world commodity prices seems likely, but they are not likely to rise sharply or to return to their post-war peak. United Kingdom exports have in recent years shifted towards engineering and chemical products, which are of growing importance in world trade. The areas of high industrial growth are the most rapidly expanding markets, but a large proportion of the United Kingdom's exports goes to primary producing countries. Our exports to Europe are open to the effect of the Common Market. The proposals for associating the United Kingdom with another group are welcome as a reduction of trade barriers and as a potential bridge to the wider association. United Kingdom exporters appear to be meeting increased competition in overseas markets; this makes it the more important to avoid another spell of inflation.

Figures of the proportion of national output devoted to investment in recent years indicate that the United Kingdom is not investing as much as some other countries. For several reasons, the Report says, our relative position may be better than these figures show. The Report sets out some of the reasons which have been put forward for holding that the United Kingdom should improve its rate of investment. It points out that the power of investment to raise output is limited in the absence of technical advances. More investment also requires more saving. However, in an age of rapid technical advance the community stands to gain by a high rate of investment.

In a reference to profit margins the Council say that they welcome the action of those firms which are giving a lead in reducing prices. They also think that the Restrictive Practices legislation marks a significant and valuable development of public policy. They add that it is open to question how far companies should provide for physical growth out of profits, especially since the result may be to prevent price reductions. It is now easier than it was in the post-war years to raise capital on the market; ploughing it back into the business is therefore less necessary.

The Report also discusses unemployment and redundancy. It says that unemployment has been very much a problem of particular areas in the past year, as for many years. Much has been done since the war to provide jobs in these areas, and this policy should continue to be pressed forward as economic activity recovers. It must be supplemented by all possible measures for re-training workers and helping them to move. Training is also important because unemployment is heavily concentrated on general labourers. Their difficulties and those of semi-skilled workers in finding jobs are likely to be increased as automation develops. There will also be an increase in the number of school-leavers over the next three years. No one who can be trained for something more skilful should enter or remain in the class of general labourers. The Council welcome the contribution of the Industrial Training Council to training within industry. In connection with redundancy, the Council note that a number of firms have already, in consultation with the trade unions, done a great deal to reduce hardship to displaced workers by giving them advance warning of changes, offering other jobs where possible, and supplementing unemployment benefit for a time.

The Check to the Growth of Output since 1955

Both total output and industrial output in the United Kingdom rose much more slowly from 1955 to 1958 than they had done from 1948 to 1955. The Council say that the statistics probably underestimate the rise from 1955 to 1958; nevertheless, it is clear that there was a check in 1956. Some check was to be expected, partly because the immediate post-war rate of growth was probably higher than could be sustained indefinitely, partly because the increase in the working population which accompanied it must, at some stage, have reached its limit. However, it was not, in practice, this limit to the working population which checked growth; from 1955 to 1958 unemployment increased and the number of people at work decreased; in addition, there was considerable unused capacity. The check to growth must therefore have come from the side of demand.

Until 1955 total national expenditure rose rapidly. In so far as this was due to increases in pay and profits which also raised costs and prices it did not enable more goods to be bought. More goods were, in fact, bought because other processes were at work to raise expenditure faster than the rise in pay and profits alone would have raised it. This extra expenditure diminished after 1955. The Report explains the several possible causes of a rise in total ex-

penditure; they include an excess amount spent on investment over and above the voluntary savings applied to it, and an excess of current government spending over and above the amounts collected by government from taxpayers and ratepayers. The diminution after 1955 in this extra expenditure, *i.e.*, expenditure additional to that caused by rising costs and prices, came first from restraints on investment which were reinforced by a rise in personal savings. In 1957 there was also an increase in the surplus of taxation over current government expenditure. Thus money expenditure was rising more slowly than before and, since prices continued to rise, the output brought by that expenditure rose more slowly still.

The loss of confidence in the pound in the second half of 1957 led to a crisis which involved further restraints on investment. Their effect was reinforced by a recession in North America and a fall in commodity prices which reduced the purchasing power of primary producing countries. Hence there was a setback to United Kingdom economic activity in 1958. The Report notes that it was not only total output but also output per head which was checked in 1955-1958.

After narrating and discussing the course of events, the Report gives the following as a more precise answer to the question, what has caused the check to the rise of output:—

(a) Restraints on investment imposed in 1955 operated from early in 1956 to prevent the flow of expenditure in the home market from continuing to rise as fast as it had been doing.

(b) The effect of the check to investment expenditure was reinforced by a rise in personal savings.

(c) In 1957 it was also reinforced by a rise in the surplus on current account of central and local government.

(d) This check in the rise of money expenditure was accompanied by a continued rise in pay and profits, bringing higher prices with it, so that the output which the money expenditure would buy rose more slowly still.

(e) A crisis of sterling in 1957 led to further restraints on investment.

(f) From the second half of 1957 onwards our exports were depressed mainly through the reduction of purchases by primary producers whose own exports had fallen in price.

(g) At the same time a recession in North America also increased the difficulty of selling overseas and depressed expectations at home.

The Council conclude that the restraints which were the main immediate cause of the check to output were inescapable because there was no other means of checking the progressive rise in pay, profits and prices; this rise therefore bears the ultimate responsibility.

A Policy for Money Incomes

The Council say that the present stability of retail prices has enabled the United Kingdom to escape from the price-wage-price spiral and offers a valuable opportunity to consider how in future to avoid the excessive rise in money incomes which takes place when prices can readily be raised to cover costs and which compels the use of restraints on demand such as had to be employed from 1955 onwards.

This chapter sets out some proposals which have been made for restraining the rise of money pay and profits. The proposals reviewed by the Council can be subdivided into two main groups. The first group of proposals aims to limit the ability of employers to grant pay increases by limiting their power to raise prices to cover them; it includes (a) control of profits; (b) direct price controls; (c) establishment of a commission to investigate certain types of price increases and report its conclusions for public consideration.

The proposals in the second group aim to influence the particular decisions which lead to rises in pay and profits in individual industries, either (a) through some central co-ordinating body; or (b) by creating conditions in which the separate decisions will be more likely to conform with the national interest. Under (a) are various proposals for a conference representing employers' associations, trade unions, boards of nationalised industries and the government. This might simply exchange information and views, or it might reach conclusions about the desirable course of money incomes which could guide those concerned in individual pay negotiations. Such a conference would also be bound to discuss profit margins. Another proposal envisages a government agency with statutory powers to establish or enforce pay structures.

