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PARLIAMENTARY DEBATES

HOUSE OF COMMONS

STANDING COMMITTEE A

EMPLOYMENT OF WOMEN AND
YOUNG PERSONS BILL

OFFICIAL REPORT

THURSDAY, 20th FEBRUARY, 1936

Third Day's Proceedings

CONTENTS

Several amendments were made in Clause 1, including one providing for a secret ballot of the workpeople before employment on the shift system may be authorised.

The Committee adjourned until Tuesday, 25th February, at 11 a.m.

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

STANDING COMMITTEE A.

[OFFICIAL REPORT.]

Thursday, 20th February, 1936.

[Major MILNER in the Chair.]

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

The CHAIRMAN: I propose to select the next Amendment, in the name of the hon. Member for Cannock (Mr. Adamson), but I would like to remind hon. Members that on Tuesday we had a very full discussion of hours, covering almost precisely the same ground as is covered by this Amendment. I hope, therefore, that it may be possible to have a very short discussion and proceed very quickly to a vote on all these questions of hours.

Mr. ADAMSON: I beg to move, in page 1, line 17, to leave out "eight," and to insert "seven."

As you have indicated, Sir, the question of hours was partially covered at the last meeting of the Committee, but in view of the fact that the other Amendments were rejected, and in view of the mechanised processes which are being introduced and the essential speeding up which usually takes place under those conditions, I think it is essential that hours should be reduced, and I therefore ask that instead of eight hours there should be seven hours. Anyone who understands something about the new mechanised processes in factory life knows that they are purely automatic and take little account of the human aspect—in fact the human being becomes part of the machine. Those of us who have taken part in negotiations and who have had experience of factory life know something about those speeding-up processes. Efforts have been made in many factories to introduce newer systems for the purpose of speeding up the work, and these

are usually known as the Bedaux methods. Occasionally I have been involved in representations on behalf of the workers where attempts have been made to operate this system, by which the experts can calculate to a very fine degree the number of movements that are carried out in essential operations. Under these methods the human being might as well be a cog in the wheel. This tendency will be increased rather than diminished.

It is for those reasons that we are entitled to claim that the full period of the working day should be seven hours instead of eight hours. This would give greater opportunities to the workers to carry out their ordinary social duties to themselves and to the community, it would afford them some sort of relaxation, it would give an opportunity for that recreation which is essential, and—a matter which will arise on another Amendment—it would give some opportunity to the workers to attend continuation classes and to have extended education. On those grounds I ask that the working shift should be reduced from eight hours to seven hours per day.

Sir FRANCIS FREMANTLE: I have not hitherto taken part in the discussions in this matter, but I would like to say a few words in the subject of health, because for a period of years I served on the Industrial Health Research Board, where this question was naturally very much to the fore. I sympathise to a great extent with those who are afraid of there being an inadequate allowance for the health of the people, and it was perfectly clear to us on the Industrial Health Research Board that in many cases an eight-hour day is injurious to health and efficiency. On the other hand, we had to look at the matter comprehensively. The hon. Member who has moved the Amendment, and the hon. Member for Hanley (Mr. Hollins), who raised the question last Tuesday, look at the majority of the cases and not at the minority, nor do they consider the whole problem comprehensively. I suggest that there is no question that there are certain industries in which no harm is done by having an eight-hour day even if there is a two-shift system. Obviously, the point is not, as has been suggested, that the eight-hour day is often excessive; the point is that it is not excessive in every

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[Sir F. Fremantle.] case. I think there is no doubt about that, and I therefore consider that eight hours should remain as the maximum and that it should be left to the negotiations that are to take place in each case as to whether in any particular industry there should be seven rather than eight hours, or any shorter time.

Mr. KELLY: I was very glad to hear the hon. and gallant Member for St. Albans (Sir F. Fremantle) raise that point, but it would have been much better if he had told the Committee of some of the industries in which he considers—or in which the board of which he was a member considered—that eight hours are not excessive for young people.

Sir F. FREMANTLE: I did not want to prolong the discussion, and I have not the actual facts with me, but I would say that the board was a statutory board and that the Labour party was represented, particularly by Mr. Bevin. I had no hesitation in making the statement I made.

Mr. KELLY: There has been a considerable change in methods of production, particularly during the last few years, and, as was stated by the Mover of the Amendment, even the movements of an operation are considered in split seconds. On Second Reading, I heard an hon. Member refer to some of the industries in York and other places. There they are concerned if there is half a second's delay, or even less than that if it can be calculated.

I cannot understand what has animated the Government—and I would like the Under-Secretary of State to notice this—to increase the number of hours under this Bill, because those of us who have entered into agreements with the employers' federations have agreements for a lesser number of hours per week than are mentioned in the Bill, and that for adult workers. In the engineering industry, for instance, if there is a two-shift system, 43 hours are worked on the first shift for the full week's wages that are paid when the workers are on the day shift. On the afternoon shift, which is the 2 to 10 mentioned in the Bill, 37½ hours are worked for 47 hours' pay. But in the Bill we are asked to agree that young people should work eight hours a day. That is too long, and it is unfair. Moreover, the industries do not require

it. Reference was made the other day to competition. I venture to say that those of us who have been engaged in the managerial side of industry know that industry does not require young people to work under such conditions except for the purpose of making nicer balance-sheets for the shareholders. I hope that the Committee will agree to a seven-hours' day rather than allow young people to work for the eight hours mentioned in the Bill.

The UNDER-SECRETARY of STATE for the HOME DEPARTMENT (Mr. Lloyd): With regard to what the hon. Member has just said, I would again make it clear that there is in this Bill no proposal to increase hours. The provisions are exactly the same as under the existing Act. There is nothing in this Bill to prevent fewer hours being worked than are laid down, nor is there anything to prevent agreements between employers and workpeople for that purpose. I think the Committee will appreciate that the discussion on this particular Amendment is bound to be on practically the same lines as the discussion on the Amendments with regard to hours with which we dealt at such length on Tuesday. Therefore, the arguments on both sides are really precisely the same.

Mr. KELLY: The Act which is now in operation is dated 23rd December, 1920, and it increased the hours. The agreement to which I refer was entered into at York on Tuesday, 9th December, 1920.

Mr. LLOYD: I think the hon. Member does not appreciate that there is nothing in the Bill to prevent such an agreement being made at any time, now or in the future. The discussion must be on similar lines to those at the last meeting of the Committee. I would like to say a word upon the argument which was advanced with regard to new systems of working. The hon. Member who spoke on that subject advanced, as is always the case on that side of the Committee, only the disadvantages of the system which he discussed. It is a fact that in this system there are advantages which are appreciated by the working people. It very often involves, among other things, an increase in earnings. I am not saying that there are not disadvantages in the system, but it is a general system operating over industry,

not one particularly related to the two-shift system. One has to remember that the effect of the two-shift system is actually to reduce the number of hours that are worked. If the hon. Gentleman objects to people working for eight hours the system to which he refers he must object also to the fact that they work for longer hours under the ordinary provisions of the Factory Acts, especially when overtime is included. There is definite advantage in restricting work to eight hours.

Mr. ADAMSON: Young persons are not allowed under the Factory Acts to work eight hours.

Mr. LLOYD: I was referring particularly to women. The effects of the Amendment, as of the Amendments which we discussed at the last meeting of the Committee, would be to hamstring the whole system, and I must therefore ask the Committee to reject the Amendment.

Mr. RHYS DAVIES: I shall not take up very much time, because this discussion is part and parcel of a discussion which we have had before, but may I make two or three pertinent points? The Committee and the Under-Secretary of State will understand that the two-shift system is nothing but a gift to the employers. We start there, and he knows that. Secondly, we are dealing to-day with women and young persons who are very largely unorganised. If we were dealing with men, the men might be organised and would in that case see that their rights were safeguarded.

Let me turn to some of the arguments which have been employed. The tendency in all industry, and the tendency also in the minds of hon. Members of all parties, is towards an all round reduction in the hours of labour. Hon. Members who were in the last Parliament will remember that we safeguarded the interests of about 500,000 young shop assistants by passing a law which was very necessary, and all parties were agreed upon that Bill. May I now turn to the point which was raised by the hon. and gallant Member for St. Albans (Sir F. Fremantle)? I rather like his word "comprehensively." Unfortunately, it means in this case that he is against our proposal. I rather like also the vocabulary of the Tory party,

because on all these matters they choose their words effectively. The hon. and gallant Member destroyed his own argument. He said that in some industries to employ these people for eight hours was wrong, but he has not made the suggestion that we should safeguard those people. He should help us to safeguard them, when we are dealing in such a comprehensive way as to worsen the conditions of the people to whom he refers.

