1980 No. 143

WAGES COUNCILS

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

Made	*25th April 1980*
Coming into operation . . .	*20th May 1980*

The Department of Manpower Services, in exercise of the powers conferred on it 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 Shirtmaking Wages Council (Northern Ireland).

Citation

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

Interpretation

3. In this Order the expression "the specified date" means 20th May 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 25th April 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. 4 (I, p. 9)
(**d**) S.R. 1978 No. 254 (II, p. 877)
(**e**) S.R. 1978 No. 264 (II, p. 924)

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 Shirtmaking Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.S. (89)), as amended by the Shirtmaking Wages Regulation (Amendment) Order (Northern Ireland) 1978 (Order N.I.S. (99)) and the Shirtmaking Wages Regulation (Holidays) (Amendment) Order (Northern Ireland) 1978 (Order N.I.S. (101)).

PART I

APPLICATION

Paragraph 1.

(1) This Schedule applies to every worker (other than an outworker) for whom statutory minimum remuneration has been fixed.

(2) An outworker is 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 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:—

(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 five 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; 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 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 6th April *and 30th September in 1980 and* 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 provision 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 6th April, 1980*
At least 48 weeks	*18 days*
,, *46* ,,	*17* ,,
,, *44* ,,	*16* ,,
,, *42* ,,	*15* ,,
,, *40* ,,	*14* ,,
,, *38* ,,	*13* ,,
,, *36* ,,	*12* ,,
,, *33* ,,	*11* ,,
,, *30* ,,	*10* ,,
,, *27* ,,	*9* ,,
,, *24* ,,	*8* ,,
,, *21* ,,	*7* ,,
,, *18* ,,	*6* ,,
,, *15* ,,	*5* ,,
,, *12* ,,	*4* ,,
,, *9* ,,	*3* ,,
,, *6* ,,	*2* ,,
,, *3* ,,	*1 day*

(2) Notwithstanding the provisions of sub-paragraph (1) 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 three times the number of days constituting the worker's normal working week *plus 3 days*.

Paragraph 4.

An annual holiday 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 on which the worker is not required to work 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 number of days constituting his normal working week but does not exceed twice that number, the annual holiday may be allowed in two periods of such consecutive working days so, however, that when an annual holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days 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) as to two periods of consecutive working days, each such period not being less than the period constituting the worker's normal working week, during the holiday season; and

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by the employer, either during the holiday season or within the period ending on 8th January immediately following the holiday season.

Paragraph 5.

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