Under (b) are proposals for improving negotiation procedures in particular industries:

(i) by restricting industry-wide bargaining to minimum rates and leaving each individual management to negotiate rates above this with the unions representing its employees;

(ii) by some means for automatically relating rates of pay to, *e.g.*, productivity or profitability in particular industries;

(iii) by widening the terms of reference of Courts of Inquiry to enable them to take account of the effects of particular settlements on the public interest;

(iv) by drawing up a code of principles for the guidance of those concerned in pay settlements.

All of these proposals, on none of which the Council offers a judgment, aim to combat the inflationary push which comes when money incomes rise faster than output. The present time, the Council say, seems propitious for discussion of this question.

INQUIRY INTO OPERATION OF TRUCK ACTS

The names have now been announced of the members of the Committee appointed to review the operation of the Truck Acts (see last month's issue of this GAZETTE, page 297). As already announced, the Chairman of the Committee is Mr. David Karmel, Q.C., Recorder of Wigan. The other members are Mr. R. Boyfield, Mr. W. H. G. Cocks, F.I.M.T.A., F.S.A.A., Mr. V. Elwes, O.B.E.,

Sir Archibald Harrison, C.B.E., Mr. D. H. Haslam, Mr. I. H. Shearer, Q.C., Mr. N. A. Sloan, Q.C., and Sir Thomas Williamson, C.B.E.

The Secretary of the Committee is Mr. R. M. Walker, Ministry of Labour and National Service, 8 St. James's Square, London, S.W.1.

EARNINGS AND HOURS OF MANUAL WORKERS

Each April and October an enquiry is held into the earnings and hours of manual workers, and in the past the results have appeared in the issue of this GAZETTE for the following September and March, respectively. The results of the April, 1959, enquiry, which would normally have been published in this issue of the GAZETTE, were obtained earlier than usual, owing to some internal reorganisation

within the Statistics Department of this Ministry and to the whole-hearted co-operation of employers. In consequence the article on earnings and hours in April, 1959, was published in the August, 1959, issue of this GAZETTE (pages 283-291). It is hoped to publish the results of future enquiries each August and February.

NATIONAL INSURANCE

Contracting Out of New Graduated Pension Scheme

The National Insurance Act, 1959 (see last month's issue of this GAZETTE, page 297) introduces into National Insurance a measure of graduated contributions and retirement pensions related to employees' earnings but allows employees in occupational pension schemes which satisfy certain conditions to be contracted out. It is planned to start the collection of graduated contributions in April, 1961.

The Minister of Pensions and National Insurance has asked the National Insurance Advisory Committee to consider and report to him on three sets of preliminary draft Regulations on the arrangements for contracting out of the new graduated pension scheme. These Regulations can be purchased from H.M. Stationery Office; they are the draft National Insurance (Non-Participation—Certificates) Regulations, 1959, price 6d. (8d. including postage), the draft National Insurance (Non-Participation—Appeals and References) Regulations, 1959, price 4d. (6d. including postage), and the draft National Insurance (Non-Participation—Benefits and Schemes) Regulations, 1959, price 3d. (5d. including postage). They cover the procedure and conditions under which occupational pension schemes will be recognised for purposes of contracting out. If an employer's application to contract out is successful, and he is granted a certificate of non-participation in the scheme, graduated contributions will not be paid for the employees covered by the certificate. Instead, the present flat-rate contributions will continue to be paid for flat-rate benefits (including the present flat-rate retirement pension).

The following paragraphs give notes about the effect of the Regulations now in draft with regard to decisions on applications for contracting-out certificates, appeals against decisions, and tests to be satisfied by occupational schemes.

The draft Regulations provide for the formal appointment of a Registrar of Non-Participating Employments to decide applications for contracting-out certificates and questions arising on them, including the question whether an individual is or was covered by a particular certificate. To allow time for consultation employers intending to apply for a contracting-out certificate will be required to give at least one month's notice to the employees concerned. The notice has to be posted up at the place of work or given in some other way approved by the Registrar. Where representations have been made, the Registrar can defer the issue of a certificate, to allow time for further discussion between the employer and his employees. A certificate may be cancelled or varied by the Registrar, either on the employer's application, or because he has reason to suppose that it is no longer justified.

There is a right of appeal to an Adjudicator against any decision of the Registrar. The Registrar may also refer questions to the Adjudicator instead of determining them himself. The Adjudicator, who will be of high legal standing, is to be appointed by the Lord Chancellor. Provision is made for oral hearings by the Adjudicator, for interested parties to be represented and for a qualified assessor, e.g., an actuary or accountant, to assist the Adjudicator on questions of special difficulty. There is a right of appeal from decisions of the Adjudicator to the High Court or Court of Session on a point of law.

The Act lays down the two main tests which an occupational pension scheme must pass before its members can be contracted

out. In the first place, it must provide for life a pension at least equal to the maximum graduated pension which could be earned in the National Insurance scheme over the same period. These equivalent pension rights must be preserved on change of employment. Secondly, it must be a "recognised superannuation scheme", being financially sound and with its equivalent pension rights properly secured. The draft Regulations provide that the first test will nevertheless be satisfied even though the occupational pension may be terminated or suspended because the pensioner assigns or tries to assign it to a third party, or may be suspended if he is in prison. With regard to the second test, the draft Regulations lay down the conditions which a trust deed or insurance contract must fulfil if they are to be accepted as the basis for a contracted-out scheme. Foreign trusts and schemes will not normally be acceptable.

Exception from Liability to pay National Insurance Contributions

The Minister of Pensions and National Insurance has asked the National Insurance Advisory Committee to consider and report on the preliminary draft of the National Insurance (Contributions) Amendment (No. 2) Regulations, 1959.

These Regulations would increase from 20s. to 30s. a week the total of certain payments which are disregarded in determining whether a person's income is within the limit (now £156 a year) for exception from liability to pay National Insurance contributions as a self-employed or non-employed person. The principal payments concerned are war disability pension, industrial injuries disablement pension, workmen's compensation, maternity allowance, and the first 10s. 6d. (an increase to 15s. is proposed under the draft Regulations) of sick pay from a Friendly Society or Trade Union or of an occupational pension. The proposed changes are similar to alterations which recently came into operation in the provisions for disregarding resources for National Assistance purposes (see the issue of this GAZETTE for July, page 254).

Copies of the draft Regulations can be purchased from H.M. Stationery Office, price 3d. net (5d. including postage).

Social Security Convention between the United Kingdom and Denmark

A Convention on social security between the United Kingdom and Denmark was signed in London on 27th July, 1959. The Convention will come into operation when it has been ratified.

The Convention, which supersedes an earlier Convention on Industrial Injuries, covers all the benefits provided by the schemes of National Insurance, Industrial Injuries Insurance, and Family Allowances in this country and the corresponding benefits in Denmark.

