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# PARLIAMENTARY DEBATES

## HOUSE OF COMMONS

### STANDING COMMITTEE A

### EMPLOYMENT OF WOMEN AND YOUNG PERSONS BILL

### OFFICIAL REPORT

TUESDAY, 25th FEBRUARY, 1936

### Fourth Day's Proceedings

#### CONTENTS

Further amendments were made in Clause 1, which was still under discussion, when—  
The Committee adjourned until Thursday, 27th February, at 11 a.m.

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**EMPLOYMENT OF WOMEN AND  
YOUNG PERSONS BILL.**

STANDING COMMITTEE A.

**[OFFICIAL REPORT.]**

*Tuesday, 25th February, 1936.*

[Major MILNER in the Chair.]

CLAUSE 1.—(*Employment of women and young persons in shifts.*)

**Mr. RILEY:** I beg to move, in page 2, to leave out lines 13 to 21.

The object of this Amendment is to put the workpeople in recently-established factories on the same footing as those employed in existing establishments under the provisions of the Bill. The Bill provides, in the case of existing establishments, that before the two-shift system can be introduced the workpeople must be consulted and a secret ballot held. This paragraph of Sub-section (2), which the Amendment would delete, provides that that right of the workpeople to be consulted shall not apply in the case of a new factory or a factory which has recently been established. We are entitled to ask why the workpeople in a newly-established factory should not have the same rights as the workpeople in existing factories. Then, what is meant by "recently established"? Does it mean a year, two years, or five years? There is the further point that this paragraph visualizes new factories where the two-shift system will be permanent, not temporary. That means that a permanent two-shift system may be enforced without the workpeople being consulted in any way, and apparently the employés would never have any redress. We are entitled to know on what grounds the workpeople in new factories are not to have the same rights of consultation as those in existing factories.

The UNDER-SECRETARY of STATE for the HOME DEPARTMENT (Mr. Lloyd): I agree that the Hon. Member is entitled to ask why that should be the case and my answer will be to refer him to the passage in the Departmental Committee's report which deals with this point. They say that in such cases the factory and plant have been planned in advance before work actually commences and that only those persons will be taken on as workers who are prepared to work the shift system, and on the terms offered. Therefore, they say, the consent of the workers can be little more than a form. The consent of the workers in that place is naturally given when they accept employment in the new factory, because it is organised on that basis. The hon. Member inquired the meaning of "recently established." If he will look at the Bill, he will see that the emphasis is on "newly" established. This is simply a form of drafting to make certain that all newly-established factories come under this provision. The reason it was incorporated was that under the existing procedure the Home Office has had a certain amount of difficulty in dealing with newly-established factories. It has felt uncertain whether the joint application should be granted when there was only a small initial number of workers in the factory, or whether it should be refused until there was a larger number, and, if so, what number. The hon. Member will appreciate the dilemma that arises. If it were laid down that even in a newly-established factory, organised and adapted for two-shift working, the consent of the workers must still be obtained, naturally the employer would take on workers on the condition that they would be expected to work shifts when the application was made, since the purpose of the factory was to work that system. Therefore, it would be nothing more than a form to go through the whole procedure. It is with a desire to avoid what would really be a farce that we have, quite openly, put in this provision. The difficulties which the Home Office has experienced in working the existing law would be greater now that a definite procedure for ascertaining the view of the workers is being laid down.

**Mr. RHYS DAVIES:** I would inform the Under-Secretary of State that if there is one thing upon which we feel very keen

[Mr. Davies.] It is this paragraph. I want to dispose of his argument that the workpeople entering a newly-established factory would know beforehand the conditions under which they were to work, the inference being that they could, if they liked, refuse to work there. He knows that a workman who is unemployed cannot under the unemployment insurance law refuse to take a job, and consequently the workpeople will have no real voice in the matter. Let me put one or two points to show how the system will operate. First, there will be unfair competition between two manufacturers in the same town. Is it possible for an old mill in Lancashire, a textile mill, which, after standing idle for two or three years, has been turned into a clothing factory, to be a "newly-established" factory? The hon. Gentleman will see what would happen in such a case. When the mill was working as a textile mill, the workpeople might have declined, after a ballot, to work the two-shift system, but the same workpeople will be compelled to work the two-shift system in the "newly-established" factory. That is an important point.

What is there wrong in asking the employer to operate the ordinary factory laws and then, if he wishes, to go to the Home Office to ask for an Order under the two-shift system? The hon. Gentleman rather assumed that a new factory would automatically operate the two-shift system, but he must know that the majority of factories, new or old, do not operate the two-shift system, and we should not be taken along the road towards the idea that everybody wants the two-shift system. The main objection we have to this paragraph is that some day every factory will be a newly-established factory. I do not know the life of a factory, but I should be astonished if it were more than about 80 years. We are legislating here, I feel confident, for the next quarter of a century, if not for the next half century, and if we pass this paragraph, we shall be responsible for passing a law to allow this two-shift system to become operative universally—at some time when we are no longer here—without any reference to the workpeople. It will become automatic.

The hon. Gentleman has referred us to the report of the Departmental Committee, but we are not bound by the decision of a Departmental Committee. When the Home Office wants to ignore the recommendations of that Committee, it does so without any compunction. I speak with a little authority when I say that when a Government dislikes a Committee's report it does not look at it. There was a great "to do" over the report on industrial assurance. Industrial assurance was to be cleaned up—and it wants cleaning up. Nothing has happened, although there were strong recommendations in that report that something should be done. I hope the hon. Gentleman will not think me too brutal when I say that the two-shift system will help the manufacturers and employers. It is they in the main who want it, and the Government, which is made up of that type of individual, supports every recommendation which they desire.

Sir FRANCIS FREMANTLE: Oh!

Mr. DAVIES: Does the hon. Gentleman object to that statement? I thought that was taken for granted. Finally, the hon. Gentleman ought to do one thing above all others on this Bill. The Bill would not be spoiled at all by taking out the paragraph in question. It would be very interesting to have some idea from the Home Office how many newly-established factories they expect to be started and to operate this system without a ballot vote being taken at all. I have always congratulated the hon. Gentleman on his efficiency, but I am hoping he may not be able to cover some of the technical questions I have put to him now. In any case, we shall vote in favour of the deletion of this paragraph.

Mr. JAGGER: I would like to stress one point which becomes increasingly evident as these Amendments are discussed. The Under-Secretary of State tells us that we must have a certain thing because it was in the report of the Departmental Committee, and then in the next breath he tells us that we must have another thing because it was not in that report. This Clause was admittedly in that very stupid Departmental Committee's report. [HON. MEMBERS: "Oh!"] It was a very stupid Departmental Committee's report. I could understand the

hon. Gentleman saying that we must slavishly and obediently follow the terms of that report. If he is going to do that, he must tell the hon. Member who has moved this Amendment that he cannot meet him on this question of newly established factories, but that he will strike out the provision concerning recently established factories.

Mr. LLOYD: With regard to the report of the Departmental Committee, I would like to say quite clearly to my hon. Friend that never for one moment have I thought that this Committee was in any way bound by the Departmental Committee's report, but as that was the most comprehensive investigation into the subject which has been made in recent years—and made by representatives of all three parties, assisted by very expert gentlemen and ladies with a knowledge of the subject—I felt that when asked for information why a particular thing was put into the Bill, which we know to be based on the Departmental Committee's report, it was relevant to place before the Committee for its consideration the points that had been elucidated by the Departmental Committee after prolonged investigations. That was my purpose in putting these points before the Committee.

