



FACTORY AND WORKSHOP BILL

[H.L.]

HL Deb 14 May 1907 vol 174 cc735-48 735

§ [SECOND READING.]

§ Order of the Day for the Second Reading read.

§ EARL BEAUCHAMP

My Lords, it will probably be for the convenience of the House if, before stating the provisions of the Bill which I have the honour to ask your Lordships to read a second time to-night, I say something about the history of this question, because that, I think, will go a long way towards explaining at once what are the intentions of His Majesty's Government in introducing this measure. The present position of laundries is that they are subject to the Factory and Workshop Act of 1895, which was introduced in another place by the present Chancellor of the Exchequer. At that time he was anxious to subject all laundries to very much the same conditions as factories and workshops are subject to now; but, unfortunately, the majority which followed him in the other House then was not so large as it is at the present time. There was a combination of those interested in institutional laundries and those interested in commercial laundries, and they insisted upon the insertion of the clause under which laundries are now worked. The Home Secretary at that time foretold that it would not have satisfactory results, and I think all those who take an interest in industrial legislation are now quite agreed on that point.

736 Then in 1901 a large Bill dealing with all the various Acts, a Factory and Workshop Consolidating Bill, was introduced by Mr. Ritchie. That Bill had a curious history. There was considerable amendment in Grand Committee, and in the end Mr. Ritchie, on the Report stage, moved the omission of the whole of the laundry clause. That was agreed to by the House of Commons, and then the Bill came to this House. It reached your Lordships on 14th August, and was read a first time on that day. Then the Bill, with its 162 clauses was read a second time in your Lordships' House on the next day, and, having read it a second time, your Lordships suspended the Standing Order and proceeded to consider it in Committee. In Committee various appeals were made by the noble Earl, Lord Plymouth, and, I think, by the most rev. Primate, and by one or two other Peers, to Ministers to reinstate the clause which was originally in the Bill as the Government had introduced it in another place. The noble Lord who then

represented the Home Office was, however, obdurate and explained that if such a thing were done it would be impossible to pass the Bill at all during that session. The only alternative, if the Bill was not allowed to go through as it stood, was that it would have to be dropped, and a large number of artisans throughout the country would lose the benefit of the Act. Accordingly, with very great regret, and after protests from both sides of the House, as well as from the Episcopal Bench, your Lordships agreed to that measure, and the Bill, with the somewhat technical addition of the clause from the 1895 Act, was passed. The Committee stage having been finished on the same day, your Lordships read the Bill a third time and passed it, and it was then returned to another place. I hope that when in future we are told that His Majesty's Government do not allow sufficient time for the discussion of Bills in this House, the passage of the Factory and Workshop Act of 1901 will be remembered as a standard of the way in which the late Government used to deal with your Lordships' House.

But in the passage of that Bill through this House the noble and learned Lord, Lord James of Hereford, promised that 737 His Majesty's Government would, at the earliest opportunity, take steps to deal with the question of laundries. For various reasons the late Government did not see their way to deal with it at once, and I think there were good reasons why certainly for two or three years after that they should not have dealt with laundries. But last year, as your Lordships may remember, the Government were urged to bring in a Bill dealing with the question, and they gave a pledge that they would, if possible, do so, and the Bill which is now before your Lordships is the result.

Perhaps I should say, briefly, why it is that the present condition of the law relating to laundries is so unsatisfactory. The clause in the Act of 1895, which was re-enacted in the 1901 Act, allows a great deal too much latitude in regard to both commercial laundries and institutional laundries; in fact, the latter go without inspection at all. Commercial laundries are obliged to fix in the laundry a statement of the hours between which employment takes place, but that, in practice, is not found to be sufficient. In the ordinary factory or workshop the employer is not allowed to change the hours more than once every three months, but in a laundry, under the present law, he can change his time table every day, so long as he puts up the new time table before the beginning of the day's work. The result is that, whereas in the case of the ordinary factory the inspector knows at what hour to visit the factory to find out whether the rule is being observed or not, it is impossible for him to say, with regard to a laundry, what is the hour at which he ought to visit.