Under the Convention, people insured in both countries will be able to add together contributions paid in the two countries in order to determine the right to receive benefit. In addition, medical treatment will be available under the Danish scheme of sickness insurance in Denmark for all British nationals in Denmark and their dependants who are in urgent need of medical treatment whether they are working or on holiday there.

in relation to social status. Generally speaking employers' and workers' associations are to be represented in equal numbers.

Specialists in psychology, cultural anthropology, sociology, physiology, vocational guidance and training, and general education will be invited to describe the results of research and of training or education programmes already undertaken in this field and to make a technical contribution during discussions which will aim at clarifying the problems and determining the nature and urgency of solutions that might be applied.

The working languages of the meeting will be English, French and German.

A number of international organisations will be invited to send observers.

The place of the meeting has yet to be determined but it is likely to be some industrial centre which has to employ a majority of rural labour and where experiments and programmes can be observed on the spot. The meeting will not be held before March, 1960; it will last three to four days. Travel costs and subsistence will be covered by individuals and/or organisations represented.

Organisations in the United Kingdom wishing to participate in this Seminar are invited to communicate with Miss G. N. Ellis, Ministry of Labour and National Service, 19 St. James's Square, London, S.W.1 (telephone number Whitehall 6200, Extension 186) by 30th October, 1959, designating the participants and indicating whether case studies, previously referred to, could be submitted.

ORGANISATION FOR EUROPEAN ECONOMIC CO-OPERATION

European Productivity Agency: Joint Management/Labour Programme

Under the Joint Management/Labour Programme (Project No. 5/9) the European Productivity Agency proposes to hold an International Joint Seminar on the adaptation and training of workers moving from rural areas to industrial centres. The purpose of the meeting is to enable employers and representatives of trade unions to examine jointly the problems industry has to face when employing rural man-power in large numbers. These problems will relate to social origins, differences in patterns of behaviour, discipline, precision required by industrial work, adaptation of the individual to team work, training programmes to assist this psychological, social and technical adaptation of rural man-power. The meeting is a preparatory one to determine some of the problems which might be taken into consideration for possible further research.

Papers will be read by representatives of industry (employers and workers) who will describe "case studies" of experiments in the employment of rural labour and the difficulties met with, for example, in connection with recruitment, with measures which may have to be taken in some countries to improve the standard of education not only of the worker himself but also of his family and fellow workers, with industrial training, and with housing problems

LABOUR OVERSEAS

Work Stoppages in the United States in 1958

An article published by the Bureau of Labor Statistics of the United States Department of Labor in the June issue of *Monthly Labor Review* analyses work stoppages due to industrial disputes in the United States of America in 1958. All known work stoppages were included in the analysis if they involved six or more workers and continued for at least one full day or shift. The figures relating to numbers of workers involved and of man-days lost include all workers made idle for one shift or longer in establishments directly involved in the stoppages. Workers made idle at other establishments or in other industries as a result of material or service shortages are excluded.

The analysis shows that the numbers of work stoppages and of workers involved were higher in 1958 than in 1957 but not so high as in 1956. The increase in 1958 in the number of workers involved in stoppages was due to an increase in large-scale stoppages. There was also a slight increase in the average duration of stoppages ending in 1958.

The number of work stoppages which began in 1958 was 3,694, compared with 3,673 in 1957 and 3,825 in 1956. Workers directly involved in stoppages which began in 1958 totalled about 2,060,000; in 1957 and 1956 the corresponding figures were 1,390,000 and 1,900,000, respectively. The loss of working time in 1958 from all stoppages in progress during the year was 23,900,000 man-days, compared with 16,500,000 man-days in 1957 and 33,100,000 man-days in 1956. The total time lost in 1958 represented about 0.22 per cent. of the total estimated working time in all United States industries during the year, compared with 0.14 per cent. in 1957. The average duration of work stoppages which ended in 1958 was 19.7 calendar days.

The majority of work stoppages in 1958 were caused by disputes over wages, hours and supplementary benefits. These disputes caused 1,875, or slightly more than one-half of the total number of work stoppages, and involved over 67 per cent. of the total number of workers directly affected by stoppages which began in the year. They accounted for 76.7 per cent. of the total number of man-days lost. Disputes over other working conditions, including job security, shop conditions and policies, and work-load, were responsible for almost 25 per cent. of the year's stoppages, more than 25 per cent. of the total number of workers involved in stoppages, and about 15 per cent. of the total loss of time.

There was an increase in 1958, compared with 1957, in the number of large-scale stoppages of work. Stoppages affecting 1,000 or more workers numbered 332 in 1958, or 53 more than in the previous year. These stoppages involved more than three-quarters of the total number of workers involved in all stoppages which began in 1958 and accounted for over three-quarters of the total time lost due to stoppages in the year. There were 21 major stoppages affecting 10,000 or more workers. Time lost as a result of these major stoppages amounted to 10,600,000 man-days, or about 44 per cent. of the time lost due to all stoppages in 1958. On the other hand, 2,052, or more than half, of the stoppages which began in 1958 involved fewer than 100 workers each, accounting for the loss of 1,219,000 man-days, or only about five per cent. of the total time lost in the year. One-fifth of the stoppages which began in 1958 lasted for a month or more and accounted for more than half the time lost caused by all stoppages. More than a third of the loss of time caused by these long stoppages was attributable to nine major stoppages. Among these was one of the year's largest stoppages, an industry-wide dispute which involved, at its peak, 105,000 dress workers. Other long stoppages affected automobile workers, flight engineers and machinists, truckers, construction workers, and glass and ceramic workers. The largest stoppage of the year, involving 275,000 workers of the General Motors Corporation, lasted for 26 days.

With regard to industries affected, the analysis shows that stoppages in the transportation equipment industry resulted in the loss of about 4,310,000 man-days. This represented slightly over 1 per cent. of the industry's total working time in 1958, a higher rate of time loss than in any other industry. The amount of time lost due to stoppages exceeded one million man-days in five other manufacturing industries, viz., fabricated metal products, electrical machinery, machinery (except electrical), stone, clay and glass products, and apparel. In each of these industries, at least one major stoppage contributed to the total loss of time. More man-days were lost in construction than in any other industry; the total for 1958 was 4,790,000 man-days, about two-fifths of which were lost in five stoppages involving approximately 100,000 workers. Fewer workers were involved in 1958 than in 1957 in stoppages in transportation, communications, and other public utilities, but loss of time, which amounted to 2,270,000 man-days in 1958, was greater than in 1957. Five stoppages were largely responsible for the increase, viz., three in the airlines industry, a western trucking strike, and a prolonged strike of about 1,000 bus workers in the mid-western and western States. The number of stoppages and workers affected by stoppages in mining industries dropped to the lowest levels for many years. The number of man-days lost, however, while remaining at a low level, increased by about 25 per cent. compared with 1957.

