1980 No. 201

WAGES COUNCILS

Road Haulage Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made	*12th June 1980*
Coming into operation . . .	*1st July 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 Road Haulage Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Road Haulage 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 Road Haulage Wages Regulation (Holidays) Order (Northern Ireland) 1974(**c**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 1st July 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 12th June 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. 268 (II, p. 1259)

[N.I.R.H. (69)]

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 Road Haulage Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.R.H. (57)) as amended by the Road Haulage Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.R.H. (65)).

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 holiday.

(2) The said customary holidays are:—

Christmas Day (or, if Christmas Day falls on a Sunday, such other day as may be appointed by national proclamation or, if none is so appointed, either (a) the following Monday, or (b) in the case where Boxing Day is allowed by the employer as a customary holiday, the following Tuesday) *New Year's Day,* Easter Monday, *May Day,* and four other days (being days on which the worker would normally work) in the course of a calendar year, to be fixed by agreement between the employer and the worker or his representative.

(3) Notwithstanding the previous provisions of this paragraph an employer may (except where in the case of a young person such a requirement would be unlawful) require a worker who is otherwise entitled to a customary holiday under the foregoing provisions of this Schedule to work thereon and a worker who is so required to work on a customary holiday shall be paid in respect thereof an amount calculated on the basis of the wages due to him for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker and, in addition, one day's holiday pay (as defined in paragraph 12 of this Schedule).

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1)(a) In addition to the holidays specified in Part II of this Schedule, an employer shall, subject to the provisions of paragraph 4(b)(ii), between 1st April and 31st October 1980, and in each succeeding year between 1st April and 31st October (in this Schedule referred to as the "holiday season"), 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 for any of the periods specified below, and the duration of the holiday shall be related to his period of employment during that 12 months as follows:—

(i) workers who, on 1st January 1980, and in each succeeding year on 1st January, have completed 1 year, but less than three years' continuous employment with the same employer—as indicated by Col. B;

(ii) workers who, on the 1st January 1980, and in each succeeding year on 1st January, have completed 3 years' continuous employment with the same employer—as indicated by Col. C;

(iii) all other workers—as indicated by Col. A.

Period of employment	Duration of holiday		
	A	B	C
At least 48 weeks . .	10 days	15 days	20 days
At least 43 weeks . .	9 days	12 days	18 days
At least 38 weeks . .	8 days	11 days	16 days
At least 33 weeks . .	7 days	9 days	14 days
At least 28 weeks . .	6 days	8 days	12 days
At least 24 weeks . .	5 days	6 days	10 days
At least 19 weeks . .	4 days	4 days	8 days
At least 14 weeks . .	3 days	4 days	6 days
At least 9 weeks . .	2 days	3 days	4 days
At least 4 weeks . .	1 day	1 day	2 days

(b) Notwithstanding the provisions contained in sub-paragraph (a), the number of days of annual holiday to which a worker shall be entitled in the holiday season commencing 1st April 1980, and in each holiday season thereafter shall not exceed in the aggregate:

(i) in respect of the workers described in (a)(i)—three times the number of days constituting the worker's normal working week;

(ii) in respect of the workers described in (a)(ii)—four times the number of days constituting the worker's normal working week;

(iii) in respect of workers described in (a)(iii)—twice the number of days constituting the worker's normal working week.

(2) The duration of the worker's annual holiday during 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 the Road Haulage Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.R.H. (57)) as amended by the Road Haulage Wages Regulation (Amendment) Order (Northern Ireland) 1979 (Order N.I.R.H. (65)), between 1st April *1980*, and the date upon which the provisions of this Schedule become effective.

Paragraph 4.

Annual holidays under this Schedule 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 Sunday or a customary holiday or a holiday in lieu of a customary holiday intervenes.

Provided that—

(a) where the number of days of annual holiday for which a worker has qualified exceeds the period constituting his normal working week but does not exceed twice that number, the said annual holiday may, by agreement between the employer and the worker or his representative, be allowed in two separate periods of such consecutive working days provided that one of such periods is not less than the period constituting the worker's normal working week;

(b) where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting his normal working week the annual holiday may be allowed as follows—

(i) in two separate periods as in (a); and