Sir F. FREMANTLE: I relied upon the Measure before us. The Secretary of State himself is given all sorts of powers in the matter, and obviously he will exercise them, in view of what I have said.

Mr. DAVIES: Yes, but we have been long enough in public life to understand that if the law lays down eight hours a day as a maximum, that will be the number of hours worked.

Sir F. FREMANTLE: Not in every case.

Mr. DAVIES: I have already raised with the Home Office the case of a French firm in the town of Mossley, Lancashire. I am an internationalist. I have no feeling against foreigners. [*Laughter.*] An hon. Gentleman laughs, as though I were a foreigner. Well, we were here when you landed on these shores, and possibly we shall be here when you have departed. We are very serious about this seven-hour day. The Under-Secretary of State said that the Bill is the same as the present situation, but I would remind him that this is the first time that the two-shift system is to be made permanent. That is fundamental. As I have pointed out before, we are not legislating to-day for only the 35,000 people who are now employed under the two-shift system. There are people here younger than myself who will live long enough to see 500,000 women and young persons employed under this two-shift system, and we have to remember what we are doing in respect of the women and young persons who will be employed under the Bill. I appeal to Members of all parties to support us on this seven-hour day, because there has been a growing tendency in the past to reduce the hours of labour all round.

Mr. HOLLINS: If ever a case was made out for the seven-hour day, it was made

[Mr. Hollins.]
out by the hon. and gallant Member for St. Albans (Sir F. Fremantle). I think that he is torn between the better judgment of his profession and loyalty to his party. In evidence before the Departmental Committee, representatives of the Trades Union Congress made reference to the report of the Industrial Fatigue Research Board, issued in 1928, in which the board said that shiftworkers suffered very much more in their health than day workers.

Sir F. FREMANTLE: Did they say that in regard to every industry?

Mr. HOLLINS: It is a general statement.

Sir F. FREMANTLE: There are exceptions.

Mr. HOLLINS: The shift system is bringing that about. Previously, Dr. Morgan gave evidence on behalf of the Trades Union Congress and said that from 16 to 18 years of age it was important that boys should be living an ordinary, normal life, and that early rising, irregular meals, and disturbed sleep were bound to result in their going to work fatigued. I think that the hon. and gallant Member for St. Albans will agree with that. If we are to make permanent the two-shift system for young persons, it is important that the hours should not exceed seven, and I hope that the Committee will grant us this Amendment.

Mr. JAGGER: I am at a loss to understand the position of the hon. and gallant Member for St. Albans (Sir F. Fremantle). On Tuesday we tried to secure a maximum of eight hours, but I did not notice that the hon. and gallant Member voted for our Amendment. He declares quite definitely this morning that eight hours ought to be the maximum. Under this Bill, it will still be possible for workers to work more than eight hours, even if this Amendment be carried. The position is that an average of eight hours will be left by the defeat of the Amendment, and if the Amendment be carried, there will be an average of seven. With the possibility of short days and statutory and customary holidays, the average of seven may very well become nine, nine and a-half, or any number below the maximum fixed by the Factory Acts.

The Under-Secretary of State said that there were advantages to the work-people in the Bedaux system. Those who know most about the Bedaux system say definitely that it is brutal and inhuman, that it has no advantage whatever to any worker, and that it is characterised by disadvantages of a most serious character. I am not fond of appealing for examples to the great Russian experiment, but it is interesting to see the principle which governs shift labour in Russia. For certain classes of non-manual workers there is still a straight eight-hour day with intervals for meals. There is a two-shift system, and in each case the maximum working day must be no more than seven hours. There is, particularly for restaurants, hotels, and continuous services, a four-shift system, and in that case nobody must work more than six hours in any one day. We might appeal for support for this Amendment on the general ground that the working day for the shift system should be noticeably less than the working day for straight working.

Miss WARD: Might I ask the hon. Member for Westhoughton (Mr. Rhys Davies) this question? If there is so much objection to this principle in the Bill, why was the report of the Departmental Committee unanimous when, I understand, all parties were represented?

Mr. RHYS DAVIES: I will answer that question with pleasure. The answer is simple. The report was unanimous, because there was a recommendation to set up a joint advisory committee which was to see that the problems which we are now discussing would be handled properly. The Government have not put that recommendation into the Bill, and consequently it falls short of what we intended should be done.

Mr. LLOYD: There was no recommendation in the report of the departmental committee that the committee should be a statutory body. The Secretary of State gave an undertaking on the Second Reading that he would set up such a committee. He has therefore carried out the recommendation of the Departmental Committee, so far as there was a recommendation.

Mr. DAVIES: I do not want to squabble with the hon. Gentleman, but, really, he is playing with words. The

Government have put into the Bill nearly every other recommendation, but they decline to put into it the recommendation which in our view is as important as any of the others.

Mr. KIRBY: Those who are accustomed to dealing with these matters usually do so rather impersonally, however sympathetic they might be in regard to them. I would make a plea for the substitution of a seven-hour day for the eight-hour day. As a man with two young children who are near to the age of 16, I have had experience—very little, I admit, and merely as a sightseer—in going through factories where I have seen the conveyor belt at work. I tremble to think of what will happen to my two youngsters if they go into the world and have to enter a two-shift factory. I am not in position to put them into a profession or any other decent job, and they will have to take such work as they can get in order to help to keep the home going. It may be they will get into one of these factories, and I am perturbed at the thought that they may have to work eight hours a day in some factory like those I have seen. For that reason I appeal to hon. Members to give further consideration to this matter, particularly in the interests of the younger persons, whatever they may think about the women.

In regard to what the Under-Secretary of State said about these hours being the maximum, the hon. Member for Westhoughton (Mr. R. Davies) and his colleague from the same union, the hon. Member for Clayton (Mr. Jagger) will bear me out, I think, in saying that it is our experience of trade union negotiations that where a minimum rate of pay is established, it always becomes the maximum, and I am satisfied that when we put these hours into the Bill as a maximum they will automatically become the minimum. As the father of two children likely soon to be affected, I would appeal to the good nature of hon. Members present to support the Amendment.

Mr. WOODS: The real point behind this Amendment was put by the Mover when he said the question was whether we are to legislate in the interest of a relatively small number of employers or in the interest of human lives. A seven-hour day ought to be the maximum for

work under modern conditions. The Under-Secretary of State used the argument that we are bringing about no change from the position in 1920. Does that mean that he still wants us to stand where we were 16 years ago? Surely what was running 16 years ago is not good enough for us to-day. Why is this Bill being introduced? We are considering not merely the shift system but also the alternative system which is followed throughout a considerable part of industry. If we allow eight hours a day under the shift system, we shall be giving further advantages to that small percentage of employers who are adopting this method because of the initial profits and acting unfairly towards the normal practice in employment which, on the whole, is relatively satisfactory.

Another point which has not been discussed is that if we allow work to go on from 6 in the morning till 10 at night—a period of 16 hours—and allow 8-hour shifts, what sort of break is to be introduced? I think the idea is that generally the machinery shall run the full time. This Measure will allow the work to go on apart from the provision of the law which prescribes a minimum break of 20 minutes. That will mean that the workers will be going all out for the maximum period of time allowed. This legislation deals specifically with women and young persons, and that gives another advantage to this type of employer. They do not employ women and young persons because they are fond of women and young persons, presumably, but because, generally speaking, that is cheaper labour and gives them an advantage over employers who have taken on the full quota of men. In the interests of those other employers we ought to adopt this Amendment.

The character of employment to-day ought also to be considered. We are told that variety is the spice of life, and in most of the old-fashioned jobs a workman was occupied with one part of a process for a short time and then changed to another part of the process, bringing other muscles into operation; but in practically all the factories which work under the shift system we reach the limit in monotony. It would be a good thing if the Committee were to adjourn so that hon. Members could go to see the film "Modern Times" and observe the effects of this system on Charlie Chaplin. We

[Mr. Woods.]
should then realise how utterly monotonous the work is. If employers do work their factories from six in the morning till ten at night, there should be for each of the groups an hour's break.