Then the latitude which is given to commercial laundries is very considerable in various other directions, and the method in which His Majesty's Government propose to deal with the question is, as your Lordships will see in the first clause, to bring all laundries under the Factory and Workshop Act of 1901. There is this difference between the factory and the workshop, that those are factories in which there is power used, and those are workshops in which no power is used. That is a rough definition which I think is sufficient for the present purposes. One great alteration follows 738 from this clause. It is that all tenement laundries will be inspected whether there are two or fewer employed in the laundry. There has been, I understand, an increase of this tenement system by which the power is created at one end of a long row of houses and communicated right through at the back, and in each of these tenement

houses very few people indeed are employed, perhaps only the people who live in the house. These will be inspected in the future although they have not been inspected in the past. In fact, the result of this clause will be to subject all laundries to inspection in exactly the same way as all factories and workshops are inspected at the present time; that is to say, laundresses will be put on the same footing as dressmakers, milliners, and persons who follow such occupations.

The second clause deals with the conditions which His Majesty Government offer to these commercial laundries, and which your Lordships will see afford them certain advantages which they would not have if they worked directly under the current Act of 1901. There are obvious reasons why laundries should be allowed latitude of this kind. The ordinary British householder, I believe, insists on the linen being back on Friday night, and, as a rule, it is not collected till Monday. That makes a considerable rush of work during the middle of the week, and it is not possible to distribute the work equally over all the working days. Therefore, although in this clause it is forbidden that the hours of work should consist of more than sixty-eight, including intervals for meals, there will be a certain latitude so that they may work more hours on one day and make it up by working fewer hours on another day. Your Lordships will see that the next clause will apply to all laundries. In the last Act the two sections (b) and (c), with regard to inspection of stoves for heating and the keeping of floors in good condition, did not apply to laundries if there was no power used. But now His Majesty's Government are of opinion that they should be brought into line in this matter.

Then we come to the second part of this Bill, dealing with institutional laundries, and on that I may perhaps refer your Lordships to a deputation which 739 was received by the Home Secretary a short time ago on which there were represented, I think, all the various institutions—reformatories, and so on—in which laundry work is carried on. It is chiefly carried on by Roman Catholics and by the Church of England. Mr. Gladstone has been anxious, if he could, to put such provisions in this Bill as would meet their wishes. I do not know that it is necessary for me this evening to trouble your Lordships by going through the whole of the five clauses, but I think I may say generally that it is the wish and the intention of the Secretary of State to do all he can to meet the very legitimate desires of the managers of these institutions, by making special arrangements for them which will enable them to carry on work which is not only of an educational kind, but also of a kind calculated to improve the characters and generally the welfare of the inmates of these institutions.

It is obvious, I am sure, to your Lordships that a great number of these institutions must be carried on on somewhat different lines from ordinary commercial laundries, and it is certainly the intention of His Majesty's Government to go as far as they think they can fairly go in the direction of meeting the wishes of those who are experienced in the management of these institutions. I venture to think that we may hope for this Bill a smooth passage, both through this House and another place. It has been printed for some time, and there has not, at any rate yet, been any sign that it is objected to by those who are engaged in this industry; and since employers do not seem to regard it with any disfavour I trust your Lordships will give it a Second Reading to-day, and I have no doubt that, if it is passed into law, it will be of considerable advantage to those who are employed in this industry

§ Moved, That the Bill be now read 2^a.—(Earl Beauchamp).

* *THE LORD ARCHBISHOP OF CANTERBURY*

My Lords, I should like to be allowed to say a few words on this subject. The story of this measure is an odd one, and it affords a curious example of how what may seem like 740 a comparatively small matter may be found to involve issues which materially and gravely complicate the actual working of our legislative machinery. It is not very easy to explain in a word, nor is it necessary to do it now, why it has been found that the incorporation of laundries under the ordinary regulations of our factory legislation is an exceedingly troublesome and difficult thing.