With regard to the questions put to me by the hon. Member for Westhoughton (Mr. Rhys Davies), I must admit that my efficiency will fail in regard to telling him how many factories will be established in future on this or any other system. I do not think that is a point which we can be expected to forecast. We should be very stupid if we attempted to forecast the exact number of factories that will be set up under any system. With regard to the particular point made by the hon. Member concerning factories, I think he will understand, with his own great experience of the Home Office, that it is not possible at this stage for us to lay down what would take place in regard to any individual case. All that we can say at this time is what will be the general position in regard to such cases.

Mr. RHYS DAVIES: I put to the hon. Gentleman a specific question which I am sure will arise in the administration of these Orders. There are in Lancashire at the present time hundreds of old

factories, some of which have been turned over to other operations. Can the hon. Gentleman tell me whether a textile mill which, after having been idle for four or five years, is turned over to the manufacture of cloth will be regarded as a newly-established factory?

Mr. LLOYD: I think it is true to say in general that every case of this kind will have to be judged on its merits by the Secretary of State, because the word in the Bill is "may," not "shall." That gives the Secretary of State power to make, but it does not require that he shall make, an Order in regard to every newly-established factory. He will have power to decide whether or not a factory is a newly-established factory. With regard to the specific point mentioned by the hon. Member, I think he will probably agree that in the case of an old factory building one of the considerations which would have to be taken into account would be whether it was being rehabilitated for the purpose of doing the same business which had long been carried on by it, or whether it was being converted into an entirely different business, having no relation whatever with that for which it had previously been used. There are no doubt other circumstances which would have to be taken into consideration, but clearly a factory re-established to carry on the same business would not be a new factory in the same sense as a factory converted after some years of complete disuse for some entirely different purpose.

Mr. JAGGER: Surely if a factory was reopened to carry on the same business for which it had been used before, it would not be a newly-opened factory.

Mr. LLOYD: That was the tendency of my remarks. There is a further point I would like to make in reply to the question why employers should not always come for permission after a factory has been set up and in the case of new works. The reason is that new works, in order to be run on the shift system, often have special plant adapted to that system. Consequently, it would be unreasonable to expect an employer to set up a factory which would have thousands of pounds spent on its plant and still be uncertain whether or not he would be allowed to work the shift system.

**Mr. KIRBY:** In that case would he not still have power to inquire whether or not the workers are willing to work the shift system? In other words, without this paragraph he could make perfectly certain before opening a factory that the people coming to it would be willing to vote for the system.

**Mr. LLOYD:** We think there are great objections to that.

**Mr. RILEY:** There is still one point which the Under-Secretary of State has not made clear. One can appreciate his point of view and his argument with regard to absolutely new factories. In the case of a new factory which has been planned for the two-shift system, and in which the presumption is that the two-shift system will commence automatically, there is something to be said for his argument, but surely that does not apply to the part of the paragraph which refers to the recently-established factories. The presumption is that the factories visualised in that part of the paragraph have not been planned and have not been laid out for the two-shift system at all. Consequently, they fall into the same category as existing factories planned for the ordinary one-shift system. That being the case, why should not the reference to recently-established factories be removed from the paragraph in order that they may come under the ordinary provisions of the Bill and give the workpeople in those factories the right to consultation and ballot vote?

**Mr. KELLY:** I was hoping that the Under-Secretary of State would reply to the point put to him concerning the meaning of "recently," but he has not done so. He has spoken of a factory which, after having been closed for a number of years, is reopened, and he says that would be a newly-established factory. But let us consider the case of a mill producing cotton goods and then being converted, with very little alteration, into a mill for the production of woollen goods. I know of a case where some Belgian people have taken over a cotton mill in Lancashire and converted it for the production of woollen goods. Does the Under-Secretary of State consider that to be a newly-established factory? Those of us who have had any dealings with Belgian employers in this country know very well what they try to

do; they try to to introduce into this country Belgian conditions, until they are put into their place. I would like to know whether such a case would be considered as a newly-established factory. Further, I hope we are going to hear what is the mind of the Home Office regarding the word "recently". The Under-Secretary of State spoke of factories being planned. I would like to know what this planning for the operation of the two-shift system is, as against the operation of the day-work system.

Then the Under-Secretary of State spoke of the Departmental Committee. I am certainly not going to accept his remarks concerning that Committee. One member of that Committee, who is not a Member of this House, signed a report which meant an increase of hours for the people employed in the industry which he represented, and in such a case one may have very grave doubts. I refer to the employers' representative on that Committee, who objected to the 44- and 48-hour week when there was a 37½-hour week in the agreement entered into with the industry with which he was connected. We were told that the Home Office had had some difficulty in the past with regard to newly-established factories. May we be told of the newly-established factories where they were difficulties in the past with regard to the operation of the two-shift system? I have followed this subject fairly closely during the last 20 years, and it would be intensely interesting to hear what is meant by that.

With regard to the agreement of the workpeople, when they secure employment they are to be taken as agreeing to all the conditions. The position will be that they will probably be ordered and instructed by the employment exchange to apply for the work, and unless they do so they will be deprived of benefit, so that the opportunity for agreement presented to them is that of taking the job or starving. I am rather amazed at the suggestion that we are to take it that such people agree to the operation of the two-shift system. This will give to those who are converting or building factories an opportunity that is unfair, and it will enable them to operate a system to which the workpeople have strongly objected, although some of them may have accepted it. I would ask the Home Office to strike out this particular

paragraph, for which there is no need whatever. If the employers desire to have the system, they can have it by obtaining the agreement of the workpeople who have entered their service. To suggest that a works is planned particularly for the operation of the two-

shift system for all time is to ask for trouble in other industries.

Question put, "That the words proposed to be left out, to 'intended' in line 16, stand part of the Clause."

The Committee divided: Ayes, 24; Noes, 10.

## Division No. 13.]

Acland-Troyte, Lt.-Col. G. J.  
Blair, Sir R.  
Braithwaite, Major A. N.  
Cartland, J. R. H.  
Chapman, A. (Rutherglen)  
Crowder, J. F. E.  
Despencer-Robertson, Major J. A. F.  
Dunne, P. R. R.

Eckersley, P. T.  
Fremantle, Sir F. E.  
Hannah, I. C.  
Horsbrugh, Florence  
Howitt, Dr. A. B.  
Leckie, J. A.  
Little, Sir E. Graham-  
Lloyd, G. W.

Makins, Brig.-Gen. E.  
Mayhew, Lt.-Col. J.  
Palmer, G. E. H.  
Pickthorn, K. W. M.  
Pilkington, R.  
Ponsonby, Col. C. E.  
Somerville, A. A. (Windsor)  
Turton, R. H.

## AYES.

## NOES.

Adamson, W. M.  
Banfield, J. W.  
Bromfield, W.  
Davies, R. J. (Westhoughton)

Jagger, J.  
Kelly, W. T.  
Kirby, B. V.

Riley, B.  
Stewart, W. J. (H'ght'n-le-Sp'ng)  
Woods, G. S. (Finsbury)

**Mr. WOODS:** I beg to move, in page 2, line 16, to leave out from "is" to "the", in line 19, and to insert:

"necessary owing to the continuous nature of the processes involved in its manufacture."