Average Hours of Work, Earnings, etc., in the Rubber and Asbestos Industry in Germany

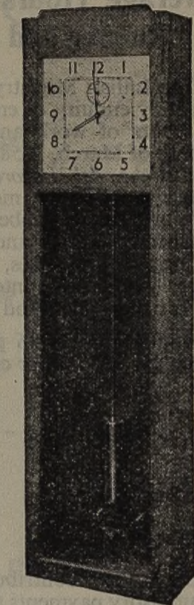
The particulars which follow, relating to the rubber and asbestos industry in the German Federal Republic, have been obtained from the report for February, 1959, on the quarterly enquiry into earnings and working hours carried out by the German Federal Statistical Office.

(77495)

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The Table below shows, by sex and skill, average weekly hours of work, average hourly earnings and average weekly earnings in the rubber and asbestos industry. For the purpose of conversion into sterling, the Exchange Rate of 11.76 Deutschmarks = £1 has been used and the amounts rounded to the nearest penny. In the following Table the terms "Male workers" and "Female workers" include boys and girls respectively; female workers comprise approximately 37 per cent. of the labour force. The term "Average Weekly Hours of Work" relates to actual hours spent at the work bench, excluding time off for meal breaks, company or union meetings, visits to the doctor, etc.

	Average Weekly Hours of Work	Average Hourly Earnings	Average Weekly Earnings
Male Workers:		s. d.	s. d.
Skilled	44.8	4 8	216 11
Semi-skilled	43.1	4 5	196 6
Unskilled	42.9	3 10	172 10
Average	43.7	4 5	199 11
Female Workers:			
Skilled	43.7	3 8	160 10
Semi-skilled	42.1	3 3	142 2
Unskilled	40.7	3 0	127 3
Average	41.2	3 1	132 8
Average all workers	42.9	4 0	178 0

Employers pay compulsory contributions covering insurance in respect of pensions, sickness and maternity, industrial injuries, unemployment and family allowances. It is not possible to quote a uniform rate of contribution as the actual contributions may vary from employer to employer according to industrial or actuarial risk. On average the total contribution would appear to be approximately 15 per cent. of wages.

In addition to these statutory payments, employers may contribute to other schemes. According to returns made by employers for the purpose of the International Labour Office enquiry of 1955, the results of which were published as a preliminary report (obtainable in the United Kingdom from the Branch of the International Labour Office at 38-39 Parliament Street, London, S.W.1, price 9d.), the amounts paid by German employers in respect of non-obligatory social security benefits direct benefits and subsidies represented 10 per cent. of basic wages.

With regard to annual holidays, the legal minimum in most of the Länder (Provinces) is 12 days, but more generous provision may exist under collective agreements. Fifteen days would appear to be granted, on average, for workers over the age of 18 years. Paid public holidays, granted additionally, vary from 10 to 13 days, according to the predominant religious belief in the area concerned.

A 4

NUMBERS UNEMPLOYED: INDUSTRIAL ANALYSIS

The statistics given below show, industry by industry, the numbers of persons who were registered as unemployed in Great Britain and in the United Kingdom, respectively, at 17th August, 1959. For Great Britain the wholly unemployed (i.e., persons out of a situation) are distinguished from those temporarily stopped

(i.e., persons suspended from work on the understanding that they were shortly to return to their former employment).

The industrial analysis is based on the Standard Industrial Classification (1958). The figures for each industry represent the numbers whose last employment was in that industry.

Table with columns: Industry, Great Britain (Wholly unemployed, Temporarily stopped, Total), United Kingdom (Total). Rows include Agriculture, Mining, Food, Chemical, Metal, Engineering, Vehicles, Textiles, Leather, etc.

* The figures for coal mining exclude all the unemployed who, although previously employed in coal mining, are known to be unfit for employment in that industry. These men are included with "Other persons not classified by industry" on the next page.

Numbers Unemployed: Industrial Analysis—continued

Table with columns: Industry, Great Britain (Wholly unemployed, Temporarily stopped, Total), United Kingdom (Total). Rows include Clothing and Footwear, Bricks, Pottery, Glass, Cement, etc., Timber, Furniture, etc., Paper, Printing and Publishing, Gas, Electricity and Water, Transport and Communication, Insurance, Banking and Finance, Professional and Scientific Services, Miscellaneous Services, Public Administration, Ex-Service Personnel not Classified by Industry, Other Persons not Classified by Industry.

* The totals include unemployed casual workers (6,377 males and 215 females in Great Britain and 6,916 males and 235 females in the United Kingdom) (77495)

Employment Overseas

UNITED STATES OF AMERICA

The number of civilians in employment as wage or salary earners in industries other than agriculture and domestic service in July is estimated by the Department of Labor to have been approximately 52,354,000. This was about 0.4 per cent. lower than the (revised) figure for the previous month but 4.3 per cent. higher than in July, 1958. The index figure of wage-earners' employment in manufacturing industries (base 1947-9 = 100) showed a decrease of 0.5 per cent. in July, compared with the previous month, but an increase of 9.7 per cent. compared with July, 1958.

The Bureau of the Census estimated that the total number of unemployed persons at the middle of July was about 3,744,000, compared with 3,982,000 at the middle of the previous month and 5,294,000 at the middle of July, 1958.

BELGIUM

The average daily number of persons recorded as wholly unemployed during June was 107,684, compared with 117,462 in the previous month and 96,749 in June, 1958. Partial unemployment accounted in addition for a daily average loss of 57,381 working days. The total number of working days lost in June by persons wholly unemployed was 2,593,298, while 1,373,989 days were lost as a result of partial unemployment.

FRANCE

The number of persons registered as applicants for employment at the beginning of August was 109,345, of whom 30,425 were wholly unemployed persons in receipt of assistance. The corresponding figures were 116,980 and 34,878 at the beginning of the previous month and 73,560 and 15,430 at the beginning of August, 1958.

GERMANY

In the Federal Republic (including the Saarland) the number unemployed at the end of July was 215,460, compared with 259,255 at the end of the previous month and 361,480 at the end of July, 1958. In the Western Sectors of Berlin the corresponding figures at the same dates were 42,588, 55,134 and 66,081.

IRISH REPUBLIC

The number of unemployed persons on the live register of Employment Exchanges at 15th August was 46,720, compared with 46,308 at 18th July and 50,097 at 16th August, 1958.

