1980 No. 178

WAGES COUNCILS

Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made	*28th May 1980*
Coming into operation . . .	*10th June 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 Boot and Shoe Repairing Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Boot and Shoe Repairing 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 Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1974(**c**), the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1975(**d**) and the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1978(**e**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 10th June 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 28th May 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. 188 (I, p. 813)
(**d**) S.R. 1975 No. 157 (I, p. 894)
(**e**) S.R. 1978 No. 263 (II, p. 920)

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 Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.B.S. (121)) as amended by the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1975 (Order N.I.B.S. (125)) and the Boot and Shoe Repairing Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.B.S. (131)).

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed, but not to a worker who works in his own home or in any other place not under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2.

(1) An employer shall allow to every worker in his employment 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 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:—

(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, New Year's Day, Easter Monday, Easter Tuesday and three other days (being days of the week 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; or

(b) a day substituted by the employer for any one of the said days, 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 to work thereon and, in lieu of any holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereafter referred to as a "holiday in lieu of a customary holiday") on a weekday, being a day on which he would normally work, 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.

In addition to the customary holidays specified in Part II, an employer shall, subject to the provisions of paragraph 4(2)(*b*)(ii), in each year between 1st April and 30th November (hereafter referred to as the "holiday season"), allow a holiday (hereafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him for any one of the periods of employment specified below, and the duration of the annual holiday shall be related to his period of employment during that 12 months as follows:—

(*a*) At least 48 weeks.

Where the worker's period of employment during the 12 months immediately preceding the commencement of the holiday season is at least 48 weeks:—

Year in which holiday season falls	Duration of annual holiday			
	Where the worker's normal working week is:—			
	Six days	Five days	Four days	Three days or less
1980	*21 days*	*18 days*	*14 days*	*11 days*
1981	*22 days*	*19 days*	*15 days*	*12 days*
1982 and thereafter	*23 days*	*20 days*	*16 days*	*13 days*

(b) Less than 48 weeks.

Where the worker's period of employment during the 12 months immediately preceding the 1st April 1980 and the 1st April in each succeeding year is less than 48 weeks:—

Period of Employment	Duration of annual holiday			
	Where the worker's normal working week is:—			
	Six days	Five days	Four days	Three days or less
At least 44 weeks	11 days	9 days	7 days	5 days
At least 40 weeks	10 days	8 days	6 days	5 days
At least 36 weeks	9 days	7 days	6 days	4 days
At least 32 weeks	8 days	6 days	5 days	4 days
At least 28 weeks	7 days	5 days	4 days	3 days
At least 24 weeks	6 days	4 days	4 days	3 days
At least 20 weeks	5 days	3 days	3 days	2 days
At least 16 weeks	4 days	2 days	2 days	2 days
At least 12 weeks	3 days	2 days	2 days	1 day
At least 8 weeks	2 days	1 day	1 day	1 day
At least 4 weeks	1 day		1 day	

Provided that the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate:—

(i) in the case of a worker whose normal working week is 5 days or more, three times the number of days constituting the worker's normal working week, *plus 3 days in the 1980 holiday season;* three times the number of days constituting the worker's normal working week, *plus 4 days in the 1981 holiday season* and three times the number of days constituting the worker's normal working week, *plus 5 days in the 1982 holiday season* and in each holiday season thereafter.

(ii) in the case of a worker whose normal working week is 4 days or less, three times the number of days constituting the worker's normal working week, *plus 2 days in the 1980 holiday season;* three times the number of days constituting the worker's normal working week, *plus 3 days in the 1981 holiday season* and three times the worker's normal working week, *plus 4 days in the 1982 holiday season* and in each holiday season thereafter.

Provided also that the duration of the worker's annual holiday in the holiday season ending on 30th November 1980 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.B.S. (121) as amended by Order N.I.B.S. (125) between 1st April 1980 and the date on which the provisions of this Schedule become operative.

Paragraph 4.

(1) Annual holidays shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or some other holiday intervenes.

(2) (*a*) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting the worker's normal working week but does not exceed twice that number, the said annual holiday may be allowed in two or three separate periods of such consecutive working days, provided that one of the periods is of not less duration than the number of days constituting the worker's normal working week and that the remaining days of annual holiday are allowed on whole days upon which the worker is normally employed by the employer.

(*b*) Where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting the worker's normal working week the annual holiday may be allowed as follows:—

(i) as to the period comprising twice the number of days constituting the worker's normal working week, in accordance with sub-paragraph (*a*); and

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by agreement between the employer and the worker or his representative, either during the holiday season or during the period 1st December and 31st March next following that holiday season.

Paragraph 5.

An employer shall give to a worker notice of the commencing date or dates and duration of his annual holiday.

Such notice shall be given at least 28 days before the first day of the holiday or, where under the provisions of paragraph 4, a holiday is allowed in more than one period, before each separate period.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS

Paragraph 6.

(1) For each day of customary holiday to which a worker is entitled under Part II he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not