In view of the Committee's decision on the last Amendment, there would seem to be little hope for the one I am moving. The Amendment meets what is valid in the Government's case for the Clause. It is possible in special industries that a 16-hour working day is necessitated by the nature of the manufacture, and in such cases it would be possible, if this Amendment were carried, for the Government to grant the necessary powers for the factory to be erected and for work to proceed. That should be the governing factor in the attitude of any responsible Government to such a development as the two-shift system.

In the first week of the Committee, I asked a question, which was replied to by the Home Secretary, whether or not the Government were desirous of encouraging this system. If they are, they are taking a line which is definitely unfair to the majority of the employers of labour and, beyond the least shadow of doubt, to the overwhelming majority of the workers. Much play has been made in previous discussions about people accepting work of this kind if they liked it, but the average unemployed person has no option. If work of this kind is made available through the employment

exchange and is offered to any young person or woman, if he or she does not accept, he or she is invariably crossed off. Only the most irksome conditions, such as having a very long distance to travel and lack of travelling facilities, are considered justifiable. Even when a young person is eager to improve his capacity and is attending night school, that would be ruled out, and would not be taken as a valid objection.

If the whole of the Clause be carried, look at the possibilities which are opened out. I remember an old-established business which had been carried on in the normal way. It had not been efficiently supervised, and the machinery had become more or less obsolete. Inventions had taken place in that kind of machinery which made it obsolete. The concern was turned into a limited liability company, but within two years the new investors had lost all their capital. The money which had been raised was used to set up a new plant on these lines. Unless absolutely necessary, in view of the commodity which is being produced, for machinery to run 16 hours a day, some proviso should be set up to prevent such a system being introduced.

Another advantage in striking out these words is that, in the working of the two-shift system, you are giving an advantage which means that the factory can be run at lower working costs. It provides also for the employment of a cheaper type of labour. I hope that the

[Mr. Woods.] day will come of equal pay for men and women, and that sex will be no barrier in regard to pay. If a woman can do work as efficiently as a man, she is entitled to the full scale; but that day has not arrived. At the present time if women can be employed, the result is a cheaper commodity.

**Miss HORSBRUGH:** It means that women would have to work at night also.

**Mr. WOODS:** I expect that some of them would be women.

**Miss HORSBRUGH** *rose*—

**Mr. RHYS DAVIES:** On a point of Order. May I appeal to you, Major Milner, to ask the hon. Lady to give my hon. Friend fair play? I have a feeling that he is getting nervous.

**Mr. WOODS:** I have no objection to questions from the hon. Lady on the sex question. If she wants to make a little running commentary, that will only add to the merriment of the Committee, and I shall not be very much put off. Probably we are in substantial agreement on this matter. We are of opinion that women should be paid equally with men for the same job. It is obviously at present a concession, while the present disparity lasts, to employ female labour. The Amendment would make it possible to grant the application only where the shift system and the employment of women and young people are necessitated by the nature of the commodity that is being produced. That should be a sufficient margin for the granting of this permission. If the Amendment be carried, it will give the Government a very clear line, and any manufacturers who contemplate laying down a new plant will know clearly and definitely the conditions under which permission to work the shift system and to employ women and young people will be granted. The Home Office will be relieved from very considerable trouble, because there will be a clear-cut and definite basis on which to work.

**Mr. KELLY:** May I ask the Under-Secretary of State to tell us when he replies the particular industries in which these continuous processes take place? My own knowledge leads me to say that in no case are young people engaged in

this work, and that it is usually work upon which adults are employed. I content myself with asking that we might have some statement as to where young people are employed upon these processes, and where it is that employers expect to introduce young people to the processes.

**Mr. LLOYD:** I appreciate the purpose of the hon. Member for Finsbury (Mr. Woods) in moving the Amendment, which would restrict the operation of the system to cases in which it is really necessary that it should be worked for an industrial purpose. I think that is the hon. Gentleman's idea. He has not appreciated that there are other cases than those relating to continuous processes. I will say a word about these processes in a moment, but there are more cases than those processes in which it is justifiable to work the system. That is the basic reason why we cannot accept his Amendment. The hon. Member for Rochdale (Mr. Kelly) has asked me what is a continuous process, but he ought to address that question to his hon. colleague the Member for Finsbury.

**Mr. KELLY:** I am going to in a moment.

**Mr. LLOYD:** I am not taking responsibility for the hon. Member's use of the words "continuous processes," which, incidentally, we find to be rather ambiguous. We think that it would be difficult to lay it down as a legal term applying to factory processes. I think the hon. Member means processes which have to continue—

**Mr. WOODS:** They are processes in which, if there were a break in the manufacture, it would mean making an unsatisfactory article.

**Mr. LLOYD:** I am not sure that that would be strictly applicable to the two-shift system, in which there is a break. It is not possible to work three shifts under this system as it is in the strictly continuous processes, in which men are employed. There are other processes besides those which the hon. Member has in mind, in which it is justifiable to work this system; for example, where the very high cost of the machinery involved would mean that either you worked a system on this basis or, if you were not going to be able to work the plant for, say, 16 hours, it would not be worth while

to set up the machinery in question. It is just an example of cases that might arise, and that is the reason we cannot accept the Amendment. I think the hon. Member did not expect us to be able to do so, as he indicated.

**Mr. RHYS DAVIES:** I feel sure the hon. Gentleman will agree with me when I say that he has given away half his case. In every argument in favour of the two-shift system we have been told exactly what the hon. Gentleman has told us this morning, that an employer feels that overhead charges are very heavy owing to the normal working of the Factory Acts and consequently he wants to reduce costs by introducing the two-shift system. That is a valid argument which I think will appeal to everybody, but then the hon. Gentleman turns round and says he cannot possibly accept this Amendment because it refers to continuous processes. Really the two-shift system is wanted because employers want continuous processes in order to reduce overhead charges.

**Mr. LLOYD:** Our whole point is that that is only one of the cases, although admittedly it is an important class of case.

**Mr. DAVIES:** I always thought it was the main reason; and that employers would agree that it is the main reason why they want this system. We support this Amendment because in the Bill there is no provision for an employer giving any reason for asking for a two-shift system. All he need do is to make application. The Home Office then makes inquiries, and, so far as I know, an application is never refused. It seems to me that there ought to be something in the Bill so that an employer should give a reason for applying to the Home Office.

**Mr. WOODS:** The Under-Secretary of State has not replied to the main question which I put to the Home Secretary. Does he really want to encourage this system? What I had chiefly in mind is that here apparently is an open invitation given to all employers who care to apply to operate the two-shift system. If that invitation is generally taken advantage of, it will cause a serious worsening of the conditions of labour of the majority of employed people. It will be no contribution to the solution of economic problems. There is no in-

dication given in the Bill of the considerations which will weigh with the Government in making this concession to individual employers. We have all had experience in life of someone who finds himself in a difficult position. We are moved by sympathetic emotions, and we want to rectify a minor wrong. But invariably when we legislate in the interests of a minority we cause a grievous injury to the majority. It is easy to put a little right and to do a little wrong. If the wording of the Clause remains as it is, it can be taken advantage of by any unscrupulous employer who wants to make more money and to press his workpeople harder by putting in machinery designed to work on mass-production lines. Seeing that the hon. Gentleman agrees that there is need to give some indication to employers of the circumstances under which permission will be granted, I would appeal for consideration of some Amendment, even if this one is objected to, which will indicate that this scheme is not receiving the blessing of the Government and that an employer must show that it is only by working two shifts that the factory can continue. That would cut out frivolous applications and applications which would worsen the conditions of the workpeople.