The noble Earl who has so clearly introduced the Bill to your Lordships' notice to-day has explained in some measure what the past history of these difficulties has been. It has to be remembered that in 1895, when Mr. Asquith carried his Bill through the House of Commons, he quite openly professed himself dissatisfied with the clause in that Act—the clause which survives in substance as the law to-day—dealing with laundries; and when in 1901 the matter came up again while he was in opposition no one was more outspoken than he in saying that the Government ought to have been able to carry the matter through. The noble Earl has referred to the pathetic scene which took place in this House in 1901, when tears were almost brought to our eyes by Lord James of Hereford's appeal to us as to the disasters which would follow if anything were done to touch the Bill of 162 clauses which was then presented to your Lordships with the knowledge that unless it were read a third time within twenty-four hours it would not become law and the whole country would suffer in consequence. The noble Earl has called attention to that to show that it is not on one side of the House only, but on both sides, that difficulties are experienced in securing time for adequate consideration of important measures in this House. Mr. Asquith, in the appeal which he made at that time against the action of the Government, put it thus. He said—I was unable in 1895 to carry this through in its proper form because we had not an adequate majority. Now the present Government have an adequate majority. He explained that he had been obliged to whittle down his clause in 1895, because he had not the advantage of a great and permanent majority, and he 741 pointed out that Mr. Ritchie had a large majority quite capable of overcoming any forces that might be arrayed against him. I should like those words to be borne in mind when this Bill goes to the House of Commons, should the Government say they are obliged, if objection is brought against it, to whittle down the legislation which they think necessary.

Most of the difficulty in dealing with laundries by legislation arises from the fact that the work they perform is found to be the most suitable kind of work for philanthropic institutions, the main object of which is not the making of money, but the reform of their inmates. That complicates the matter considerably and accounts in a large measure, though not, I think, altogether, for the difficulty which has arisen. I was very glad to hear the noble Earl in charge of the Bill say that those institutions will no longer be allowed to stand in the way of the reform which is needed in the conditions under which the industry generally is carried on. For myself, I have from the first always failed to understand the objection raised in some, quarters by the supporters of these institutions to inspection. I have always urged inspection. I think the inspection of these institutions is not only possible, but proper and right. Every institution with

which I have any connection, and they are many, at once took advantage of the offer made by the Home Office in 1902, that if institutions wished it, inspectors would be sent to inspect them. I welcome something stronger than that. I desire that such inspection should be universal and compulsory. The fact that some of the institutions which carry on laundry work declined to take advantage of the offer of the Home Office, and therefore are at this moment not inspected, is to my mind the strongest proof of the necessity which exists that some more stringent clause such as this Bill contains, should find a place on the Statute Book.

It may be said that, if it be only these charitable institutions that block the way to reform of the conditions under which laundry work is carried on, why should we not leave institutional laundries 742 out of consideration altogether and deal with commercial laundries only? Such a course would be exceedingly unfair to commercial laundries. These laundries maintain that even now charitable institutions have some advantage over them. I do not agree with that; but there can be no doubt that if stringent restrictions are now applied to commercial laundries and none to charitable laundries commercial laundries will have a strong reason to complain of disparity of treatment. That is the reason why we cannot separate the two classes of laundries. I hold that charitable institutions need inspection, and that they gain from the help which such inspection gives. Therefore, for everybody's sake I most earnestly hope that some such provision as finds its place in this Bill may very speedily become law. At the same time I think it is indisputable that there must be some special arrangements in connection with the laundries managed by charitable institutions. Anyone who will look into the details will find that to apply to institutional laundries verbatim et literatim the rules which are applicable to ordinary commercial laundries would have consequences quite other than those which the Legislature desires, and that some modifications to meet their special and different conditions are absolutely necessary.

It is of very great interest to read the reports by those inspectors, male or female, who have inspected the institutions which voluntarily asked for it under the Home Office circular of 1902. There are very ample reports given by some of those who conducted these inspections, and I doubt whether anyone would rise from reading those reports without seeing that, with the best possible intention to act rightly, the managers of these institutions require the help which inspection gives. For example, most of the laundries connected with charitable institutions were started in days when the work was not done by machinery at all. The introduction of machinery has resulted in this: that a large number of excellent and devoted ladies find themselves called upon to supervise work which involves the use of complicated machinery without having anyone to tell them how 743 to do it, and if it were not tragic it would be laughable to read the accounts in regard to this which are given by the inspectors. They quote instances to show how girls too stupid for anything else have been set to work the machinery, and this, of course, is liable to result in numerous accidents. I submit that inspection, wanted always, is more and more required as mechanical means are applied to these institutions.