There is no need for me to stress what was pointed out by the hon. Member for Everton (Mr. Kirby), that in the matter of wages—although there are some employers who exceed the minimum—it is the overwhelming tendency for the minimum wage to become the maximum, and in the case of hours for the maximum to become the minimum. In the interests of the country as a whole, in fairness to employers who are prepared to work an ordinary day, and in the interests, particularly, of women and young persons, this Amendment ought to be carried. Every hon. Member supporting it would be doing what he really feels to be the fair thing to workpeople and to employers as a whole.

Mr. LLOYD: I think the Committee will expect me to make a short reply to the main argument which has been running through practically all the speeches from hon. Members opposite. First, I cannot accept the suggestion that the two-shift system is always in the nature of a gift to employers. It is a system which may be to the advantage of employers and may be to the advantage of workpeople in particular instances, and the workpeople themselves, under the procedure which we hope to have, by secret ballot, will decide whether it is to their advantage or not. Hon. Members opposite claim very often that they are able to speak for the working people,

but I think they will agree that they cannot speak for them better than the working people can speak for themselves, and that is what they are going to do. Under the secret ballot every Englishman will dare to express his opinion. Britishers took the opportunity of expressing the opinion, under a secret ballot, that hon. Members opposite should be put into power for a time, but afterwards they altered that view.

May I deal with the main argument which has cropped up in the speeches of the hon. Members for Westhoughton (Mr. R. Davies), Clayton (Mr. Jagers), and Finsbury (Mr. Woods), that maximum hours always become the minimum? That simply is not the fact, and the whole case which they have built up on that basis therefore falls to the ground. Here is an example very much to the point: The main Factory Act of 1901 puts the maximum hours for young persons at 60 hours a week, exclusive of meal times, but almost everywhere young persons are, in fact, working 47 to 48 hours. Therefore the maximum has not become the minimum.

Mr. RILEY: There has been a war since that Act was passed.

Mr. ADAMSON: I think the argument of the Under-Secretary of State is somewhat misleading, because usually hours are determined by agreements affecting operations generally in a factory and not by agreements principally concerned with young persons.

Question put, "That the word 'eight' stand part of the Clause."

The Committee divided: Ayes, 23; Noes, 12.

Division No. 8.]

AYES.

Astor, Hon. W. W. (Fulham, E.)
Bower, Comdr. R. T.
Braithwaite, Major A. N.
Cartland, J. R. H.
Channon, H.
Chapman, A. (Rutherglen)
Chapman, Sir S. (Edinburgh, S.)
Crowder, J. F. E.

Despencer-Robertson, Major J. A. F.
Eckersley, P. T.
Fremantle, Sir F. E.
Horsbrugh, Florence
Howitt, Dr. A. B.
James, Wing-Commander A. W.
Lloyd, G. W.
Makins, Brig.-Gen. E.

Palmer, G. E. H.
Pilkington, R.
Ponsonby, Col. C. E.
Samuel, M. R. A. (Putney)
Seely, Sir H. M.
Somerville, A. A. (Windsor)
Ward, Irene (Wallsend)

NOES.

Adamson, W. M.
Chater, D.
Davies, R. J. (Westhoughton)
Hollins, A.

Jagger, J.
Kelly, W. T.
Kirby, B. V.
McGhee, H. G.

Riley, B.
Wilkinson, Ellen
Wilson, C. H. (Attercliffe)
Woods, G. S. (Finsbury)

The CHAIRMAN: The next Amendment, which stands in the name of the hon. Member for Rochdale (Mr. Kelly), to

leave out lines 18 to 23, falls by reason of the previous discussion.

Mr. KELLY: My Amendment deals with the five-day week, which is something entirely different from what we have been considering up to now, or to be dealt with in the later stages of the Bill, and I ask whether it cannot be moved.

The CHAIRMAN: The hon. Member will recall that when we discussed the Amendment standing in his name to leave out the words "subject as hereinafter provided," I ruled that the decision on that Amendment would also decide the question of the proviso, and I think that had the general agreement of the Committee. With regard to the next four Amendments—that standing in the name of the hon. Member for Attercliffe (Mr. C. Wilson) and the three following Amendments—it might be for the convenience of the Committee if all four were discussed together, the question being put separately in each case, of course, if necessary. They all deal with the question of permitted hours over and above the average of eight hours, and, in the case of the Amendment in the name of the Home Secretary, with the question of limiting the hours per week.

Mr. CECIL WILSON: I beg to move, in page 1, line 21, after "day," to insert "by not more than two hours."

When we are considering the limitation of hours we must deal not only with a limit per week but a limit per day. As the Bill is drafted, we might have a condition of affairs which I am sure the Committee as a whole would not desire for one moment to tolerate. If you are going to have a limit of 88 hours in any two consecutive weeks, you might have five shifts of 16 hours and one of eight hours, or five of 12 hours and two of 14, or six of 12 and two of eight hours, or a number of other combinations. I am quite sure that none of us would desire any young person to work 16, 14 or 12 hours a day. Although in the Amendment put on the Paper by the Home Secretary it is proposed that the limit should be 48 hours per week, that would still leave the possibility of three shifts of 16 hours. The whole of the work to be done could be so arranged that it was carried through with something like three shifts of people.

The purpose of the Amendment that I have put down is to limit the number of hours not only per week but per day. That would get rid of the difficulty that

might still arise under the Amendment suggested by the Home Secretary, which would permit three shifts of 16 hours or four of 12 hours or three of eight hours and two of 12, which would all work out at 48 per week. I am sure it is not desired that there should be the possibility of any such condition of affairs. It may be argued that this will be regulated by the workers themselves. That may be, but there may be times of pressure when it will be to the advantage of the employer to pay considerably more than the ordinary rate in order to fulfil some particular obligation. There would be an inducement for work to continue and that is why I suggest that not more than two hours should be worked in excess of the eight hours provided for in the earlier part of the Bill.

Mr. LLOYD: Perhaps it would be for the convenience of the Committee if I explained at once the position of the Home Office. In the Bill as it was originally brought before the House, there was a provision that the hours should be 88 in a fortnight, and in the Second Reading Debate fears were expressed that some employers might work young people too long in a day, by what I may call undue bunching of hours on a particular day. By a reduction of hours on other days the total could be kept to 88 hours in the fortnight, but nevertheless it would be undesirable. We quite appreciated that. It would never be the intention of the Home Office to allow that. Administratively we lay down the exact number of hours to be worked every day, but appreciating the fears expressed, we moved earlier in the Committee an Amendment providing that the Home Secretary should lay down the number of hours in the authorisation. That has been accepted by the Committee.

Now, in order to further safeguard the position, we propose to move an Amendment that not more than 48 hours should be worked in any one week. That would mean, of course, that you could not have more than an average of $9\frac{3}{5}$ hours per day in a particular week, and that only 40 hours could be worked in the succeeding week. Of course, it remains true that it would be technically possible under the Bill, if any Home Secretary could be found to authorise such a state of things, to have an undue bunching of hours on particular days in one week within the

[Mr. Lloyd.] 48-hour maximum. We appreciate the point that it would be technically possible, and it is for that reason that we are prepared to accept the principle of the Amendment proposed by the hon. Member for the Attercliffe Division (Mr. Wilson), although we cannot go so far as is suggested in the Amendment standing in the name of the hon. Member for Jarrow (Miss Wilkinson) to limit hours to nine in one day. That, we think, would be unduly restrictive. I am advised, however, that the Amendment proposed by the hon. Member for the Attercliffe Division will not of necessity carry out his intention. I am advised that it is ambiguous and that it might be held to mean that he was laying down an absolute maximum of 10 hours as an average, which, of course, would not be his intention. Therefore, we cannot accept the actual Amendment, although we accept it in principle. On the other hand, we feel very ready to accept the Amendment standing in the name of the hon. Member for Berwick-on-Tweed (Sir H. Seely) to provide that the hours are not more than 10 in any one day. That expresses the same principle in language, which I am advised would definitely carry out the intention.