**Mr. LECKIE:** I oppose this Amendment because it will unduly restrict the liberty of firms desiring to start a new industry or new factories. The Amendment relates solely to the paragraph dealing with new or recently-established factories. I think it would be a great mistake to pass an Amendment of this kind and thus restrict anyone who desires to open a new factory. I have been rather surprised at the attitude taken by my hon. Friend the Member for West-houghton (Mr. Rhys Davies) and others on the opposite side with regard to the encouragement of new factories. It seems to me that in view of the situation in Lancashire new factories ought to be established and they should not be unduly restricted.

**Mr. RHYS DAVIES:** We are not proposing to restrict new factories. New factories can operate under the old factory laws.

**Mr. LECKIE:** But I can visualise new firms proposing to establish new factories

[Mr. Leckie.] and new industries in Lancashire who, if you unduly restrict them, as this Amendment would do, would turn round and say, "We will go somewhere else." I feel that this is an unfair Amendment, and I hope it will be defeated.

**Sir ERNEST GRAHAM-LITTLE:** I always regret differing from my good Friend the hon. Member for Westhoughton (Mr. Rhys Davies), for whom I have a long friendship and respect, but I should like to ask him whether he really intends to argue that the shift system is objectionable because it will reduce working costs. That was the argument used by one speaker, and it seemed to suggest that there was antagonism between employer and work-people. I am not an employer, but I hope that is not the case. Surely the two-shift system is introduced entirely to meet competition, and especially competition from abroad, which is something terrible. There is another consideration that occurs to me. In starting new factories, the provision of machinery is obviously the most expensive matter. If

that machinery is not allowed to work more than eight hours, whereas in factories abroad machinery is used 16 hours or even 24 hours, the competition which results must be very formidable. That consideration seems to me to make the Amendment utterly impossible.

**Major BRAITHWAITE:** I find myself in some sympathy with the principle behind the Amendment. While I can understand that the Amendment as it now stands is far too drastic and might militate against the useful working of the Bill, yet I feel that as the Secretary of State is going to have such a large amount of responsibility he might be given more power to define what class of industry should be allowed permanent double-shift working. I would ask my hon. Friend to consider whether, on Report, some better words could be introduced.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided: Ayes, 26; Noes, 11.

## Division No. 14.]

Acland-Troyte, Lt.-Col. G. J.  
Astor, Hon. W. W. (Fulham, E.)  
Blair, Sir R.  
Bower, Comdr. R. T.  
Braithwaite, Major A. N.  
Cartland, J. R. H.  
Channon, H.  
Chapman, A. (Rutherglen)  
Crowder, J. F. E.

Duggan, H. J.  
Dunne, P. R. R.  
Eckersley, P. T.  
Fremantle, Sir F. E.  
Hannah, I. C.  
Horsbrugh, Florence  
Howitt, Dr. A. B.  
Leckie, J. A.  
Little, Sir E. Graham-

Lloyd, G. W.  
Makins, Brig.-Gen. E.  
Mayhew, Lt.-Col. J.  
Palmer, G. E. H.  
Pickthorn, K. W. M.  
Pilkington, R.  
Ponsonby, Col. C. E.  
Turton, R. H.

## AYES.

## NOES.

Adamson, W. M.  
Banfield, J. W.  
Bromfield, W.  
Chater, D.

Davies, R. J. (Westhoughton)  
Jagger, J.  
Kelly, W. T.  
Kirby, B. V.

Riley, B.  
Stewart, W. J. (H'ght'n-le-Sp'ng)  
Woods, G. S. (Finsbury)

**The CHAIRMAN:** I call on Mr. Lloyd to move the Amendment standing in the name of the Home Secretary.

**Mr. KELLY:** On a point of Order. You are passing over an Amendment standing in front of this one—in line 20, to leave out "consultation or consent", and to insert "secret ballot."

**The CHAIRMAN:** I have not selected that Amendment.

**Mr. KELLY:** It will mean that the ballot is not going to be a fixed matter, but a very doubtful matter.

**Mr. LLOYD:** I beg to move, in page 2, line 20, after "consultation," to insert "ballot".

This is consequential on the Amendment made in page 2, line 6, with regard to the secret ballot, and as we have debated that, I do not think the Committee will expect me to make any further comment. I would like, however, with the leave of the Committee, to make an appeal that we should, if possible, get along a little faster towards one or two of the more important issues. There is the matter of education, which

I am sure we should like to discuss. We have discussed in great detail some of these points. I am not suggesting that that ought not to have been done, but I feel that we might make rather faster progress, having regard to the fact that other important business is to come before the Committee.

**Mr. RHYS DAVIES:** I agree that the Committee ought to conduct its business with as much speed as possible, but I would suggest to the hon. Gentleman that the best way to do that would be for the Government to keep their own supporters quiet. Really, this morning they have taken an undue share of the time. That is not too strong a statement, because the hon. Lady opposite embarrassed my hon. Friend to such an extent that he had to speak three or four times. The hon. Gentleman must not be unduly nervous. I know what he wants. He is afraid that we may prevent another Bill from coming on in time. If he wants that other Bill passed, there is a very easy way out, and that is to withdraw this Bill. Why not? Nobody seems to want it. I can assure the hon. Gentleman that within proper limits we are not here to obstruct this Measure.

Amendment agreed to.

**Mr. JAGGER:** I beg to move, in page 2, line 30, to leave out from "purpose," to the end of the Sub-section.

I hope the Minister will find no difficulty in accepting this Amendment. If there is one thing he has made clear from the beginning, it is that the Government are concerned with the development of new businesses in which it is necessary to have the two-shift system for economical production. This Sub-section deals with the case where a factory, evidently not built for the two-shift system, is to be permitted at times to work the two-shift system as a result of pressure, and provision is made that such permission may from time to time be extended. We feel that everything we have said about the difficulties of the two-shift system is intensified when the "cat and mouse" method is adopted in applying it. It is infinitely worse if the employees are to be on the two-shift system for one week, then taken off it, and then, after a hurried application to the Home Secretary, be put on it again.

**Mr. LLOYD:** The hon. Member said he thought I could accept this Amendment, and I wish I could, but I think the present arrangement is essentially a reasonable one. We are considering an Order which has been granted to meet a temporary emergency. If the emergency continued unexpectedly for a short time, surely it would be unreasonable that the process of a ballot and the whole of this formidable procedure should be gone through again to get an extension for, it may be, two weeks. Is it not much more reasonable that the Secretary of State shall have power to grant an extension for that short period? There is no big issue involved; the law is simply being adjusted to deal with a practical point.

**Mr. RHYS DAVIES:** I should have thought the hon. Gentleman might have helped us a little. He has never accepted anything we have put forward, and we are of the opinion that we on this side of the Committee are as intelligent as hon. Members opposite. We have never claimed that we are more intelligent, although I am not sure that that would not be right. Quite seriously, we are a little afraid of this provision—afraid that employers will take advantage of it. What is a "temporary emergency"? Who is to define it? I suppose the factory inspectors will be asked to advise the Home Office as to a temporary emergency, but unless the Home Office is very alert, the two-shift system for temporary emergencies can be brought in for almost any purpose, and I feel sure the Home Office does not intend that. I suppose I am right in saying that it will depend in the end upon the general attitude of the Secretary of State and his assistant, the hon. Gentleman. If they agree with the hon. Member for London University (Sir E. Graham-Little) that we must have the two-shift system to beat foreign competition, then everything done in a factory will be to meet a "temporary emergency". The words are far too wide.