While I thoroughly give my support to the Second Reading of this Bill, there are a good many points which I am anxious we should carefully consider in Committee. When I remember the speeches which have been made by Mr. Asquith and others about what ought to be done, I feel that the Bill ought to go a little further. It seems to

me, for example, that under Clause 5 (2) (d)— (d) The provisions of the principal Act as to sending notices to the inspector shall not apply, except so far as an order made by the Secretary of State may otherwise direct"— it might be possible for an institution, by merely never sending in any notice at all, to escape inspection altogether. I have no doubt that if that is the result of the wording it is accidental. At all events, it is a result which cannot be intended, and it is desirable that the point should be looked into. Then I have some suspicion about the subsection which allows the ordinary medical officer of the institution, I suppose whether the authorities like it or not, provided the institution desires it, to be appointed the certifying surgeon for the institution. No doubt that can subsequently be explained. It is a question of the interpretation of the word "may," which, as we all know, frequently means "shall" in an Act of Parliament.

Then in the final clauses of the Bill there are provisions into which I am anxious we should look closely. We know how difficult it is to regulate executive work where the different Departments of the State overlap one another, and there is some amount of overlapping between functions belonging to the Local Government Board and functions belonging to the Home Office when we are dealing with this question. There are institutions now inspected by officials of the Local Government Board 744 which have connected with them buildings and workshops which properly fall under factory inspection, and should therefore come under the Home Office; but, presumably on the ground of avoiding overlapping and possible jealousy between the two Departments, it is provided, as I understand the Bill, that where there is such an institution it shall be possible for the Local Government Board inspector to be the person to examine the factory department of that institution. A great many of the inspectors under the Local Government Board, who are admirably qualified for examining and inspecting philanthropic and other institutions, have no knowledge whatever such as would enable them to inspect adequately places in which complicated machinery is used, and which fall properly to the factory inspector. That is a point which requires looking into if we are to be sure that the inspection is to be carried out as it ought to be.

These, of course, are all points which will have to be dealt with in Committee. I rose, on behalf of those who in the Church of England are responsible for our philanthropic and charitable institutions to which laundries are attached, to say how cordially I welcome the Bill, how earnestly I hope its provisions will be strengthened, and how gladly I, for one, shall co-operate in making inspection universal.

* *THE EARL OF LYTTON*

My Lords, having had occasion to introduce this subject to your Lordships in previous years, I should like to make a few remarks on the Bill which has just been introduced by the noble Earl. In the first place I would like to congratulate His Majesty's Government on having so speedily fulfilled the promise they made last session to introduce such a Bill at the earliest opportunity. It is now thirty years since a Royal Commission first suggested that laundries should be brought within the Factory Act, and, in view of the fact that since that time everybody who has had anything to do with the actual administration of the existing law has testified to the inadequacy of it, one may fairly say that this measure of reform has been long overdue. I should, like to express my 745 great pleasure that the Government have dealt with the two classes of

hitherto exempted laundries—namely, institution laundries and the smaller laundries in which only two persons are employed. As far as its general principles and objects are concerned the Bill follows very much the same lines as the one which I had the honour to introduce to your Lordships five years ago, and which passed through all its stages without a Division. But in respect of the machinery by which those objects are carried out, this Bill differs from that one in several important details. It differs from it, I think, in some respects so unfortunately that some of its details diminish considerably the pleasure which I feel at the introduction of the Bill. Such criticisms as I have to make of those details will be more suitable to the Committee stage, but it would perhaps be convenient if I indicated briefly at this moment the points upon which I think this Bill will need some Amendment.

The object of the Bill, as the noble Earl explained, is to apply the provisions of the Factory Act to all commercial laundries and also to provide for the inspection and regulation of laundries attached to certain charitable institutions. Clause 2 is the one which deals with commercial laundries, and the various paragraphs of Sub-section (1) deal with the hours of employment and the amount of overtime to be worked. Under the provisions of this sub-section the proprietor of a laundry may choose to work under Section 49 of the principal Act, or he may adopt Paragraph (b) of this clause. If he chooses the latter, Paragraph (b) would enable him to work overtime on three days in every week, except Saturday, provided that a corresponding reduction is made in the periods of employment on other days of the week. I would like to draw your Lordships' special attention to these words, because they are new to factory legislation. Though the principle may be perfectly fair and reasonable I submit that it will prove to be unworkable in practice.