Mr. RHYS DAVIES: I am very glad that the Home Office looks kindly on this Amendment. The Under-Secretary of State has met us in great measure by accepting the Amendment to limit hours to 10 in any one day. I was a little disturbed, if the hon. Member for Jarrow (Miss Wilkinson) does not mind my saying so, that he gave credit to her for the Amendment to limit hours to nine in any one day. In fact, my name is first on the Paper, and I do not like to be put second to anybody. I am sure the hon. Member for Jarrow does not mind the compliment paid to her. I want to say, however, that we shall want to have a vote on the question of nine hours, although the Government have given way to the extent of accepting a 10-hour maximum. We still feel that 10 hours is a little too long for any young person to work on any one day. We have tried to limit the number to seven, and we have tried eight. We are now going to try nine. The Under-Secretary of State has accepted 10, but we shall register our opinion on the subject by voting in

favour of nine hours, not because we will believe in nine hours, but because it is all that it is possible to get from this most preposterous of all Governments I have ever seen.

Mr. JAGGER: Would the Minister make it clear how these poor unfortunate two-shift people will be situated in the week in which Good Friday occurs, in the week in which Easter Monday occurs, and in any week in which there is a statutory holiday?

Mr. KELLY: I wonder if the Under-Secretary of State has considered how this Amendment is to be worked. He told us in an earlier discussion that there could be no overlapping. With that I totally disagree. We have had overlapping of shifts wherever they have been worked in the past. But if there is to be no overlapping, as he says, how can he get two shifts of 10 hours between 6 o'clock in the morning and 10 o'clock at night? There must be overlapping there. Then I should like to ask, why 10 hours? It is many years since we got away from the 10-hour day, and now in the 20th century legislation is proposed to go back to 10 hours a day for young people. I really am amazed, and I must say that I think that the words used by the hon. Member for Westhoughton (Mr. R. Davies) were very moderate.

I should like to ask also why, if hours are not to exceed 48 in a week, the period of 88 hours is to be left in the Bill. Is it to give an opportunity to some foreman who is unfitted for his position, or to some manager who is unfitted for his position, and cannot get the work through in 48 hours, to bunch up the shifts, to use the words of the Under-Secretary of State? I am surprised that the Home Office has not been better advised than to accept this 48-hour week with the vicious 10 hours a day attached to it, and then to keep in the 88-hour fortnight. Whenever we have had a fortnight's hours fixed in industry there has been difficulty because of endeavours being made to get the prescribed number of hours worked in less than a fortnight. I think the Home Office might have dropped the 88 hours.

Mr. LLOYD: If I may say so, I really feel that the observations made by the hon. Member about a 10-hour day were uncalled for, considering that the effect

of this Bill will be to give an average of eight hours a day. The question is not one of introducing the 10-hour day, but of preventing more than 10 hours being worked in a day, subject to the overriding condition that the average shall not be more than eight hours. We are engaged in this Committee with the practical working of the Bill, and I do not think it is right to bring in a purely political point such as this. I want to refute any suggestion that there is a question of a 10-hour day. Really it is an 8-hour day and a reduction of hours from those now worked.

I would like to answer the specific point, put by the hon. Member for Clayton (Mr. Jagger), which I think was based on a complete misunderstanding of the system on which authorisations are made. He asked what would happen in the week in which Good Friday falls. The Order I have in front of me lays down that from Monday to Friday the hours shall be such and such, and it does not make any mention of Good Friday. It would not be legal for an employer to increase the hours on the other days of the week in which Good Friday falls.

Mr. JAGGER: How are the employers to be prevented making their employes work on Good Friday? I do want to know whether this system will abolish the holidays of the people.

Mr. LLOYD: It will make no difference whatever to any statutory holidays at present in operation.

Mr. JAGGER: It must make a difference. Either it allows the worker to work on Good Friday or it does not. If it does not, I am still not clear as to how the employer is to be prevented from making his employes work 10 hours a day on the days preceding Good Friday.

Mr. LLOYD: No distinction whatever is made between the position of the ordinary worker and that of the worker on a two-shift system in regard to public holidays.

Mr. JAGGER: The Under-Secretary of State has told us that this Bill interferes with the Factory Acts, and the Minister himself has told us that overtime cannot be worked. The Factory Acts say that overtime can be worked, except by young persons. The Minister says that this Bill will stop that. If the

Bill is going to suspend the Factory Acts, I want to know what protection is afforded concerning holidays.

Mr. LLOYD: The Bill does not suspend the Factory Acts, but makes certain Amendments in the Acts with regard only to the specific things which appear in the Bill. As there is no provision whatever concerning holidays, the position remains exactly the same for shift workers as for other workers.

Mr. JAGGER: As there is no mention whatever of overtime in this Bill, the position with regard to overtime remains as it is under the Factory Acts.

Mr. LLOYD: Overtime cannot be worked under this Bill.

Mr. RILEY: Now that it is understood that possibly the shift may be extended to 10 hours for children, I would like to ask the Under-Secretary of State for some information as to what is in the mind of the Government concerning provision for meals for shifts of 10 hours. Nothing is said in the Bill regarding this matter, except in Sub-section (4) of Clause 1, which states:

"In granting any application under this Section, the Secretary of State may impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts."

Probably it is intended that this Sub-section shall cover meals, but they are not specifically mentioned. I am sure the Committee would like to know whether a continuous shift of 10 hours is contemplated, and what are to be the regulations with regard to meals during those 10 hours.

Mr. LLOYD: The regulations are exactly the same as under the Factory Acts. The provision of half-an-hour applies to workers under this Bill.

Mr. KELLY: There will be two five hours.

The CHAIRMAN: Does the hon. Member withdraw his Amendment?

Mr. WILSON: Yes.
Amendment, by leave, withdrawn.

Motion made, and Question proposed: In page 1, line 22, after "that," to insert:

"the hours are not more than ten in any day and."—[*Sir H. Seely.*]

Question put, "That those words be there inserted." The Committee divided: Ayes, 24; Noes, 11.

Division No. 9.]

Astor, Hon. W. W. (Fulham, E.)
Braithwaite, Major A. N.
Cartland, J. R. H.
Channon, H.
Chapman, A. (Rutherglen)
Crowder, J. F. E.
Despencer-Robertson, Major J. A. F.
Eckersley, P. T.

AYES.
Fremantle, Sir F. E.
Horsbrugh, Florence
Howitt, Dr. A. B.
James, Wing-Commander A. W.
Little, Sir E. Graham-
Lloyd, G. W.
Makins, Brig.-Gen. E.
Palmer, G. E. H.

Pilkington, R.
Ponsonby, Col. C. E.
Samuel, M. R. A. (Putney)
Seely, Sir H. M.
Somerville, A. A. (Windsor)
Turton, R. H.
Ward, Irene (Wallsend)
Wells, S. R.

NOES.

Adamson, W. M.
Chater, D.
Davies, R. J. (Westhoughton)
Hollins, A.

Jagger, J.
Kelly, W. T.
McGhee, H. G.
Riley, B.

Wilkinson, Ellen
Wilson, C. H. (Attercliffe)
Woods, G. S. (Finsbury)

Motion made, and Question proposed: In page 1, line 22, to leave out "they do not exceed" and, after "aggregate," to insert:

"they exceed neither forty-eight hours in any week nor."—[*Mr. Lloyd.*]

Amendment agreed to.

The CHAIRMAN: The next Amendment, in the name of the hon. Member for Westhoughton (Mr. Rhys Davies), in page 1, line 23, at the end, to insert "or nine hours in any one day," falls.

Mr. RHYS DAVIES: I would ask you, Sir, to be good enough to reconsider your ruling, because I thought it was understood that we could have a vote on the nine hours day at the end of the discussion.

The CHAIRMAN: The Committee has already decided that the hours are not to be more than 10 in any one day, and it therefore seems that an Amendment to make a nine-hours day must of necessity fall.

Mr. DAVIES: When a Bill states that 10 hours shall be the maximum, may I respectfully put it to you, Sir, that the Committee ought to be competent to reduce that 10 to nine hours? We should

Division No. 10.]

Adamson, W. M.
Chater, D.
Davies, R. J. (Westhoughton)
Hollins, A.

AYES.
Jagger, J.
Kelly, W. T.
Kirby, B. V.
McGhee, H. G.