I have never yet asked the hon. Gentleman for anything in particular, but I ask him now to consider, before the Report stage, whether the words are really not too wide for their purpose, whether it would not be possible to have some limitation of what is called "a temporary emergency." I think I know industrialists a little better than he does.

[Mr. Davies.]

There is a general standard of honour among both employers and employed, but we are not legislating for people with a high standard of honour. All legislation aims at circumventing people who do not play the game. Last Friday we had an example of that in connection with Sunday closing. About 99 per cent. of shopkeepers want to close on Sundays, but if one man in a street opens, all in the street open. We are afraid that the hon. Gentleman and the Department will come up against some difficulties unless these words are limited.

**Mr. KELLY:** I hope the hon. Member will strike out the word "emergency," because the words "emergency" and "urgency" have caused great dispute in industry in the last 40 years. At the end of a long dispute on the eight-hour day in the engineering trade in 1897 someone representing the engineering employers foolishly put into the terms of settlement the words "urgency" and "emergency," and those words have given trouble from that moment until now. I do not know how the Home Office will interpret this matter, but I ask them to take out the word "emergency." I do not know who has helped them with the drafting of this Measure, but certainly it is an employers' Measure and not one on behalf of the workpeople.

**Mr. LLOYD:** I will adopt the suggestion of the hon. Member for Westhoughton (Mr. Rhys Davies) and look into this point to see whether it is possible to introduce phraseology which will give greater safeguards. I realise that the hon. Member appreciates our purpose, and if we can find any form of words which will carry that purpose better, I will do so.

Amendment, by leave, withdrawn.

**Mr. CARTLAND:** I beg to move, in page 2, line 34, to leave out "may," and to insert "shall."

My right hon. Friend seems to be in a very conciliatory mood, and I hope he will accept this Amendment. At the moment the Secretary of State may impose certain conditions as to welfare. The Departmental Committee made very strong representations about welfare, and I think this Committee will agree that if the two-shift system is to work well, the arrangements for transport, meals, and welfare

conditions generally must be properly looked after. I should like to make it obligatory on the Secretary of State to look into these matters, particularly where there is a resumption of the two-shift system after a slight break. Certain new conditions may have been brought into the factory in the interval, and the Secretary of State ought to look into them again.

**Mr. LLOYD:** I cannot agree that the acceptance of any Amendments is due merely to my mood at any moment, but I appreciate the points made by the hon. Gentleman in moving his Amendment, and we can accept it.

Amendment agreed to.

**Mr. LLOYD:** I beg to move, in page 2, line 37, at the end, to add:

"and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and facilities for meals and of transport facilities for workers residing at a distance."

Our object is to strengthen the Bill by making specific mention of certain considerations which ought to be borne in mind by the Home Secretary when deciding what welfare conditions to impose in an authorisation. The things mentioned in the Amendment arise especially in connection with the introduction of the two-shift system. It may mean, for example, that more room is required for the accommodation of the clothing of the workpeople, and shift-working increases the importance of seeing that facilities for meals are adequate; and in view of the early morning start and late return of the workpeople, transport facilities are more important than in the case of ordinary workers.

**Mr. KELLY:** I beg to move, as an Amendment to the proposed Amendment, in line 4, at the end, to add:

"and in the case of young persons of reasonable facilities for attendance at continuation schools."

For many years now we have been making provision in evening institutes, the new name for evening schools, for young people to have a chance of fitting themselves for better positions when they grow up. The two-shift system has not been to the advantage of these young people, because it has prevented many of them from continuing their education. I ask that facilities shall be given to

enable them to take full advantage of the education that is offered. We hear a good deal about an educated democracy, and employers talk about workpeople being educated sufficiently to take advantage of the changed conditions in industry, and I hope provision will be made for the young people to have reasonable opportunities of attending continuation classes. It will be difficult, because many of those engaged on the two-shift system will not have the energy to attend the classes after they leave work. Those on the two-to-ten shift will be placed in a much worse position. They will reach home at any time between 11 o'clock at night and midnight, and even if classes are provided in the morning, there will be some difficulty in enabling them to take advantage of the continued education.

Some of the educational authorities in the country are very much alarmed by this. They have spent considerable sums of money in providing buildings and apparatus and in engaging teachers for the purpose of this continued education, and now there comes this new system of working, which is to be extended by this Bill if it becomes an Act, and there will be the difficulties which we fear. I wish the Amendment moved by the hon. Member had been stronger. There is nothing in it that requires the provision of these things, for all that the Amendment says is:

"and in considering any such conditions shall, in particular, consider the expediency of requiring . . ."

I wish the words "consider the expediency" were not in the Amendment, and that it read, "shall, in particular, require the provision . . ." I cannot understand why that should not be definitely said, because any establishment that thought anything of its workpeople and its production would provide such accommodation as is mentioned here.

I do not intend to repeat some of the things I said earlier with regard to transport facilities, but it will be a pretty big task to try to prevail upon those in charge of transport at the present time to give facilities for the young people to reach their work at two o'clock in the afternoon. I hope that the Home Secretary will strengthen the Amendment and require the provision of the things mentioned in it.

**Dr. HOWITT:** I am very glad facilities are to be provided for clothing, means, and transport, but I would like to ask the Under-Secretary of State to consider later the advisability of providing that there should be adequate lavatory accommodation also. I hope that will be definitely mentioned in the Bill.

**Mr. ADAMSON:** I wish to support the Amendment to the proposed Amendment put forward by the hon. Member for Rochdale (Mr. Kelly), particularly on the plea which I originally made, that continuation classes should be made a part of the provisions of this Measure. I remember my own experience of leaving school at 13 years of age and of the essential need in my case for continuation classes from the time I began work up to the age of about 20 years. Here we are dealing with a section of the community which, under normal circumstances, is to be entirely deprived of extended educational facilities. In the tramcars which the local authorities originally provided, mainly for the transport of the working section of the community, there are advertisements of continuation classes. The people who are to be incorporated under this Measure will travel to and from their work in tramcars, and they will see those advertisements of continuation classes, from which they will be entirely excluded unless some provision is made for them. I think it is essential that some such provision should be made.

With regard to the provision of the transport facilities which are mentioned in the Home Secretary's Amendment, perhaps the Under-Secretary of State will indicate how those provisions are to be arrived at. I have some knowledge and experience of the working of the Road Traffic Act, and at various times I have made representations to the Road Traffic Commissioners. I know the difficulties which have to be surmounted before it is possible to get the Road Traffic Commissioners to provide special facilities for travelling. The Amendment is somewhat loosely worded, because it only says "consider the expediency." I am inclined to think that it is not a question of expediency, but one of responsibility, and that the responsibility will have to be faced with regard to transport facilities.

[Mr. Adamson.]

In speaking on this matter on a previous occasion, I referred to the fact that many young persons in my own constituency have to travel into Walsall, and the hon. Member for Walsall (Mr. Leckie) reciprocated to-day when he supported the granting of facilities to newly-established businesses. Obviously this will very largely preclude Walsall, which is already overcrowded. Nevertheless the hon. Member has reciprocated, and the new factories will be in the Cannock division. With regard to transport facilities, however, it is essential to tighten up the wording if it is to be effective. I would again urge that the Amendment to the proposed Amendment should be incorporated with a view to providing facilities for attendance at continuation classes.

**Sir E. GRAHAM-LITTLE:** I support the Amendment to the proposed Amendment, and I hope the Under-Secretary of State will accept it. It seems to me that the provision of educational facilities is quite as important as the provision of other facilities. The obligation was never more insistent than it is now, and I hope the Government will see their way to accept the Amendment to the Amendment without further discussion.