Fatal Industrial Accidents

The number of workpeople (other than seamen) in Great Britain whose deaths from accidents in the course of their employment were reported in August was 51, compared with 90 in the previous month and 56 in August, 1958. In the case of seamen employed in ships registered in the United Kingdom, 10 fatal accidents were reported in August, compared with 4 in the previous month and 8 in August, 1958. Detailed figures for separate industries are given below for August, 1959. The figures in this article are provisional. The figures under the heading "Factories" (other than Works and Places under Sections 105, 107, 108, of the Factories Act, 1937) are based on a new "Process Classification" which was introduced on 1st January, 1959, and it is not possible to compare the figures with those for periods prior to that date. The total for the "Factories" group, however, is not affected by these changes.

Mines and Quarries*

Mines and Quarries*	
Coal Mines:	
Underground ..	14
Surface ..	1
Other Stratified Mines ..	..
Miscellaneous Mines ..	..
Quarries ..	1
TOTAL, MINES & QUARRIES	16

WORKS AND PLACES UNDER SS. 105, 107, 108, FACTORIES ACT, 1937

WORKS AND PLACES UNDER SS. 105, 107, 108, FACTORIES ACT, 1937	
Building Operations ..	3
Works of Engineering Construction ..	1
Docks, Warehouses and Ships ..	3
TOTAL, FACTORIES ACTS ..	26

Factories

Cotton ..	1
Textile Finishing ..	2
Lime, Cement and other Minerals ..	1
Iron Extraction and Conversion ..	1
Metal Rolling, Drawing, Extrusion and Forging ..	1
Miscellaneous Metal Processes ..	2
Shipbuilding and Repairing and Ship Breaking ..	1
Saw Milling and Plywood and Boards ..	2
Paints & Varnish and Soap ..	1
Tailoring ..	..
Other Clothing ..	1
Milling ..	1
Food ..	2
Drink and Tobacco ..	2
Electrical Stations ..	1

Railway Service

Brakemen and Goods Guards ..	1
Permanent Way Men ..	2
Porters ..	2
Shunters ..	1
Other Grades ..	3
Contractors' Servants ..	..
TOTAL, RAILWAY SERVICE	9
Total (excluding Seamen)	51

Seamen

Trading Vessels ..	8
Fishing Vessels ..	2
TOTAL, SEAMEN	10
Total (including Seamen)	61

Industrial Diseases

The number of cases and deaths† in Great Britain reported during August, under the Factories Act 1937, or the Lead Paint (Protection against Poisoning) Act, 1926, are shown below. The figures in this article are provisional.

I. Cases

I. Cases	
Lead Poisoning	
Operatives engaged in:	
Smelting of Metals ..	1
Shipbreaking ..	..
Other contact with Molten Lead ..	..
Electric Accumulator Works ..	1
Paint and Colour Works ..	..
Other Industries ..	..
TOTAL ..	2

I. Cases—continued

I. Cases—continued	
Epitheliomatous Ulceration (Skin Cancer)	
Pitch and Tar ..	18
Mineral Oil ..	5
TOTAL ..	23
Chrome Ulceration	
Manuf. of Bichromates ..	1
Chromium Plating ..	11
TOTAL ..	12
Total, Cases ..	40

II. Deaths

Mercurial Poisoning ..	1
Aniline Poisoning ..	..
Chronic Benzene Poisoning ..	1
Compressed Air Illness ..	1
Anthrax ..	..

II. Deaths	
Epitheliomatous Ulceration (Skin Cancer)	
Mineral Oil ..	2
TOTAL ..	2

Industrial Rehabilitation

The statistics of courses at Industrial Rehabilitation Units given below relate to the four weeks ended 17th August, 1959.

	Men	Women	Total
Persons admitted to courses during period	657	95	752
Persons in attendance at courses at end of period	1,267	177	1,444
Persons who completed courses during period	592	76	668

* For mines and quarries, weekly returns are obtained and the figures cover the 5 weeks ended 29th August, 1959.

† Deaths comprise all fatal cases reported during the month; they have also been included (as cases) in the same or previous returns.

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WAGES, DISPUTES, RETAIL PRICES

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Changes in Rates of Wages and Hours of Labour

RATES OF WAGES

Changes in August

In the industries covered by the Department's statistics,* the changes in rates of wages reported to have come into operation in the United Kingdom during August resulted in an aggregate increase estimated at approximately £32,000 in the weekly full-time wages of about 267,000 workpeople, and in a decrease of £500 for 12,800 workpeople.

The principal increases affected workpeople employed in the retail multiple grocery and provisions trade and in co-operative laundries. Others receiving increases included iron and steel workers and workers employed in the electrical contracting industry in Scotland. The decreases, which operated under sliding-scale arrangements based on the official index of retail prices, affected small groups of iron and steel workers in the Midlands and West of Scotland, iron-ore miners and limestone quarrymen in Cumberland, and workers employed in the manufacture of mechanical cloth.

In the retail multiple grocery and provisions trade there were increases for employees of firms which are parties to agreements made by the Joint Committees for the trade in England and Wales and in Scotland; for adult shop assistants the increases were 6s. a week for men and 4s. for women. Weekly rates for male and female workers in co-operative laundries were also increased by 6s. and 4s. respectively.

Small increases became payable to the main body of workers in the iron and steel industry affected by sliding-scale arrangements based on the official index of retail prices; steel workers in South-West Wales were unaffected by these arrangements during the month but received an increase of 5s. 6d. a week in basic rates. In the electrical contracting industry in Scotland standard rates for journeymen electricians and armature winders were increased by 13d. an hour.

Of the total increase of £32,000, about £20,000 was the result of arrangements made by Joint Industrial Councils or other joint standing bodies established by voluntary agreement; about £5,000 resulted from direct negotiations between employers and workpeople or their representatives; about £4,000 resulted from the operation of sliding scales based on the official index of retail prices; and about £3,000 was the result of Orders made under the Wages Councils Acts.

Changes in January-August, 1959

The following Table shows the numbers of workpeople in the United Kingdom affected by net increases in rates of wages reported

PRINCIPAL CHANGES IN RATES OF WAGES REPORTED DURING AUGUST

(NOTE.—The figure in brackets below an item in the column headed "District" relates to the page in the volume "TIME RATES OF WAGES AND HOURS OF LABOUR, 1ST APRIL, 1959," on which details for that date are given.)