The principle which has always been adopted in factory legislation hitherto is that those regulations which deal with 746 overtime should be so framed that an inspector can tell the moment he enters any premises whether the law is being carried out or not, and the introduction of these words will make it difficult for an inspector to carry out his duties. There is no provision made in the Bill that notice should be given to the Home Office of the overtime which is to be worked on any particular day or of the corresponding reductions which are to be made on other days. I understand that the Government are relying upon Section 60 and Section 32 of the principal Act, which are supposed to govern the sending of notices with regard to overtime allowed under this clause. It is very difficult to understand a Bill of this sort. This is another case of legislation by reference, and it is extremely difficult for any one reading the Bill to know exactly what it does and what it does not do. We shall have to go very carefully into this in Committee to see how the question of notice is dealt with, and I hope the Government will then explain on what sections of the principal Act they are relying in this matter. It appears to me that under this Bill an inspector might go into a laundry, and, finding overtime being worked there, might lodge a complaint, and be then answered by the proprietor that he was going to make up the overtime by corresponding reductions on other days. There is no provision that the corresponding reductions are to be notified before the overtime is worked. If however, this is provided for in the principal Act it seems to me that even then it would be extremely difficult for a laundry to meet its emergency work if its proprietor had to say beforehand upon what days emergencies would arise necessitating the working of overtime, and on what other days the corresponding reductions would be made. The noble Earl, in moving the Second Reading of the Bill, explained how very

complicated and difficult to enforce the existing law is, and I am afraid that if the Government adhere to the provisions of this clause as it stands, its administration in the future will be attended by no less confusion and even more friction.

747 As to the question of the institution laundries which come under Clause 5, here, again, I fear that the machinery which is set up in this Bill will to a large extent defeat the object of the Government in introducing it. Sub-section (2) of Clause 5, for instance, provides that the managers of any institution may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and that scheme may take the place of the corresponding provisions in the principal Act, if the Secretary of State is satisfied that the provisions of the scheme are on the whole not less favourable than the corresponding provisions. Your Lordships will understand what an enormous amount of extra labour will be placed on the Home Office by this. Some Home Office official will have to investigate every scheme sent in by the different institutions, and will have to decide whether they are more or less favourable than the corresponding provisions of the principal Act. We are often told that the Home Office is at present doing work which in other countries is entrusted to two, if not three, Departments, and I am surprised that the Government should go out of their way to place fresh burdens on this already overworked Department. I am not using this argument in the interests of the Home Office. That Department can safely be left to look after its own interests; but I have a fear lest if the Home Office should prove unable, through pressure of work, properly to check all the schemes put forward on behalf of institutional laundries, these institutions will not be adequately regulated. I think it would be a much better system to lay down in general terms what are the exemptions which, in consequence of their special character, ought to be allowed to these institutions, and then to apply the Factory Act to them as a whole.

There is one other point, to which the most rev. Primate alluded. I refer to the words in the beginning of Clause 5, which exempt from factory inspection any laundry connected with an institution which is at present inspected by or is under the authority of any Government Department. These words 748 will exclude all laundries attached to reformatories, workhouses, orphanages, industrial schools, and so forth, which are at the present moment in respect of their other work under the authority of either the Board of Education or the Local Government Board. I believe it is customary in legislation of this kind to exclude the work of one Department from interference by another Department, and as a general principle that may be a very sound rule to adopt; but I submit that when you are dealing with laundries where dangerous and complicated machinery is used it is imperative that they should be inspected by the only Department which is competent to do it. If it were only a question of needlework and occupations where no machinery is employed though technically a workshop the inspection can well be carried out by the Department to which the institution belongs. But with laundries it is different, and it does seem to me that machinery cannot properly be inspected either by an education officer or a sanitary inspector. I know, for instance, of a case in which feeble-minded children in an industrial school were placed in charge of laundry machinery attached to that institution; and of another case in which a woman in a workhouse lost her arm in an unguarded machine in a laundry attached to the institution. The mutilated woman remained in the workhouse, but the machine was not encased. It will surely be admitted that if an institution of this kind is engaged in work which necessitates the use of dangerous machinery, that part of its

work ought to be under the inspection and authority of the Department whose business it is to inspect machinery. My Lords, these are points which will require to be considered in Committee. I hope, therefore, that your Lordships will examine the clauses of the Bill very closely when we reach that stage, and that you will consent to insert some Amendments at any rate into the Bill before it is carried into law.

§ On Question, Motion agreed to.

§ Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday the 4th of June next.

Back to POLLING DISTRICTS (WEST RIDING OF YORKSHIRE).
Forward to COMPANIES BILL [H.L.]

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