Riley, B.
Wilkinson, Ellen
Wilson, C. H. (Attercliffe)
Woods, G. S. (Finsbury)

NOES.

Astor, Hon. W. W. (Fulham, E.)
Braithwaite, Major A. N.
Cartland, J. R. H.
Channon, H.
Chapman, A. (Rutherglen)
Crowder, J. F. E.
Despencer-Robertson, Major J. A. F.
Eckersley, P. T.

Fremantle, Sir F. E.
Horsbrugh, Florence
Howitt, Dr. A. B.
James, Wing-Commander A. W.
Little, Sir E. Graham-
Lloyd, G. W.
Makins, Brig.-Gen. E.
Palmer, G. E. H.

Pilkington, R.
Ponsonby, Col. C. E.
Samuel, M. R. A. (Putney)
Seely, Sir H. M.
Somerville, A. A. (Windsor)
Turton, R. H.
Ward, Irene (Wallsend)
Wells, S. R.

very much like to have a vote on that proposal.

Sir F. FREMANTLE: On a point of Order. Surely it is not permitted to an hon. Member to dispute your ruling.

Mr. DAVIES: I am the last who would wish to dispute your ruling, Sir, because I know the consequences, but every Chairman is good enough to listen to an appeal, and that is what I am making.

Mr. TURTON: On a point of Order. Is it in order for the hon. Member for Jarrow (Miss Wilkinson) to smoke a cigarette in the Committee room?

The CHAIRMAN: No. I would ask the hon. Member to be good enough to put out her cigarette.

Miss WILKINSON: I apologise, Sir. I thought it was permitted to smoke in a Committee room.

Motion made, and Question proposed: In page 1, line 23, at the end, to insert "or nine hours in any one day."—[*Mr. Rhys Davies.*]

Question put, "That those words be there inserted."

The Committee divided: Ayes, 12; Noes, 24.

The following Amendment stood on the Order Paper in the name of the hon. Member for Dundee (Miss HORSBRUGH): In page 2, line 1, to leave out Sub-section (2), and to insert:

"(2) Before any application is granted under this section, the opinion of the workpeople concerned shall be ascertained by means of a secret ballot and, subject as hereinafter provided, no such application shall be granted unless the majority of the workpeople taking part in such ballot vote in favour of the granting of the application."

Miss HORSBRUGH: In view of what has been said about the Special Order, and in view of the Amendment in the name of the Secretary of State for the Home Department which comes next, I do not wish to move this Amendment.

The CHAIRMAN: With regard to the next Amendment, in the name of the right hon. Gentleman the Secretary of State for the Home Department, with regard to a secret ballot, I think it would be convenient if the hon. Member for Westhoughton (Mr. Rhys Davies) moved his Amendment as to the conduct of a ballot as an Amendment to that of the Secretary of State.

Mr. RHYS DAVIES: If you will pardon my making a suggestion, Sir, I would observe that there are three points. First, there is the secret ballot moved by the Secretary of State for the Home Department, secondly, there is the majority of two-thirds, and then there is our Amendment concerning the organisations. If you, Sir, and the Committee were agreeable, I thought we might have a discussion on the whole of these three Amendments and then take a vote on each of them separately.

The CHAIRMAN: The Amendment in the name of the hon. Member for the King's Norton Division of Birmingham (Mr. Cartland), intervenes, and I think the course I have suggested would be the more convenient.

Mr. LLOYD: I beg to move, in page 2, line 6, to leave out "their opinions ascertained," and to insert:

"for the ascertainment of their opinions by secret ballot."

I should like to explain to the Committee why we move this Amendment. As hon. Members are aware, the Departmental Committee did not lay down that

there should be a secret ballot, but they did lay down that there should be a definite procedure for ascertaining the views of the workers. The Committee intimated that they thought that one of the first subjects upon which the Advisory Committee should be consulted by the Secretary of State should be the definite procedure for consulting the workers. That was our intention when the Bill was introduced, but on Second Reading it became apparent that there was considerable support for the view that the workers should always be consulted by means of a secret ballot. In the provisions of the Bill, we contemplated that very likely the secret ballot would be the most useful method of consulting the workers, but that it was not quite certain that it would be the best method in all cases. The argument was that an Advisory Committee should consider the question and that then we should define the procedure in a Special Order. When we became aware of the strong feeling on this matter—which has found expression particularly in the Amendment that was put down but not moved by the hon. Member for Dundee (Miss Horsbrugh)—we considered whether there would be any serious objection to providing for the secret ballot in the Bill, especially having regard to the view which we have held all the time that it would be the most useful method for consulting the workers. We think that it would be the best method, and make it plain to everyone in the Committee and outside that the workers should be absolutely free and unfettered in their decision whether they adopt this system.

That is our motive. Perhaps I may say a word about the Amendment of the hon. Member for Westhoughton (Mr. Rhys Davies) that the ballot should be conducted by the workers' organisations. We regard that proposal as open to the strongest objection. First of all, the workers in these trades may not be in a workers' organisation. There might be—there certainly would be in some factories—workers who have no organisation to conduct this ballot. Secondly, the workers' organisations might refuse to conduct the ballot. There is nothing in the Bill or in the Amendment of the hon. Gentleman to compel them. I do not see how we could compel them to conduct this ballot, and if they refused, the whole purpose of the Statute would

[Mr. Lloyd.]
 be undone. A third and more important objection is that there is no use of the word "secret" in the hon. Gentleman's Amendment. He apparently proposes an open ballot in which the officials of the organisation know how the workers are voting. We think that it is important that the workers should decide this question completely unfettered by any suggestion of intimidation from employers or anybody else. We want complete freedom for the workers in the factory. We therefore cannot accept the hon. Member's Amendment.

Perhaps I might now say a word about the point raised in the Amendment of the hon. Member for Dundee (Miss Horsbrugh) to leave out the proposal with regard to a Special Order. Her Amendment goes farther than she intended, in that it would leave out the provisions establishing the Special Order procedure as well as those establishing the secret ballot. It might be for the convenience of the Committee if I explained what the procedure would be in regard to the ballot. It would be done under a Special Order, and the procedure is governed by the rules of the Publication Act, which provides that the Order must be published in the "London Gazette," that it must be possible for all interested persons to make representations with regard to what is contained in the Order, and after that procedure has been gone through, that the Order must lie on the Tables of both Houses of Parliament for 30 days, during which objection can be taken to the Order. If the Order is negatived by both Houses, it becomes void, without prejudice to the making of a new Order. I think I have said enough to clarify the minds of hon. Members in regard to the Government's intentions and to the procedure which they intend to follow.

Major BRAITHWAITE: In the case of a secret ballot, who will vote, the whole of the people in the factory or those only who come under the Bill?

Mr. LLOYD: "Workpeople concerned" is the expression in the Bill.

Major BRAITHWAITE: There might be in a factory 500 people not in this category at all, and there might be a dozen who would come under the Bill.

Would all the 500 people vote, or only the few who are concerned under the Bill?

Mr. RHYS DAVIES: I would not intervene again were it not for the reference which the hon. Gentleman has made to my Amendment. The Home Office have done well in submitting this Amendment to the Committee. Members of all parties felt on the Second Reading that there ought to be a secret ballot and that wording ought to be inserted in the Bill in that respect. We are glad that the Government have put those words into the Bill. The hon. Gentleman must get out of his mind, however, some of the notions which he has expressed this morning. He said that the Government had strong objections to the proposal that we are making that the organisations of the workpeople should have some say in the conduct of the ballot. The words he employed were that the intervention of the trade unions would destroy the freedom and the unfettered judgment of the workmen in expressing their opinions in the ballot—[HON. MEMBERS: "Hear, hear!"] I thought there would be a cheer for that. Hon. Members will know without my emphasising it that a workman expressing his opinion in the ballot will not in any case be as free as his employer to say whether he wants the two-shift system or not. The mere fact that he is employed by an employer destroys the worker's freedom and unfettered judgment, of which the hon. Gentleman spoke. Hon. Members should know that full well if any of them have been employed by anybody. I have been employed by people. I think I can express my opinions fairly freely, but I can express them now very much more freely about the coal mining industry than when I worked as a collier in a coal mine. Hon. Members will know that that is so, and therefore the hon. Gentleman must not use that argument here.