**Mr. JAGGER:** I listened to the appeal of the Under-Secretary that we should make more rapid progress, and I want to help him. I would like to do a deal with him. If he will give an assurance that he will strike out the words "consider the expediency of requiring" and insert "require," I will willingly withdraw a later Amendment in my name dealing with a somewhat similar matter. I think that would be an admirable way of making a big jump towards the completion of our work. While I am speaking I would like to urge that the Amendment to the proposed Amendment should be accepted.

**Mr. RILEY:** There are two points which I would like to put to the Minister. I also am interested in the expeditious furtherance of the Bill, but I suggest that there is a very substantial point in the Amendment to the proposed Amendment, which I was very glad to hear the hon. Member for the University of London (Sir E. Graham-Little) support. I think no Member of the Committee will

ignore the fact that if the two-shift system is considerably extended, it is inevitable that it will have an enormous effect on the opportunities for young people to continue their education. One of the shifts will continue from two o'clock in the afternoon until 10 o'clock in the evening, and it is clear that all the young people so employed will lose the opportunity of continued education. No-one in this Committee can have any doubt as to the value of those opportunities between the ages of 15 and 18. I have in mind my own particular case. I was a textile worker, and as I listened to this discussion, I wondered whether I should ever have been here at all if this Bill had been in operation in my youth, for it was between the ages of 15 and 18 that I had to continue the education which I had broken off on going to work half-time at nine years of age and full time at 12 years of age.

The other point to which I wish to refer is the Amendment moved by the Minister. I suggest that the wording of that Amendment ought to be much more definite, precise, and wide. Perhaps the Committee has forgotten what took place in the earlier part of this discussion. It must be remembered, with regard to facilities for clothing accommodation and lavatory accommodation—to which I was glad to hear the hon. Member refer—that this Bill provides for overlapping shifts. At certain hours of the day both shifts will be working together. While it is true that the hours during which the work will be performed are limited to from six in the morning until 10 at night, and that the ordinary shift is eight hours, the Bill provides that there may be a shift of 10 hours, which means that for one set of workers there may be 10 hours and for the second set eight hours. Consequently, there will be overlapping for two hours during the day. I would like to ask the Minister what is the position with regard to lavatory accommodation under the Factory Acts. In factories of limited capacity there is now only one shift working, and there is accommodation for only one shift. Under this Bill the two shifts will overlap for two hours and there will be double the number of people working. What are to be the facilities with regard to accommodation, clothing, lavatories, and so on? I think the Minister ought to give much closer attention to these conditions

and to make the Clause wider when it comes up on the Report stage.

**Mr. RHYS DAVIES:** I am in a little difficulty about the procedure. The Under-Secretary of State will feel that we have made a very strong point about requiring the provision of suitable accommodation in the Amendment which he has been good enough to put forward this morning. The Amendment carries the Bill very much further than it stood at the beginning, and we are very glad that the Home Office have put the Amendment down. We are not without hope that the Under-Secretary of State will accept the Amendment to the proposed Amendment, moved by my hon. Friend the Member for Rochdale (Mr. Kelly). It will be our intention, on the Report stage, to try to strengthen his own Amendment a little further, by removing the words "consider the expediency of." We trust that at this stage he may be able to accept our view.

My purpose in rising now, Major Milner, is to call your attention to, and to ask your advice about, the following Amendments which appear upon the paper, and which belong to the same family of Amendments as those which we are now discussing:

In page 2, line 37, at the end, to add:

"having special regard to the manner in which their welfare and interests may be affected by distance between home and place of employment, transport facilities, diminished earning capacity, and by the provision or lack of provision of arrangements for obtaining meals and drying clothes."—*[Mr. Jagger.]*

In page 2, line 37, at the end, to add:

"and in the case of such an application which, if granted, would authorise the employment of young persons in a system of shifts, he shall, before making any such grant, consult the local education authority for higher education."—*[Mr. Kelly.]*

In page 2, line 37, at the end, to add:

"and for securing that the total number of hours worked in any week in which a statutory holiday falls are less by eight hours than the total number of hours worked in a week in which no such statutory holiday occurs."—*[Mr. Rhys Davies.]*

I am wondering whether you will not call those Amendments, as we have already dealt with the same sort of problem in this Clause. If that were so, and if we are ruled out at this stage, we shall try on the Report stage to work in

the words "consult the educational authority". You will see that the hon. Member for Clayton (Mr. Jagger) carries a little further the point that we have been discussing, by calling upon the Home Office to take into account the diminished earning capacity of the people employed under the two-shift system. I think it is better to tell the Under-Secretary of State that we may raise those problems as well on the Report stage.

**The CHAIRMAN:** The hon. Member for Westhoughton (Mr. Rhys Davies) desires my guidance upon the Amendments in the centre of page 148 of the Paper. If I call the Amendment in the name of the Home Secretary it appears to me that those three following Amendments would necessarily fall, because they have to do with Sub-section (4), whereas the Amendment in the name of the Home Secretary carries us on to Sub-section (5). In any event, I do not think that I could select the Amendment in the name of the hon. Member for Clayton (Mr. Jagger). It would have to be re-worded, because it would not make sense as it stands on the Paper, in the event of the Home Secretary's Amendment which we are now discussing being passed.

With regard to the Amendment in the name of the hon. Member for Rochdale (Mr. Kelly) and the next, in the name of the hon. Member for Westhoughton, those two hon. Members will have the right, if they care to exercise it, of moving those two Amendments immediately the present Amendment in the name of the Home Secretary is disposed of. I do not know whether they desire to do that. They may think that the matter has been sufficiently covered on previous Amendments.

**Mr. RHYS DAVIES:** We thank you very much for your Ruling, and we shall bear in mind what you say. The Under-Secretary of State has been very keen upon carrying out the recommendations of the Departmental Committee. In the recommendations which we are now discussing they lay it down definitely that there ought to be half an hour for a meal. We are very much disturbed about the manner in which factory employes are dealt with, in relation to their meal



[Mr. Davies.]  
hours, and I am wondering whether, in view of the recommendation of the Departmental Committee, it is not possible to make the meal hour definite in the Bill. There is very nearly as much grievance about the meal hour as about any other condition.

**Mr. ASTOR:** I hope that the Under-Secretary of State will be able to accept the Amendment to the proposed Amendment, dealing with education. The part dealing with education in the Departmental Committee's report seems to be very weak. They use such language as:

"While some education authorities are said to have",

and again:

"We have had no evidence from educational authorities except those of the London County Council".

The Departmental Committee should have taken more evidence and informed themselves more on this point. In view of that weakness, and in view of the fact that continuation classes are of great importance, as hon. Members opposite have said, I hope that the Under-Secretary of State will be able to accept the Amendment to the proposed Amendment.

**Mr. LLOYD:** Perhaps I might say a word or two at the beginning about the phraseology of the Amendment which has been referred to by several speakers, "consider the expediency of requiring", and to tell the Committee why we use that form of words instead of the simpler word "require". The reason is that the word "require" would be inappropriate in cases in which the facilities already exist. If, for example, as, of course, nobody would dispute, in certain cases there is an adequate transport service—we know there is not in all cases, but in other cases there are—and in certain cases the facilities for meals are adequate to cover these cases, it is not necessary to require anything. That is the reason why we have used the phrase "expediency of requiring".

