1980 No. 325

WAGES COUNCILS

Retail Bespoke Tailoring Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made . . . . . *19th September 1980*

Coming into operation . . . *7th 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 Retail Bespoke Tailoring Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Retail Bespoke Tailoring 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 Retail Bespoke Tailoring Wages Regulation (Holidays) Order (Northern Ireland) 1974(**c**) and the Retail Bespoke Tailoring Wages Regulation (Holidays) (Amendment) Order (Northern Ireland) 1977(**d**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 7th 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 19th September 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. 1974 No. 26 (I, p. 87)
(**d**) S.R. 1977 No. 370 (II, p. 1904)

SCHEDULE

Holidays and Holiday Remuneration

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Retail Bespoke Tailoring Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.T.R.B. (96)) as amended by the Retail Bespoke Tailoring Wages Regulation (Holidays) (Amendment) Order (Northern Ireland) 1977 (Order N.I.T.R.B. (100)), the Retail Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.T.R.B. (104)) and the Retail Bespoke Tailoring Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.T.R.B. (106)).

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed; provided that Part II shall not apply to an outworker.

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 eight weeks immediately preceding the 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 holiday.

(2) The said customary holidays are—

(a) 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 of the week on which the worker normally works for the employer) in the course of a calendar year to be fixed either (i) by agreement between the employer and the worker or his representative, or (ii) by the employer, in which case the days so fixed must be notified to the worker not less than eight weeks before the customary holiday; or

(b) a day substituted by the employer for any one of the four days first mentioned in (a), being a day recognised by local custom as a day of holiday in substitution for the said day.

(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 four weeks next ensuing.

(4) A worker who is required to work on a customary holiday shall be paid—

(a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and

(b) in respect of the holiday in lieu of the customary holiday, in accordance with paragraph 6.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) Subject to the provisions of paragraph 4, in addition to the holidays specified in Part II of this Schedule, an employer shall, between *1st July 1980 and 30th June 1981* and between 1st July and 30th June 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 has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10) specified below, and the duration of the annual holiday shall in the case of each such worker be related to that period as follows—

Period of employment	*Duration of annual holiday in period commencing 1st July 1980 and in each succeeding period*
At least 48 weeks	*18 days*
At least 46 weeks	*17 days*
At least 44 weeks	*16 days*
At least 42 weeks	*15 days*
At least 40 weeks	*14 days*
At least 38 weeks	*13 days*
At least 36 weeks	*12 days*
At least 33 weeks	*11 days*
At least 30 weeks	*10 days*
At least 27 weeks	*9 days*
At least 24 weeks	*8 days*
At least 21 weeks	*7 days*
At least 18 weeks	*6 days*
At least 15 weeks	*5 days*
At least 12 weeks	*4 days*
At least 9 weeks	*3 days*
At least 6 weeks	*2 days*
At least 3 weeks	*1 day*

Provided that the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate 3 times the period constituting the worker's normal working week, *plus three days*.

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 holiday shall be treated as consecutive notwithstanding that a customary holiday or a holiday in lieu of a customary holiday intervenes.

Paragraph 5.

An employer shall give to a worker reasonable notice of the commencing date and duration of his annual holiday. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.