Industry	District (see also Note at beginning of Table)	Date from which Change took effect	Classes of Workpeople	Particulars of Change (Decreases in italics)
Mining and Quarrying	West Cumberland (10)	24 Aug.	Limestone quarrymen ..	Cost-of-living net addition to wages decreased by 1d. a shift (9s. 1d. to 9s.) for men and youths 18 and over, and by 3d. (4s. 6d. to 4s. 6d.) for boys.
	South and West Durham	3 Aug.	Limestone quarrymen ..	Cost-of-living payment increased by 1d. a shift (8s. 1d. to 8s. 2d.) for men and youths 18 and over, and by 3d. (4s. 0d. to 4s. 1d.) for boys under 18.
	Cleveland (14)	do.	Ironstone miners ..	Cost-of-living payment increased by 1.2d. a shift (10s. 1.2d. to 10s. 2.4d.) for men and youths 18 and over, and by 0.6d. (5s. 0.6d. to 5s. 1.2d.) for boys under 18.
	Cumberland (14)	24 Aug.	Iron-ore workers ..	Cost-of-living net addition to wages decreased by 1d. a shift (9s. to 8s. 11d.) for men and youths 18 and over, and by 3d. (4s. 6d. to 4s. 5d.) for boys.
	North Lincolnshire	2 Aug.	Ironstone miners and quarrymen	Cost-of-living bonus payment increased by 1.3d. a shift (8s. 4.1d. to 8s. 5.4d.) for men, by 0.97d. (6s. 3.08d. to 6s. 4.05d.) for youths 18 and under 21, and by 0.65d. (4s. 2.05d. to 4s. 2.7d.) for boys under 18.
	Notts., Leics., parts of Lincs., Northants, and Banbury	do.	Ironstone miners and quarrymen and limestone quarrymen	Cost-of-living payment increased by 1.36d. a shift (8s. 1.92d. to 8s. 3.28d.) for men, by 1.02d. (6s. 1.44d. to 6s. 2.46d.) for youths 18 and under 21, and by 0.68d. (4s. 0.96d. to 4s. 1.64d.) for boys under 18.

* The particulars of numbers affected by changes in rates of wages and working hours, and of the amount of change in weekly wages and hours of labour, exclude changes affecting clerical workers, for whom the information available is not sufficient to form a basis for statistics. The estimates of the effect of the changes on weekly wages are based on normal conditions of employment and do not take into account the effect either of short-time or of overtime.

† The industry groups included in this Table comprise industries now classified in accordance with the 1958 edition of the Standard Industrial Classification (see page 55 of the February, 1959, issue of this GAZETTE). The figures for individual groups, therefore, are not strictly comparable with those published in previous years.

‡ Workpeople who received two or more increases of wages during the period are counted only once in this column.

§ Under sliding-scale arrangements based on the official index of retail prices.

Principal Changes in Rates of Wages Reported during August—continued

Table with 5 columns: Industry, District, Date from which Change took effect, Classes of Workpeople, Particulars of Change. Rows include Baking (Scotland, Northern Ireland), Brewing (Scotland), Coke Manufacture (Scotland, Cumberland), Pig Iron Manufacture (England and Wales), Iron and Steel Manufacture (Great Britain).

* These increases took statutory effect under an Order issued under the Wages Councils Act. See page 356 of this GAZETTE. The rates quoted have been in operation generally for workers covered by an agreement of the National Joint Committee for the Baking Industry (Scotland), as from the first pay day following 17th May (see page 234 of the June issue of this GAZETTE).

Principal Changes in Rates of Wages Reported during August—continued

Table with 5 columns: Industry, District, Date from which Change took effect, Classes of Workpeople, Particulars of Change (Decreases in italics). Rows include Iron and Steel Manufacture (continued), Galvanising, Tube Manufacture, Mechanical Cloth Manufacture, Glass Processing, Screen Printing and Display Production, Window Blind Manufacture, Wholesale Distribution.

* These increases affected employees of firms which are members of the Iron and Steel Trades Employers' Association, the principal districts concerned being the North-East Coast, Cumberland, Lancashire (except craftsmen), South Yorkshire (excluding Sheffield special steels district), Lincolnshire, South Wales and West of Scotland.

12th July, 1957, to 4th April, 1958 (both days included) the claimant would not work on 21 Saturdays out of a possible 34, i.e., approximately 61 per cent. If the whole year from 5th April, 1957, to 4th April, 1958 (both dates included) is taken into account the claimant would be shown not to have worked on 28 out of 48 Saturdays, i.e., approximately 58 per cent of the Saturdays.

"In my opinion if it is established that during the year ending with the day in question (or such other period as may provide a more suitable test in the particular case) a claimant has worked on less than 50 per cent. of the days of the week in question (excluding any day of incapacity for work or holiday and days on which he was unemployed because his employment had been terminated) that day should be held to be one on which in the normal course the claimant would not work. If the claimant has worked on as much as 50 per cent. of such days it should (in my view) be held that it has not been proved that in the normal course he would not have worked on the day in question.

"In the present case it is shown that on more than 50 per cent. of the Saturdays which occurred from the beginning of the claimant's employment with J. B. and Company Limited until the day in respect of which his claim for unemployment benefit was made the claimant did not work for J. B. and Company Limited and it was not suggested that he worked for any other employer on any of those Saturdays. In my opinion in the circumstances of this case this period is long enough to establish that Saturday, 5th April, 1958, was a day on which in the normal course the claimant would not work in his employment with J. B. and Company Limited, but in fact (as pointed out above) in the full year from 5th April, 1957, the percentage of Saturdays on which the claimant did not work was approximately 58 per cent. It follows from this evidence that Saturday, 5th April, 1958, must be held to be a day on which in the normal course the claimant would not work in his then employment and that in the normal course he would not have worked in any other employed contributor's employment on that day. It follows that that day cannot be treated as a day of unemployment in the claimant's case. The claimant's appeal must be dismissed."

Decision No. R(U) 12/59 (13th October, 1958)

An unemployed factory worker obtained part-time work as a relief park-keeper. His hours of duty began at 4 p.m. each day. He had no reasonable prospect of obtaining full-time factory work finishing before 4 p.m. Held that unemployment benefit was not payable while the claimant followed the occupation of relief park-keeper. The fact that he could leave the subsidiary occupation at any time without notice was not to the point. He could not re-arrange his hours as a park-keeper, and could only follow the full-time employment for which he was available by giving up the subsidiary occupation which was therefore clearly inconsistent with the full-time employment. Decision R(U) 11/54 distinguished.

Decision of the Commissioner

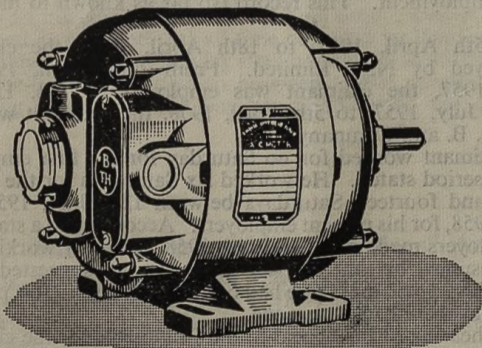
"My decision is that unemployment benefit was not payable to the claimant for Monday, 3rd March, 1958, or succeeding days on which he followed the occupation of relief park-keeper.