With regard to the point made by the hon. Member for Reading (Dr. Howitt) and some other hon. Gentlemen as to lavatory accommodation, if he means sanitary accommodation, that is already laid down under the existing Factory Acts, but if he means washing

accommodation, I will give that point further consideration, if I may.

**Mr. RILEY:** Will the Minister see what is likely to occur when two shifts overlap? Both shifts are working at the same time, and the lavatory accommodation that is laid down by the Factory Acts is only adequate for one shift. What is to occur when two shifts are working?

**Mr. LLOYD:** Even if the shifts overlap, the use of the accommodation at the end of the shift would be at quite different times. In general I do not think his point will arise, but I will give it further consideration. Turning to the general Amendment—

**Miss WILKINSON:** Before he does so, I would like to ask the Under-Secretary of State a question in regard to the phrase "consider the expediency of requiring." Apart from its circumlocution, what is the objection to replacing it with "shall require"? If the suitable accommodation is there, there is no point in those words. We are legislating for bad Home Secretaries as well as good ones, and the words mean that the Home Secretary is carrying out the law if he is considering. We do not need a law to require people to consider. We need a law to say, "These things shall be." What is the objection to saying that this shall be? The present phrase seems to be completely meaningless.

**Mr. LLOYD:** I appreciate the motive which inspired the hon. Lady's remarks. All I can say is that I am advised by those whose business it is to draft these complicated Statutes that this is the most suitable form of words for the purpose. I am very ready to go into it again to see whether, by any chance, there is another form of words which will better carry out the purpose.

**Miss WILKINSON:** Just what purpose? It sounds very beautiful when the Under-Secretary of State gets up and says, in his charming manner, "I am advised that for the purpose these are the best words," and if they are for the purpose of making it not obligatory upon anybody to do anything, I cannot imagine a more perfect form of words. The advice given to the Under-Secretary of State is perfect, but that is not the point that we have in view. For the purpose of getting these things done,

nothing could be worse. It does not meet our purpose for the Under-Secretary of State to say charmingly, "I am advised that this will meet the purpose perfectly." He cannot ride away on that.

**Mr. LLOYD:** I hope that the charming pertinaciousness of the hon. Lady will not lead hon. Members into thinking that Home Secretaries will not take these things into consideration. I must fall back upon an argument which I have used before, which is that in laying down the details of the Bill we ought to have regard to the duties which Committees of this House and the House of Commons itself lay upon a Minister. We think that this is a suitable way of providing for this particular matter. I am afraid that I have not been able to satisfy the hon. Lady in that respect.

Let me turn to something that perhaps will satisfy both her and the hon. Member for Rochdale (Mr. Kelly), and that is the Amendment to the proposed Amendment in regard to educational facilities. The Committee are aware that the hon. Member has always taken a special interest in education. From the earliest speech that he made on the Bill, the thread of the educational side has run through his speeches, and he is a member of a very important educational authority. When his Amendment was put down, we considered it. We consider all Amendments very carefully, but we considered this one with special care, having regard to his authority in this matter. I listened to the appeal made by the hon. Member for the London University (Sir E. Graham-Little) and the hon. Member for East Fulham (Mr. Astor), and others, asking us to accept the Amendment to the proposed Amendment.

At the Home Office we regard these questions very seriously, and we always have done. Our existing practice, although there is no provision in the existing Act in this matter, is that administratively we raise very carefully with employers the position of young persons who want to attend continuation classes, and in a number of cases the result has been that special arrangements have been made, either by putting the young persons on the morning shift or on day work, or the young person is allowed time off for the purpose of attending continuation classes. We are

fully in sympathy with the Amendment to the proposed Amendment, and I am very glad that we can accept it.

**Mr. WOODS:** Even though the Amendment has been accepted, I am not entirely satisfied that it meets the whole situation. What is to prevent an employer questioning the expediency of employing a young man who wants to continue his education as against another youth who is not concerned about education? If he is a normal employer, the young person who is not concerned about further education will be engaged, and the one who is concerned will not get the job. I hope that the Under-Secretary of State will look into the matter of so working the Clause that lads and lasses who are compelled, because of economic pressure, to accept the two-shift system will suffer no injustice if they desire to continue their education, and that no preference will be given to those who are indifferent whether or not they get education facilities. The ingenuity of the Home Office should be equal to the matter.

Amendment to the proposed Amendment agreed to.

Proposed words, as amended, there added.

**Mr. KELLY:** I beg to move, in page 2, line 37, at the end, to add:

"and in the case of such an application which, if granted, would authorise the employment of young persons in a system of shifts, he shall, before making any such grant, consult the local education authority for higher education."

This Amendment means that in order that these young people shall have an opportunity of education, the higher education authorities shall be consulted. Speaking as an industrialist, I think that would be an advantage. It would bring education into closer touch with industry.

**Mr. LLOYD:** I agree with the general point of view of the hon. Gentleman, and I think I can say that the ordinary position would be that our inspectors would be in general touch with the education authorities in order to acquaint themselves with the facilities for attending classes and so on, having regard to the interests of young persons who may want to continue their education. I think, however, it would be going too far to require formal consultations before

[Mr. Lloyd.]  
each application is granted, especially having regard to the relatively small proportion of the people employed. I agree that there should be consultation between our inspectors and the education authority, but I cannot agree that it should take place on each application.

**Mr. KELLY:** There is very little difficulty about it. They are in close touch with the education authority in placing children in employment.

**Mr. LLOYD:** We fear it might cause delay.

**Mr. ADAMSON:** I think the Under-Secretary of State is over-emphasising his point of view on this matter. A number of local authorities to-day have under their educational system advisory committees who are consulted with regard to the employment of young persons. Therefore I think it should be a normal procedure that, prior to the application being granted under this Bill, there should be some consultation with the Education Authorities. I think this is a reasonable Amendment.

**Mr. RHYS DAVIES:** It appears to me that the best way to deal with this is to find out how the Clause reads with the Amendments which have been made, and to see whether on Report stage it would be possible to work this matter of consultation into the Clause.

**Mr. LLOYD:** I will certainly consider that, but I should not like to give the impression that we could accept this proposal, because I do not think that would be quite honest.

Amendment, by leave, withdrawn.

**Mr. RHYS DAVIES:** I beg to move, in page 2, line 37, at the end, to add:

"and for securing that the total number of hours worked in any week in which a statutory holiday falls are less by eight hours than the total number of hours worked in a week in which no such statutory holiday occurs."

We regard this Amendment as rather important and I hope the hon. Member for the Clayton division of Manchester (Mr. Jagger) will allow me to say that when he spoke on this point the other day he raised a matter of considerable importance. We have in this country a number of statutory holidays—Good Friday and Easter Monday, Whit Mon-

day, August Bank holiday, and the Christmas holidays. It seems to me, as the Bill now stands, that if the two-shift system is being worked, it will be possible for an employer to close his factory on Good Friday and the following day and to work women and young persons for 12 hours a day on each of the four preceding days. I am sure that it is not the intention of the Committee, or of the Department, that that should be done. I think the hon. Gentleman will appreciate this point, and I hope he will agree with me, and that if he cannot accept these words, he will help us find words which will better carry out our intentions. It is really a point of considerable importance that statutory holidays shall not be vitiated by an employer operating the two-shift system in the way I have indicated.