He said that there may be no organisation among some of the workers, but could we not apply this principle where there is organisation? He cannot deny that that would be a good proposal. He suggested that the workers' organisations might refuse to conduct a ballot, but that is a little too far-fetched. If he thinks that, he does not know trade unionism as well as I do. He said that there was nothing in my Amendment about a secret ballot. We assumed that

the Home Office would have the wisdom to put the words "secret ballot" in the Bill, and indeed they have done so. [Laughter.] Hon. Members who support the Government laugh, but they know that had it not been for pressure brought to bear upon the Government by their own friends, they would not have had the words "secret ballot" in the Bill at all. It was the hon. Lady who has put down an Amendment who drew the attention of the Government to the matter in the House of Commons. In Committee we have to try to influence the Government to do things. They have put down this Amendment, for which we thank them, to insert the words "secret ballot."

Let me appeal to hon. Members. We are very anxious that the ballot, although it be secret, should be conducted without undue influence from the employers. I am sure that no hon. Member will question the statement that when an employer decides to ask for authorisation to implement the two-shift system, that, in itself, will influence his employés in favour of the two-shift system in that factory. That is true so far. Why should not the trade union organisation do for the workpeople, by telling them what the ballot means, for and against, exactly what a solicitor will do for the employer? When the average employer begins to go into this matter, he will say, "Where is my solicitor?" He will employ a solicitor.

Mr. LLOYD: There is no suggestion that solicitors should conduct the ballot.

Mr. DAVIES: Surely the hon. Gentleman does not think that I am as dull as I look?

Wing-Commander JAMES: Does the hon. Member suggest that the employer will be found to employ a solicitor? That is the analogy.

Mr. DAVIES: No, but he will do so because he is not clever enough himself. Hon. Members know that great firms, which I am not criticising, turn to solicitors, as they should, to get an opinion on the laws which we pass here. I am suggesting that a trade union official, versed in the two-shift system, ought to be permitted to give advice to the workpeople in order to put them upon the same footing as the employer who gets legal advice from his solicitor.

Mr. CHAPMAN: Would the hon. Member for Westhoughton (Mr. R. Davies) tell me for my enlightenment whether there is anything to prevent a solicitor on behalf of a trade union being on the spot, even though he does not conduct a secret ballot? It is surely open for him to give advice to the workers.

Mr. DAVIES: The trouble is that the employer may be one person, but the workpeople must have some organisation before they can express their opinion. Who will pay a solicitor, if the workpeople are not in an organisation which could advise them? I have never heard of a solicitor who would work for nothing.

Mr. TURTON: I think the hon. Gentleman is aware that there is a system of procedure to aid poor persons.

Mr. DAVIES: The hon. Member is very well versed about poor persons' aid, but we are not talking about that. We are talking about people in employment. In some cases they are able to pay contributions to trade unions. We do not feel very strongly on this issue, except in one respect. I do not know as much as some hon. Members about the conditions of employment in factories, but the conditions of employment of some factory workers who are unorganised is degrading in the extreme. The Government of the day, whether Liberal, Socialist, or Conservative, ought to lend what I call its bias in favour of some organisation among workpeople, not only for the sake of the workpeople but for the sake of society itself. There are cases of exploitation of young people in this country that are absolutely degrading to modern society, and that is why, in the main, I want these words inserted.

Mr. WILSON: The reply of the Under-Secretary of State to the hon. and gallant Member for Buckrose (Major Braithwaite) raised a very important question, which I wish to mention though not to discuss. In the Clause are the words "in any department thereof." Supposing the employer has reason to believe that in a particular department there are a number of workpeople who do not want to adopt the two-shift system. Unless there is some list of the persons in that department, it is possible for him to shift those workers to another department and then to take the ballot among those who are

[Mr. Wilson.] favourable. I ask the hon. Gentleman to look into that question to see whether some safeguard cannot be introduced.

Mr. WOODS: Behind this question lies that of intimidation, which has already been referred to in this Committee. I do not like that word, but I can imagine very real intimidation being used when a ballot is to be held. What arrangements will be made to prevent anything which approaches intimidation? We know the state of the labour market, and that there is a redundancy of working people who cannot find employment. Like a hungry dog, they will take any bone. Hundreds of thousands of young persons and women will be prepared to accept anything rather than be unemployed. It seems to me that full weight has not been given to that situation. The point crops up in a number of places in this report, and an excellent illustration of it is to be found on page 27:

"Workers who come from those distances come because they want the work and are prepared to go to some inconvenience in order to obtain it."

The word "want" there may be interpreted to mean either "desire" or "need." It is a case of "this work or nothing," and they will accept the two-shift system rather than be unemployed. I can well imagine that when the ballot is to be held the view will spread round the works, "It is this or nothing." A secret ballot conducted in that atmosphere will be worth nothing at all, because the workers will be just voting for their jobs and not on the principle of whether this system shall supersede another. I feel that some hon. Members opposite desire to give some degree of fair play to the workpeople, realising the position they are in, and if the secret ballot is to have any worth it must be conducted under conditions free from anything which savours of intimidation. I should like to know what control there will be over any forms of propaganda which, in actual fact, would be intimidation.

Mr. KELLY: I notice that when my hon. Friend spoke of the ballot being conducted by "the organisation" it seemed to arouse merriment among hon. Members opposite. I can imagine a ballot being conducted inside a department, but who the returning officer would

be I do not know. I know a case in which a vote is being taken in Bermondsey. I must not get any nearer to it than that, because I think we shall be able to deal with that case without troubling the Government, but the workpeople are being told that they must work the two-shift system or it will be the end of things. Luckily those girls have more spirit than their employers, and they refuse to engage in it. In their case a ballot would enable them to decline.

I suggest that there should be an opportunity for the workers' organisation—in most establishments there is some organisation, even if not a complete one—to engage in the ballot. One would imagine from the laughter that union officials are able to tell the workpeople what they have to do. It is the members of the organisation themselves who decide what is to be done and ask those who are in their service, their officials, to explain to them everything which they know concerning the position. It would be fairer and much more in accord with what we call our traditions if the ballot were conducted without those who are going to be advantaged in their pockets, the employers, having such a power as would be given them if the ballot were conducted inside the particular establishment.

The hon. and gallant Member for Buckrose (Major Braithwaite) asked who were to engage in the ballot, and it was stated that it would be "those concerned." Does that mean that if the system is to be operated in one department, only those people who will be called on to ballot will be those likely to work under the two-shift system; and does it mean, further, that if those who have balloted in favour of the two-shift system happen shortly afterwards to be discharged, the system may be continued in that department even although none of those then engaged had a voice in deciding about it? There ought to be an opportunity for somebody to speak on behalf of the workpeople, just as the employers have solicitors to advise them. The secretary of the Engineering Employers' Federation, Sir Allan Smith, is a solicitor and was employed by them, and their previous secretary was a solicitor. I doubt whether there is an association of employers which has not a solicitor either as its secretary or in its service to look after its interests.

The trade unions should come in here. The best employers would welcome it. I know many of them, and I should say they would take no exception to it, so that their workpeople should not be left under a sense of grievance such as would interfere with their power to give the fullest output.

Mr. LLOYD: Perhaps I may say a word or two in reply to the discussion. Of course, we shall look into the point raised by the hon. Member for Attercliffe (Mr. Wilson) about the word "department." That is the word used in the main Factory Act, and there has been no difficulty hitherto in interpreting it. As to the question of whether the ballot should be conducted by the workers' organisation, the argument put forward has not been directed so much to the point of whether the organisation should conduct the ballot as to whether it should have any say in advising the workpeople. There is a complete distinction between those functions. There is nothing to prevent the workers consulting their trade union, if they wish to do so, or the employers consulting their solicitors, if they wish to do so. It is not suggested in this Bill, and we do not propose to accept any suggestion, that the ballot should be conducted either by the trade unions or by the solicitors on behalf of the employers.

Mr. KELLY: Or by the employers?

Mr. LLOYD: Or by the employers. The whole matter is one on which the Advisory Committee, on which both workers and employers will be represented, will be consulted, and it will be on their advice that the Secretary of State will lay down any Special Order regulating the procedure. On the question of trade unions actually conducting the ballot, it was suggested that it was fantastic that they should refuse to conduct the ballot, but it is not more fantastic than some of the actions on the part of a future Home Secretary which hon. Members opposite have suggested as possible. We are not legislating for good employers or for good trade unions, but have to lay down definite statutory provisions, and I am afraid that we cannot accept this proposal.