"The claimant, who is 65 years of age, was employed as a factory

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machinist for at least 5 years to February, 1958, when that employment ceased. His hours of work were from 8 a.m. to 5.30 p.m.

"On 3rd March, 1958, he started work as a relief park-keeper in the employ of a local authority. His duty is to take over from the regular park-keeper at 4 p.m. each day, including Sunday, and to continue until the park closes. His pay is £1 19s. 3d. net each week.

"The local insurance officer decided that from 3rd March, 1958, unemployment benefit was not payable to the claimant. *Prima facie*, days on which the claimant was employed as a relief park-keeper would not be days of unemployment for him, but the matter has to be considered under regulation 6(1)(h) of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, as amended [S.I. 1948 No. 1277 as amended by S.I. 1955 No. 143 and by S.I. 1957 No. 1870]. The relevant regulation (which is made in exercise of powers conferred by section 11(3) of the National Insurance Act, 1946) is set out in its amended form in Part I of the Schedule to the last-mentioned amendment [S.I. 1957 No. 1870]. It provides as follows (omitting parts now immaterial):—6 (1) For the purposes of unemployment . . . benefit . . . (h) . . . a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation . . . unless the earnings derived from that occupation, in respect of that day, do not exceed six shillings and eightpence . . . on the daily average . . . and unless he is available on that day for full-time employment in some employed contributor's employment and the occupation which he is following is consistent with and different in nature from that full-time employment. The effect of this regulation is that a day on which a person is following any occupation (even a subsidiary occupation) is not to be treated as a day of unemployment unless all the named conditions are satisfied, that is to say:—(1) the earnings from the occupation must not exceed on the average 6s. 8d. a day; (2) the claimant must be available for full-time employment in some employment; (3) the subsidiary occupation must be consistent with that full-time employment; (4) the subsidiary occupation must be different in nature from that full-time employment.

"In the present case, the full-time employment for which the claimant is available is any sort of unskilled factory employment suitable for a man who is 65 years of age and of rather frail physique. The insurance officer decided that his subsidiary occupation of relief park-keeper was not consistent with and different in nature from the full-time employment for which he was available, and that days on which he was employed as a relief park-keeper were therefore not days of unemployment, and unemployment benefit was not payable for them.

"The claimant appealed against that decision to the local tribunal. The tribunal held that his part-time job was not inconsistent with his previous employment, and also that he was available for employment outside the job of relief park-keeper. They found that the terms of the claimant's employment permitted him to leave at any time without notice. They allowed his appeal and held that unemployment benefit was payable each day from 3rd March, 1958. The insurance officer now appeals from that decision to the Commissioner.

"In my judgment the decision of the local tribunal cannot be sustained. It is no doubt true, in general, that there are certain types of employment which finish before 4 p.m. daily and that the claimant's occupation of relief park-keeper would not interfere with his following an employment of that type. But that is not to the point. In order to succeed, the claimant must show that he is available for full-time employment in an employment of that type. But that presupposes that there are full-time employments which finish before 4 p.m. and which he is qualified to follow and would follow if one of these employments were offered to him. There is no evidence at all to that effect. The only evidence goes to show that the full-time employment for which he is available does not finish until 5.30 p.m., and this is plainly inconsistent with his subsidiary occupation of relief park-keeper which begins at 4 p.m. I agree that the subsidiary occupation of relief park-keeper is undoubtedly different in nature from the full-time employment of factory machinist, but I hold that the claimant has not proved that the occupation of relief park-keeper is consistent with the full-time employment for which he is available.

"The local tribunal evidently relied also upon the fact that the claimant was at liberty to leave his subsidiary occupation at any time without notice. The fact that a claimant for unemployment benefit, when unemployed, may follow a subsidiary occupation during hours in which he would have been working, if he had been in full-time employment, does not of itself disqualify him for unemployment benefit; see Decision R(U) 11/54, paragraphs 5 and 6. But in order to escape from disqualification, such a claimant must be able to show that he can re-arrange his hours of work in his subsidiary occupation to suit himself and to fit in with his full-time employment; he must be able to show that he can carry on simultaneously both his subsidiary occupation and the full-time employment for which he is available. In the present case the claimant cannot do that. He is not at liberty to re-arrange his hours of work as a relief park-keeper. He must begin at 4 p.m. He could only follow the full-time employment for which he is available by giving up his subsidiary occupation. The one is clearly inconsistent with the other, and there is no elasticity in the hours of park-keeping by which it could be made to fit in with the full-time employment.

"It follows that on Monday, 3rd March, 1958, and on succeeding days on which the claimant was employed as a relief park-keeper, he has not brought himself within the provisions of regulation 6(1)(h) referred to above. Those days therefore cannot be treated as days of unemployment and unemployment benefit was not payable for them. The insurance officer's appeal is allowed."

Legal Cases Affecting Labour

Factories Act, 1937—Woodworking Machinery—Injury to workman operating a circular saw on a private job after working hours

A workman employed by the C. Company was injured while operating a circular saw which was not securely fenced within the meaning of Section 14(1) of the Factories Act, 1937, or in accordance with the provisions of Regulation 10(c) of the Woodworking Machinery Regulations, 1922. At the time of his injury he was voluntarily helping another workman to make a table for himself after working hours. He sued the C. Company for negligence and for breach of the statutory provisions already quoted.

Section 14(1) of the Act provides "Every dangerous part of any machinery . . . shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced . . .". The Woodworking Machinery Regulations, 1922, are deemed to be made under Section 60 of the Factories Act, 1937, as amended, which provides that "where the Minister is satisfied that any machinery . . . is of such a nature as to cause risk of bodily injury to the persons employed . . . he may . . . make . . . special regulations . . .". Regulation 10(c) makes detailed provisions for the fencing of circular saws.

Mr. Justice Havers, who tried the case at the Nottingham Assizes, dismissed the allegation of negligence and held that the C. Company owed no duty to the workman under either the Act or the Regulations since at the time of his accident (1) he was not employed, but was voluntarily engaged in manual labour, and (2) since he was not working under any contract of service, he was not "working" on the premises within the meaning of the phrase "person employed or working on the premises" in Section 14(1).—*Napierski v. Curtis (Contractors) Limited*. Nottingham Assizes, 25th, 26th and 27th February, 1959.

Factories Act, 1937—Building (Safety, Health and Welfare) Regulations, 1948—Independent contractor—Whether a "workman" or "person employed"

The plaintiff was injured when he fell from an asbestos roof on which he was working on behalf of the defendants, who were roofing contractors. The plaintiff was his own boss, could work for anybody he liked and was treated as self-employed for income tax and insurance purposes. He sued the roofing contractors alleging, *inter alia*, that the Building (Safety, Health and Welfare) Regulations, 1948, applied to him and that the defendants were in breach of them.

