1980 No. 359

WAGES COUNCILS

Catering Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made	*2nd October 1980*
Coming into operation . . .	*28th October 1980*

The Department of Manpower Services, in exercise of the powers conferred by section 10 of the Wages Councils Act (Northern Ireland) 1945(**a**), and now vested in it(**b**), and of every other power enabling it in that behalf, hereby makes the following Order to give effect to wages regulation proposals received from the Catering Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Catering Wages Regulation (Holidays) Order (Northern Ireland) 1980.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Catering Wages Regulation (Holidays) Order (Northern Ireland) 1971(**c**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 28th October 1980, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means as respects that worker, the beginning of the next such period following that date.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 2nd October 1980.

(L.S.) *R. O. Surgenor*
Assistant Secretary

(**a**) 1945 c. 21 (N.I.)
(**b**) 1946 c. 11 (N.I.); S.R. & O. (N.I.) 1964 No. 205 (p. 937) and S.R. & O. (N.I.) 1973 No. 504 Art. 6(1) and Sch. 3 (II, p. 2992)
(**c**) S.R. & O. (N.I.) 1971 No. 336 (p. 1549)

[N.I.C. (16)]

SCHEDULE

Holidays and Holiday Remuneration

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2.

(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the customary holiday.

(2) The said customary holidays are:—
Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday and *four* other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or a young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions to work thereon and, in lieu of any customary holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday within the period of 28 days next ensuing.

Provided that if payment to the worker in respect of time worked on the customary holiday is made at the overtime rate appropriate to work on a customary holiday a holiday in lieu of a customary holiday need not be allowed to the worker.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the customary holidays specified in Part II, an employer shall, between *1st April, 1980 and 31st October, 1980* and between *1st April and 31st October* (hereinafter referred to as the "holiday season") in each succeeding year, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season (hereinafter referred to as the "qualifying period") for any of the periods of employment (calculated in accordance with the provisions of paragraph 12) specified below, and the duration of the annual holiday shall be related to the period of employment during the qualifying period as follows:—

Period of employment during the qualifying period	Duration of annual holiday for a worker whose normal working week is		
	6 days	5 days	4 days or less
At least 8 weeks ...	*3 days*	*2 days*	*2 days*
,, 12 ,, ...	*4* ,,	*3* ,,	*3* ,,
,, 16 ,, ...	*6* ,,	*5* ,,	*4* ,,
,, 20 ,, ...	*7* ,,	*6* ,,	*5* ,,
,, 24 ,, ...	*10* ,,	*8* ,,	*7* ,,
,, 28 ,, ...	*11* ,,	*10* ,,	*8* ,,
,, 32 ,, ...	*13* ,,	*11* ,,	*9* ,,
,, 36 ,, ...	*14* ,,	*12* ,,	*10* ,,
,, 40 ,, ...	*16* ,,	*13* ,,	*11* ,,
,, 44 ,,	*17* ,,	*14* ,,	*12* ,,
,, 48 ,, ...	*20* ,,	*17* ,,	*14* ,,

(2) Notwithstanding the provisions of sub-paragraph (1) the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate *three times* the period constituting the worker's normal working week, *plus 2 days*.

(3) The duration of a worker's annual holiday in the holiday season ending on *31st October 1980* shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.C. (8) between 1st March *1980* and the date on which the provisions of this Schedule become operative.

Paragraph 4.

Annual holidays shall be allowed on consecutive working days, being days on which the worker is normally required to work, and days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday or a holiday in lieu of a customary holiday intervenes. Provided that where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week the annual holiday may be allowed in two periods of such consecutive working days if one of such periods is not less than the number of days constituting the worker's normal working week.

ADDITIONAL ANNUAL HOLIDAYS

Paragraph 5.

Subject to the provisions of this paragraph, in addition to the holidays specified in paragraph 3, an employer shall in the year commencing on *1st April 1980* and in each succeeding year commencing on *1st April,* allow a further annual holiday (hereinafter referred to as an "additional annual holiday") to every worker in his employment to whom this Schedule applies who at *1st April* commencing the holiday season has been continuously employed by him for not less than two years and the duration of the additional annual holiday shall be:—

In the case of a 6 day week worker	...	*4 days*
In the case of a 5 day week worker	...	*3* ,,
In the case of a 4 day week worker	...	*2* ,,

Paragraph 6.

Where a worker becomes entitled to any days of additional annual holiday in accordance with the provisions of paragraph 5 those days of additional annual holiday shall be allowed by the employer—

either on working days which need not be consecutive, to be fixed by agreement between the employer and the worker, during the period *1st November to 31st March* immediately following *1st April* upon which the worker becomes entitled as aforesaid, or where the pattern of trade in the establishment so permits on working days (to be fixed by agreement between the employer and the worker) which need not be consecutive, during the holiday season.