The hon. Member for Finsbury (Mr. Woods) suggested that owing to the state of the labour market there would always

be in the minds of the workers the idea that it was a case of adopting the two-shift system or getting no work. I am surprised that he, as a London Member, should put forward that argument. There are factories working this system in parts of the London area where there is a shortage of women and juvenile labour, and in visiting some of the factories I ascertained that there were workers who had had opportunities of taking many other jobs on day work but definitely preferred the shift system.

Mr. WOODS: It is possible to find special cases—cases of women with children who feel that the two-shift system gives them a better opportunity of looking after the children; but we cannot legislate for those cases. In 99 cases out of 100 such persons ought not to be in industry at all.

Mr. LLOYD: I do not think it is for the hon. Member to decide, in the case of grown women, whether they should or should not be in industry, but we have not got to legislate for particular areas but for the whole country. We have to consider, also, those areas to which a measure of prosperity has returned under the National Government, and the argument which I make is continually increasing in value while the argument of the hon. Member is continually decreasing.

Mr. WOODS: There are 2,000,000 unemployed.

Wing-Commander JAMES: I was amazed that so shrewd a propagandist as the hon. Member for Westhoughton (Mr. R. Davies) should have given himself away by this Amendment. It is a most extraordinary one. We have listened so far to seven or eight Second Reading speeches on every Committee point, and they have all been directed to proving that the care of and interest in the workers is solely a concern of hon. Members opposite. Now the hon. Member gives the whole thing away by putting forward an Amendment which seeks one thing only, compulsory trade unionism. How the serried ranks of vested interests opposite could bring themselves to put that in is extraordinary. The Under-Secretary of State has just said that there is nothing to prejudice any legitimate function of trade unions. Why they should try to fasten compulsion on the

[Wing-Commander James.]
workers I cannot imagine. I hope the Government will stand firm for the workers' liberty.

Mr. ADAMSON: There is one point I would like to impress on the Under-Secretary of State, and that is that from our point of view there should be some safeguard under these Regulations. Although the words suggested by my hon. Friend the Member for Westhoughton (Mr. Rhys Davies) may not be accepted by him, I would suggest that he might take into consideration that in view of the fact that trade unions, irrespective of what is in the Act, will be advising their members, there ought to be some safeguard, from the point of view of both the employers and workers, providing that trade unions can be consulted as to the arrangements. If it cannot be settled at the moment, perhaps it could be dealt with on Report.

Major BRAITHWAITE: I am not at all happy about the position. It seems to me that under this Bill the Home Secretary will have a very great measure of responsibility in advising in any particular industry whether the two-shift system can be employed. There seems some doubt on the other side as to whether the ballot will be altogether secret. The Home Secretary is really responsible here, because the final decision rests with him whether an application from a particular industry will be granted or not. It is after the ballot has been taken that he comes in to give his decision. If there is going to be a feeling of uneasiness about the ballot, about the people entitled to vote, and about the possibility of the result being prejudiced by the vote of non-affected workers, I think the Home Office might consider whether it might be possible for the employer, when he makes application for a two-shift system, to apply for somebody from a Government Department to go down and take a secret ballot.

I can understand that there is a vested interest of the trade unions, that they are not entirely unprejudiced and would exercise great influence, and, of course, on the other side the employer might try to use influence to bring about the arrangement he desired. If we could get the thing put on an impartial basis

by having the ballot conducted independently by an official from some Government Department—and goodness knows there are plenty of civil servants in these days to undertake the job—you would eliminate all suspicion and get the matter on a basis which everybody would regard as fair.

Mr. LLOYD: I quite appreciate the point put by the hon. Member for Cannock (Mr. Adamson), but I would remind him that although there is nothing in the Bill to say that trade unions must be consulted, the Advisory Committee has to be consulted, and on that committee there are representatives of both workers and employers. In regard to the point raised by the hon. and gallant Member for Buckrose (Major Braithwaite): I agree that it is important that the ballot procedure should be above suspicion, and it will be the object of the Secretary of State to find the best possible procedure in consultation with the Advisory Committee. The hon. and gallant Member will appreciate that there is this further safeguard, that any proposal made as a result of consultation with the Advisory Committee will have to be published and laid on the Tables of both Houses of Parliament and that it will be open to any hon. Member to express any fears that may be entertained as to the procedure to be adopted.

Sir HUGH SEELY: I should like to ask the Under-Secretary of State whether his Department can send an independent official to take a ballot.

Mr. LLOYD: Ballots are sometimes taken by factory inspectors.

Mr. McGHEE: Have you power to enforce that?

Mr. LLOYD: Yes.

Mr. JAGGER: Can they get an honest expression of opinion from the work-people when they go down?

Mr. LLOYD: It is their duty really to satisfy themselves that the workers have agreed, and I am satisfied that there is no better person to do that than a factory inspector.

Mr. JAGGER: Have you ascertained from the factory inspectors that they find it easy to get the workers' opinion.

Mr. WOODS: As a matter of fact it has happened, and everybody knows that it does happen, that a form of propaganda is sometimes adopted which amounts to intimidation. If that is shown to be the case, I would like to know if that would influence the Home Secretary in his decision.

Mr. LLOYD: If anything improper had taken place with regard to the procedure in ascertaining the views of the workers, there would come into operation the provision of the Bill that the Secretary of State must be satisfied that the procedure has been properly followed. If it had not, he would not make an Order.

Mr. McGHEE: Would that cover, for instance, little notes in wage packets which we have heard about?

Division No. 11.]

Adamson, W. M.
Chater, D.
Davies, R. J. (Westhoughton)
Hollins, A.

Jagger, J.
Kelly, W. T.
Kirby, B. V.
McGhee, H. G.

AYES.

Astor, Hon. W. W. (Fulham, E.)
Bower, Comdr. R. T.
Braithwaite, Major A. N.
Cartland, J. R. H.
Cayzer, Sir C. W. (City of Chester)
Chapman, A. (Rutherglen)
Crowder, J. F. E.
Dempster-Robertson, Major J. A. F.
Eckersley, P. T.

Fremantle, Sir F. E.
George, Megan Lloyd (Anglesey)
Horsbrugh, Florence
Howitt, Dr. A. B.
James, Wing-Commander A. W.
Little, Sir E. Graham
Lloyd, G. W.
Maitland, A.
Makins, Brig.-Gen. E.

NOES.

Riley, B.
Wilson, C. H. (Attercliffe)
Woods, G. S. (Finsbury)

Palmer, G. E. H.
Ponsonby, Col. C. E.
Samuel, M. R. A. (Putney)
Seely, Sir H. M.
Somerville, A. A. (Windsor)
Turton, R. H.
Ward, Irene (Wallsend)
Wells, S. R.

Question, "That the words:
'for the ascertainment of their opinions by secret ballot,'
be there inserted," put, and agreed to.

Mr. CARTLAND: I beg to move, in page 2, line 11, to leave out the first "the," and to insert "a."

This Amendment and the next which stands on the Paper in my name—after "majority," to insert "two-thirds"—are complementary. As the Bill stands, the two-shift system could be introduced in a factory by a majority of one, although I do not suppose anybody would be so foolish as to try to introduce it by a majority of one. I do think that there ought to be definite co-operation from the workers who have to work a two-shift system. Therefore, I suggest that the majority in the ballot should be considerable. The hon. and gallant Member for Buckrose (Major Braithwaite) raised the question of the votes of those directly concerned. It seems to me that as things

Mr. LLOYD: I do not think I can discuss particular circumstances which may arise.

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

Questioned proposed, "That those words be there inserted."

Mr. RHYS DAVIES: I beg to move, as an Amendment to the proposed Amendment, after "ballot," to insert:

"conducted by their own organisation or organisations."

Question put, "That those words be there inserted in the proposed Amendment."

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

stand the two-shift system might be introduced although all the people in the department in which it would be worked might be against the system. I do not think the system could be effective unless it had the co-operation of those who will have to work it. There are a number of precedents for my proposal. Under the Agricultural Marketing Act I think there has to be a majority of two-thirds. I hope my hon. Friend will consider this a proper Amendment and one that will help to stop intimidation from either side.