The Factories Act, 1937, Section 60, as amended, under which these Regulations are made, provides "where the Minister is satisfied that any manufacture . . . process or description of manual labour, used in factories is of such a nature as to cause risk of bodily injury to the persons employed . . . he may make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case." Regulation 4 of the Building (Safety, Health and Welfare) Regulations, 1948, provides that "it shall be the duty of every contractor and employer of workmen who is undertaking any of the operations to which these regulations apply . . ." to comply with certain detailed safety requirements. The roofing contractors had not complied with these requirements in this case.

It was held by the Court of Appeal (Lords Justices Hodson, Romer and Pearce), affirming the decision of Mr. Justice Streetfield in the court below, that the employers were not in breach of the Regulations since the workman was neither a person "employed" nor a "workman" within the meaning of the Act or the Regulations, which did not therefore apply to him. *Herbert v. Harold Shaw Limited*. Court of Appeal, 9th and 10th April, 1959.

Master and Servant—Summary Dismissal—Whether Wrongful

Miss L. was employed as an advertisement representative by a company. During an acrimonious interview, at which she was present, between her immediate superior and the managing director of the Company she left the room at the request of her immediate superior, despite the managing director's command to stay where she was. For this action she was summarily dismissed and she sued her ex-employers for wrongful dismissal. She succeeded in the County Court and the Company appealed.

The Court of Appeal (The Master of the Rolls Lord Evershed, Lord Jenkins and Lord Justice Willmer) held that one act of disobedience, to justify dismissal, must be of a grave and serious character, as it will be if it shows that the servant is repudiating the contract or one of its essential conditions. On the facts of this case the act of disobedience did not justify summary dismissal.—*Laws v. London Chronicle (Indicator Newspapers) Limited*. Court of Appeal, 22nd April, 1959.

Factories Act, 1937—Unfenced Machinery—Workman injured while wilfully disobeying orders—Whether the injury was in consequence of the contravention of the Act

A workman, who was employed to clean machines at night, was injured when his hand got caught in the nip between the moving belt and the drum of an electrically driven belt conveyor. At the time of the accident he was, contrary to instructions, attempting to clean the machine by hand and while it was in motion. The machine was not guarded since when it was in use the operator was in a safe position. If it had been guarded the guard would have had to have been removed and replaced during the cleaning process each time the machine was switched on.

The employers were acquitted in the Magistrates' Court of an offence under Section 133 of the Factories Act, 1937, which provides that "if any person . . . suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of the Act . . ., the occupier or owner of the factory shall . . .

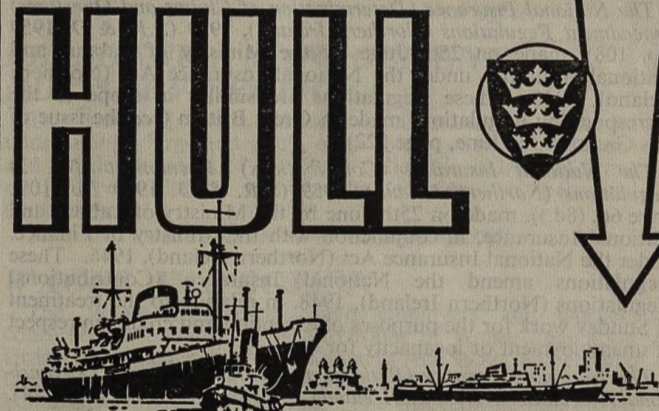
be liable to a fine . . .". The provision of the Act alleged to have been contravened was Section 14(1) relating to the secure fencing of every dangerous part of any machinery.

The prosecutor appealed by way of case stated to the Divisional Court of the Queen's Bench Division (The Lord Chief Justice Lord Parker, Mr. Justice Donovan and Mr. Justice Salmon). It was held that an offence had been committed since (1) it was reasonably foreseeable that the unfenced nip might cause injury to a cleaner and therefore there was at the time of the accident a breach of Section 14(1), (2) the injury was a consequence of that breach, despite the fact that the breach was occasioned solely by the workman's own fault, since the duty imposed by Section 14(1) was an absolute duty, and (3) the proviso to Section 133, which exempts the occupier or owner from liability in the case of injury to health where the injury was not caused directly by the contravention of the Act, did not assist the occupier in this case because the words "injury to health" in the proviso refer to disease and not the sort of injury that this workman had suffered.—*Dunn v. Birds Eye Food Limited*. The Queen's Bench Division, 29th and 30th April, 1959.

"Close or curtilage or precincts" of a factory—Place used for purposes other than process carried on in factory

A workman was employed by contractors, who were relaying the surface of an airfield, including the concrete apron of a hangar, which was occupied under licence by an aviation company and was a "factory". The apron was being relaid one half at a time so that the other half should be available for use in connection with the work being done in the hangar. While the concrete on one half of the apron was being broken up a chip flew into the workman's eye and blinded him. He sued his employers relying mainly on their alleged breach of Section 49 of the Factories Act, 1937, and the Protection of Eyes Regulations, 1938, in that they had failed to provide him with goggles. In the court of first instance, Mr. Justice Glyn-Jones held that the contractors were not in breach of this obligation since the place where the plaintiff was working at the time of the accident was not a factory. The Court of Appeal (Lord Goddard and Lords Justices Romer and Pearce) held (1) that the concrete apron of the hangar was "within the close or curtilage or precincts" of the hangar within the meaning of Section 151(1) of the Factories Act, 1937, since it was part of the area which together with the hangar was licensed to the aviation company for their exclusive occupation, but that (2) that part of the apron which was being broken up for the purpose of relaying was not at the time of the accident a factory because it was "a place . . . solely used for some purpose other than the processes carried on in the factory" and was therefore deemed by Section 151(6) of the Factories Act, 1937, not to form part of the factory.—*Walsh and Allweather Mechanical Grouting Company Limited*. Court of Appeal, 30th April, and 1st and 8th May, 1959.

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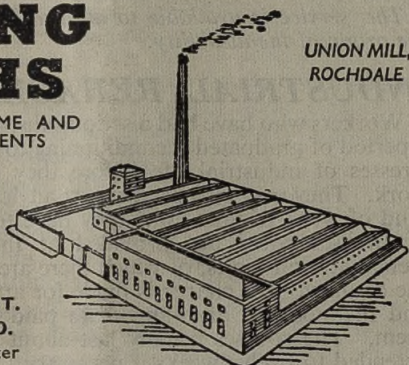
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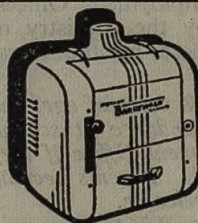
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