1980 No. 133

WAGES COUNCILS

Paper Box Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made	*10th April 1980*
Coming into operation . . .	*22nd April 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 Paper Box Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Paper Box 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 Paper Box Wages Regulation (Holidays) Order (Northern Ireland) 1975(**c**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 22nd April 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 10th 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. 1975 No. 260 (II, p. 1227)

[N.I.B. (113)]

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 Schedule to the Paper Box Wages Regulation (Holidays) Order (Northern Ireland) 1975 (Order N.I.B. (103)).

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 or her 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 (hereafter 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 for not less than half that period and (unless excused by the employer or absent by reason of the proved illness of the worker) has worked for the employer throughout the last working day on which work was available to him immediately preceding the customary holiday.

(2) The said customary holidays are:—

(a) Christmas Day, Boxing Day, the day following Boxing Day and New Year's Day provided that—

(i) where Christmas Day, Boxing Day or New Year's Day falls on a Saturday and the worker does not normally work for the employer on a Saturday, the employer shall allow to the worker, instead of the customary holiday, a holiday in lieu on a day on which the worker normally works for the employer within the period of eight weeks immediately following the customary holiday;

(ii) where Christmas Day falls on a Sunday the customary holidays shall be Boxing Day and the next two following days;

(iii) where the day following Boxing Day or New Year's Day falls on a Sunday that Sunday shall not be treated as one of the customary holidays and a customary holiday shall be allowed to the worker on the Monday next following;

Easter Monday, Easter Tuesday and the Wednesday following the last-mentioned day, or

(b) a day substituted by the employer for any one of the said days, being either a day recognised by local custom as a day of holiday in substitution for the said day or a day agreed between the employer and the worker or his representative.

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2), an employer may (except where in the case of a young person such a requirement would be unlawful) require a worker who is otherwise qualified to be allowed a customary holiday 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, (hereafter referred to as a "holiday in lieu of a customary holiday") within the period of four weeks next ensuing, on a day on which he normally works for the employer.

(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, holiday remuneration in accordance with paragraph 6.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the customary holidays specified in Part II and subject to the provisions of sub-paragraph (2) of this paragraph and of paragraph 4 an employer shall, between 31st March *1980* and 30th September *1980*, and in each succeeding year, between 31st March and 30th September (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 during the twelve months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to his period of employment during that twelve months as follows:—

DURATION OF ANNUAL HOLIDAY IN 12 MONTHS COMMENCING 31st MARCH *1980*

Workers with a normal working week of 5 days	
Period of employment (weeks)	Duration of annual holiday (days)
1	*·38*
2	*·77*
3	*1·15*
4	*1·54*
5	*1·92*
6	*2·31*
7	*2·69*
8	*3·08*
9	*3·46*
10	*3·85*
11	*4·23*
12	*4·62*
13	*5·00*
14	*5·38*
15	*5·77*
16	*6·15*
17	*6·54*
18	*6·92*
19	*7·31*
20	*7·69*
21	*8·08*
22	*8·46*
23	*8·85*
24	*9·23*
25	*9·62*
26	*10·00*

DURATION OF ANNUAL HOLIDAY IN 12 MONTHS COMMENCING 31st MARCH *1980*—(continued)

Workers with a normal working week of 5 days	
Period of employment (weeks)	Duration of annual holiday (days)
27	*10·38*
28	*10·77*
29	*11·15*
30	*11·54*
31	*11·92*
32	*12·31*
33	*12·69*
34	*13·08*
35	*13·46*
36	*13·85*
37	*14·23*
38	*14·62*
39	*15·00*
40	*15·38*
41	*15·77*
42	*16·15*
43	*16·54*
44	*16·92*
45	*17·31*
46	*17·69*
47	*18·08*
48	*18·46*
49	*18·85*
50	*19·23*
51	*19·62*
52	*20·00*

(2) Notwithstanding the provisions of sub-paragraph (1):—

(a) the number of days of annual holiday which an employer is required to allow to a worker in respect of a period of employment during the 12 months immediately preceding 31st March *1980* and during the 12 months immediately preceding 31st March in each succeeding year shall not exceed in the aggregate *four* times the number of days constituting the worker's normal working week;

(b) the holiday season may be varied in any year by agreement between the employer and the worker if they jointly notify the Wages Council of such agreement and any reference to a holiday season in this Schedule shall be construed accordingly.

Paragraph 4.

(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) (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 holiday may be allowed in two periods of consecutive working days; so, however, that when a 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 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