Mr. LLOYD: It might interest the hon. Member to know that in actual practice majorities on either side have been usually considerable. I do not place undue weight on that, but I think it has some relevance. He objects that a decision might be arrived at by a majority of one. The most vital decisions in this Committee, and in fact in the House itself, might be come to in theory by a majority of one. I do not feel, therefore,

[Mr. Lloyd.]
that we can take very strong objection to the general principle of a simple majority. I would further remind him that this point was not taken by a single witness before the Departmental Committee. His proposal for a two-thirds majority must have come into his mind, I think, before the Government proposed that there should be a secret ballot. I suggest to him that that does make a considerable difference, and I suggest that a simple majority on a secret ballot is sufficient.

Mr. RHYS DAVIES: I want to speak immediately, because I fear that the hon. Gentleman may withdraw his Amendment, and we do not propose to allow him to do that, if he will pardon my putting the matter in that way. The hon. Gentleman delivered a very good speech, and I hope that he will have the courage to vote as he spoke. The trouble with the supporters of the Government is that they talk Socialism on occasion, and vote Tory every time. I should like to deal with the points raised by the hon. Gentleman. The analogy between the people who will work the two-shift system and Members of Parliament will not hold good. We are to-day legislating for other people, and not one of us will work under this two-shift system in the factories. Consequently, the analogy does not hold good. The two-thirds majority is applied in many cases. I was a member of the Manchester City Council for some years and I am sure that most of the decisions of the council required a two-thirds majority before they could be carried into effect. As the hon. Gentleman himself told us, some Acts of Parliament require it—for instance, the Agricultural Marketing Act.

The point which the hon. Gentleman the Under-Secretary of State always raises is that the Departmental Committee never considered this matter. I have great faith in committees and in the experts who inquire into and report on these problems, but a committee which reports is not paramount to Parliament. If this Committee desires to do something in this Bill, it can do it. Naturally I pay a tribute to the people who have spent time in making inquiries, but I would remind the Committee that Parliament sometimes declines to put into operation a single one of the recommendations of

some Committees. Therefore, this Committee has competence to insert this provision. Finally, I think the Amendment is a very reasonable one, because if there is one thing which this system of having a simple majority will do, it is to tie a considerable number of workpeople to a system to which they object. I hope I am not being unjust to the hon. Member when I suggest that he was about to get up to withdraw his Amendment, but if he does so, we shall oppose him, because we want a vote on it.

Miss HORSBRUGH: I agree with a great deal of what was said by the hon. Member who has just sat down. He said that there is no reason why any particular group of people should be forced by a majority on the other side to work under a system which they do not like. I suggest that each worker has a right to decide for or against, and if there were a two-thirds majority rule, I think it would be very hard on the workpeople who want to work a two-shift system and are not allowed to do so, even though they are in a majority. I cannot see why more power and influence should be given to one side or the other, and I think there should be complete equality between both sides to decide which system they wish to work under. It may be said that the people who are in the minority, either under a simple majority or a two-thirds majority rule, would be forced to work a two-shift system which they do not want to work, but it seems to me that all those arguments are exactly the same. The people who want to work a two-shift system are to be forced to work a one-shift system. I am entirely in favour of a majority, and I can see no reason for making it two-thirds one way or the other.

Mr. JAGGER: I would like to say that the analogy of the Marketing Board is not the only thing that can be used in favour of this Amendment. Every hon. Member knows that in every organisation with which we are connected there has to be a two-thirds majority before we can alter the rules. In this case we are altering the rules of working in this country, and there ought to be a two-thirds majority.

Mr. WILSON: I think the point has been overlooked that if there is a very

small majority only, it will create a considerable amount of feeling in the factory, which will be detrimental to the work, whichever way the majority goes. It seems to me that something more than a bare majority of one is desirable from the point of view of the interests of the work.

Mr. ADAMSON: The hon. Lady the Member for Dundee (Miss Horsbrugh) seems to have overlooked the fact that at the present time the two-shift system can operate for those over 18, and that consequently the proviso that there should be a two-thirds majority would certainly safeguard the interests of the young persons upon whom the two-shift system will be enforced under the new regulations. Moreover, if there is to be a safeguard to ensure that the employer shall be able to obtain the full complement which is prepared to work the system, he ought to be willing to accept a two-thirds majority, because it would place him in a more secure position.

Mr. CHAPMAN: I support the Amendment for the following reason. It has been pointed out on the other side that the very fact of employment or not suggests that there is a kind of indirect economic pressure. I think that the two-thirds majority will to a certain extent balance the scales in the other direction, in the sense that the workers will have courage to say what they really think if they know that a two-thirds majority is to decide the matter, and not a bare majority.

Mr. WOODS: I feel that unconsciously the hon. Member for Westhoughton (Mr.

Rhys Davies) was intimidating the Mover of the Amendment. I think that the suggestion that this Amendment is Socialism is entirely beside the point, and I would not accuse anybody who votes for it of having even a pink tinge of Socialism. The strength of the Amendment lies in the argument that where there is a system which operates relatively satisfactorily on the whole, in order to bring about a change there should be some pressure additional to a bare majority of one. Therefore, the condition that there should be a two-thirds majority is in essence more a Conservative than a Socialist line of action. Having put that right, I think some hon. Members opposite need not feel guilty in opposing the Government.

Mr. LLOYD: I agree with the hon. Lady the Member for Dundee (Miss Horsbrugh). I do not think it would be fair to those who wish to work under this system if a two-thirds majority was required. After personal investigations in various factories, I cannot for a moment accept the thesis which has been advanced from the other side of the Committee that the workers must always be driven into this system. There are a large number of workers who definitely want to work under this system, and it would not be fair on them to require a two-thirds majority. For that reason I ask the Committee to agree to a simple majority.

Question put, "That the word 'the' stand part of the Clause."

The Committee divided: Ayes, 20; Noes, 12.

Division No. 12.]

Astor, Hon. W. W. (Fulham, E.)
Bower, Comdr. R. T.
Cayzer, Sir C. W. (City of Chester)
Crowder, J. F. E.
Fremantle, Sir F. E.
George, Megan Lloyd (Anglesey)
Horsbrugh, Florence

Howitt, Dr. A. B.
James, Wing-Commander A. W.
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Lloyd, G. W.
Maitland, A.
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AYES.

Ponsonby, Col. C. E.
Samuel, M. R. A. (Putney)
Seely, Sir H. M.
Somerville, A. A. (Windsor)
Turton, R. H.
Wells, S. R.

NOES.

Adamson, W. M.
Cartland, J. R. H.
Chapman, A. (Rutherglen)
Chater, D.

Davies, R. J. (Westhoughton)
Hollins, A.
Jagger, J.
Kelly, W. T.

Kirby, B. V.
McGhee, H. G.
Wilson, C. H. (Attercliffe)
Woods, G. S. (Finsbury)

Committee adjourned at Fourteen Minutes after One o'Clock until Tuesday, 25th February, at Eleven o'Clock.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE.

Milner, Major (<i>Chairman</i>)	James, Wing-Commander
Adamson, Mr.	Kelly, Mr.
Astor, Mr.	Kirby, Mr.
Bower, Commander	Little, Sir Ernest Graham-
Braithwaite, Major	Lloyd, Mr.
Cartland, Mr.	McGhee, Mr.
Cayzer, Sir Charles	Maitland, Mr.
Channon, Mr.	Makins, Brigadier-General
Chapman, Mr.	Palmer, Mr.
Chapman, Sir Samuel	Pilkington, Mr.
Chater, Mr.	Ponsonby, Colonel
Crowder, Mr.	Riley, Mr.
Davies, Mr. Rhys	Samuel, Mr. Marcus
Despencer-Robertson, Major	Seely, Sir Hugh
Eckersley, Mr.	Somerville, Mr. Annesley
Fremantle, Sir Francis	Turton, Mr.
George, Miss Lloyd	Ward, Miss
Hollins, Mr.	Wells, Mr.
Horsbrugh, Miss	Wilkinson, Miss
Howitt, Dr.	Wilson, Mr.
Jagger, Mr.	Woods, Mr.

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