**Mr. LLOYD:** I quite appreciate the motive of the hon. Gentleman in moving this Amendment, but I should like to repeat that nothing in this Bill will interfere with statutory holidays. I appreciate the hon. Gentleman's fear that an employer might increase working hours on the other days of the week in which a statutory holiday occurs, but that cannot occur, for the reason that the hours of each shift on each day of the week are specified in the authorisation, and it is made illegal to employ shift workers outside the hours fixed. I think that that being the position, the hon. Member's point is met.

**Mr. RILEY:** Would it not be possible to work 10 hours a day on four days of the week?

**Mr. LLOYD:** No, because the Secretary of State definitely lays down the hours for each shift for each day.

**Mr. RHYS DAVIES:** Of course, we must accept what the hon. Gentleman says, and if I understand rightly that statutory holidays will not be vitiated, I will withdraw my Amendment, if my hon. Friend the Member for Clayton (Mr. Jagger) agrees.

**Mr. JAGGER:** I am perfectly satisfied. Amendment, by leave, withdrawn.

**Mr. LLOYD:** I beg to move, in page 2, line 37, at the end, to add:

"(5) The Secretary of State may direct that the duty of dealing with applications

for such temporary purposes as are mentioned in sub-section (3) of this section may be performed by the chief inspector of factories or by any superintending inspector of factories, and while such a direction is in force references in this section to the Secretary of State shall, in relation to such applications as aforesaid, be construed as including references to the inspector:

Provided that no authorisation given by an inspector shall be given or extended so as to have effect for more than six months."

This Amendment must be read in connection with a subsequent Amendment to leave out Clause 3. That Clause provides:

"The Secretary of State may by order delegate to the chief inspector of factories or to any superintending inspector of factories any of the powers and duties conferred on the Secretary of State by this Act."

That Clause was intended to give effect to the recommendations of the Departmental Committee, and I think I might refer to the report of that Committee, because I think it will be agreed that it is of some importance. They say on page 24 that the present procedure

"seems somewhat cumbrous—especially in the case of Orders required only for a temporary purpose—and may involve some delay in dealing with urgent applications; and now that the experimental period may be considered to have ended, we recommend that in these cases, at any rate, the permission to work the two shift system might be granted locally by the appropriate official of the Factory Department (we suggest the Superintending Inspector) without reference to Whitehall."

They go on to say that in other cases where the two-shift system is to be a permanent part of normal working the matter should be considered at Whitehall. In the Summary of Recommendations the Departmental Committee recommend:

"It should be left to the Secretary of State to determine by general instructions (1) whether, and in what cases, the permission might be granted by Superintending Inspectors of Factories or the Chief Inspector of Factories and in what cases the decision should be reserved for the Secretary of State; (2) in what manner the permission, if granted, should be notified and published. We recommend that, in any case, Orders for temporary use only should be granted by the Superintending Inspectors."

We feel on consideration that the powers given in Clause 3 are perhaps wider than are absolutely necessary. That is why we propose that that Clause should be omitted and that this Clause should be amended. I think one point which the Departmental Committee had in mind was

that rush jobs occur in many industries, and the need for shift working may occur very suddenly and may last only for a very short time. Therefore it was considered that it would be suitable to allow shift working to be authorised in such cases by the superintending inspectors. I would point out that superintending inspectors of factories are very important officials. There are only 11 in the whole country, each supervising a considerable area, and they are men of very high standing in the service. We considered that it was important to reduce as much as possible the time taken in deciding whether these temporary Orders should or should not be granted. We felt, as no doubt the Departmental Committee felt, that it would not be justifiable to refer every rush job application to Whitehall, with the inevitable delays that must take place. That is why I move this Amendment, in order to carry out the recommendations of the Departmental Committee. We do not desire to force these recommendations on the Committee, but we feel that the Departmental Committee made out a good case in this instance.

**Mr. RHYS DAVIES:** I have never been so much alarmed at anything the hon. Gentleman has moved in this Committee as I am about this Amendment. This Bill was designed first and foremost to make permanent the provisions of the Act of 1920, but as we proceed we find that the Bill bears little or no relation to the original Act. The safeguards laid down in the original Act are being whittled down enormously. Quite honestly, I do not like this provision. I have absolute faith in the inspectorate of the Home Office, but when these powers were first granted, Parliament regarded them as being so much out of the ordinary that Orders could only be issued under the signature of the Secretary of State himself. Where do we land ourselves here? New factories will get the Orders without any secret ballot among the workpeople, and the local inspector will be able to give Orders for periods of six months at a time. At the end of that six months the factory will return to the *status quo* for a week, and then an Order for another six months will be granted, and later yet another six months, and so on, and the Bill will land us in the position ultimately that employes will be asked to work the

[Mr. Davies.] I have no objection to the two-shift system without reference to the Home Office at all. Quite honestly, that will not do. I hope my feelings have not been aroused too much, but I have a good mind to wash my hands of the Bill altogether. I appeal to the hon. Gentleman to allow the Committee to adjourn. The other day we sat till a quarter past one, and we have been working very hard. I really feel that the hon. Gentleman is making a mistake in introducing this new Sub-section. It will be far too easy for employers to get two-shift system Orders, and in the end I am sure the Home Office will regret the action now proposed.

**Mr. KELLY:** I do not know whether the suggestion that we should adjourn will be adopted, but this question cannot be disposed of in a few minutes. If a factory inspector, who is supposed to be occupied in seeing that the law is observed in a factory, is to be put into the position of issuing or approving these Orders for the two-shift system, he will be taken out of the category of officials appointed to see that everything is all right and put into a position where he will approve of workpeople working under conditions which they do not like.

Up to now the factory inspector has been looked on as a friend by the workpeople, but he will not be so looked upon if he is to issue these Orders. The power ought to be retained by the Home Secretary. The factory inspector is to issue a temporary Order for six months—a long time to upset the lives of the workpeople. Such an Order is to be made for what are called "rush purposes." It was interesting to hear the Under-Secretary of State talking about these rush periods—how they discover in a couple of minutes that they must have the two-shift system. Where are these industries which discover so hurriedly that there is a rush period ahead? I know of none.

**Mr. JAGGER:** I beg to move, "That further consideration of the Bill be now adjourned."

I feel that in view of the importance of this subject, it ought to be left over to the next sitting.

Question put, and agreed to.

Bill to be again considered upon Thursday next at 11 a.m.

Committee adjourned at Five Minutes after One o'Clock.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:

Milner, Major ( <i>Chairman</i> )	Howitt, Dr.
Acland-Troyte, Lieutenant-Colonel	Jagger, Mr.
Adamson, Mr.	Kelly, Mr.
Astor, Mr.	Kirby, Mr.
Banfield, Mr.	Leckie, Mr.
Blair, Sir Reginald	Little, Sir Ernest Graham-
Bower, Commander	Lloyd, Mr.
Braithwaite, Major	Makins, Brigadier-General
Bromfield, Mr.	Mayhew, Lieutenant-Colonel
Cartland, Mr.	Palmer, Mr.
Channon, Mr.	Pickthorn, Mr.
Chapman, Mr.	Pilkington, Mr.
Chater, Mr.	Ponsonby, Colonel
Crowder, Mr.	Riley, Mr.
Davies, Mr. Rhys	Seely, Sir Hugh
Despencer-Robertson, Major	Somerville, Mr. Annesley
Duggan, Mr.	Stewart, Mr. William Joseph
Dunne, Mr. Philip	Turton, Mr.
Eckersley, Mr.	Ward, Miss
Fremantle, Sir Francis	Wilkinson, Miss
Hannah, Mr.	Woods, Mr.
Horsbrugh, Miss	

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