1980 No. 70

WAGES COUNCILS

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

Made . . . . . *13th February 1980*

Coming into operation . . . *4th March 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**), hereby makes the following Order to give effect to wages regulation proposals received from the Laundry Wages Council (Northern Ireland).

Citation

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

Interpretation

3. In this Order the expression "the specified date" means 4th March 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 on 13th February 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. 270 (II, p. 1272)

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 Laundry Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.L. (76)).

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 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 shall be:—

(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, *May Day* and two 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 of this Schedule 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 (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 7 of this Schedule.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the holidays specified in Part II of this Schedule, an employer shall, 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 those 12 months as follows:—

Where the worker's normal working week is one of 5 days or less	
Period of employment	Duration of holiday
At least 50 weeks	*15 days*
,, 48 ,,	10 ,,
,, 43 ,,	9 ,,
,, 38 ,,	8 ,,
,, 33 ,,	7 ,,
,, 28 ,,	6 ,,
,, 24 ,,	5 ,,
,, 19 ,,	4 ,,
,, 14 ,,	3 ,,
,, 9 ,,	2 ,,
,, 4 ,,	1 day

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week.

Provided that, where the worker's period of employment is at least 50 weeks, the number of days of annual holiday to which the worker shall be entitled shall not exceed in the aggregate three times the period constituting the worker's normal working week.

ADDITIONAL ANNUAL HOLIDAY

Paragraph 4.

Where, on the 1st April 1980 or on 1st April in any succeeding year, the worker has been in the employment for a period of at least 5 years, there shall be allowed to that worker in the holiday season commencing on that 1st April an additional one week's annual holiday. The number of days of such holiday shall not exceed the number of days constituting the worker's normal working week and it shall be at the discretion of management as to when, within the relevant holiday year (as defined in paragraph 14), this additional holiday is allowed. The amount of holiday remuneration paid to the worker by the employer in respect of this additional annual holiday shall be the amount shown in column 3 of paragraph 8(1) of this Schedule.

Paragraph 5.

Annual holidays under paragraph 3 of 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 customary holiday or a holiday in lieu of a customary holiday intervenes.

Provided that, where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week:—

(a) the said holiday may be allowed in two separate periods of such consecutive working days if one of such periods is not less than the period constituting the worker's normal working week,

(b) the number of days in excess of that period may, notwithstanding the foregoing provisions of this Part of this Schedule, be allowed at any time not later than the 30th day of April in the calendar year next following the holiday season if the worker or his representative so agrees or, failing such agreement, on application to and with the consent of the Wages Council, either—

(i) in one period of such consecutive working days, or

(ii) combined with customary holidays or additional days to make two separate periods of such consecutive working days so that neither of such two separate periods shall be less than the period constituting the worker's normal working week but so that no worker shall be entitled under this Order or under any other wages regulation order made by the Department of Manpower Services pursuant to proposals submitted to it by the Laundry Wages Council (Northern Ireland) to holiday remuneration or remuneration other than holiday remuneration in respect of those additional days.

Any such application for the consent of the Wages Council shall be made between the 1st day of March immediately preceding the holiday season and the 30th day of June in the same year.

For the purposes of this proviso the expression "additional days" means normal working days upon which, but for the terms of this proviso, the worker would not have been entitled to holidays.

Paragraph 6.

An employer shall give to a worker reasonable notice of the commencing date and duration of his 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.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS

Paragraph 7.

(1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule 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 been a day of holiday and he had worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

Provided that payment of the said holiday remuneration shall be subject to the condition that the worker has worked for the employer for the full normal hours of his employment on the six working days on which work was available to him immediately preceding the holiday and on the three working days on which work was available to him immediately following the holiday or, if he fails to do so, failure is due to absence with the consent of the employer or to accident or proved illness.

(2) Where a worker normally works in the week on every weekday except Saturday, he shall be paid a sum equivalent to the holiday remuneration in respect of any Saturday in respect of which he would have been entitled to a holiday under Part II of this Schedule as if it had been a day on which he had normally worked.

(3) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages are payable for the last of the three working days immediately following the said holiday.

(4) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the pay week including that holiday in lieu are paid.

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu.

Paragraph 8.

(1) Subject to the provisions of paragraph 11 of this Schedule, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, or not later than the first working day immediately following the said holiday, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Col. 1	Col. 2			Col. 3
Period of Employment	Holiday remuneration for workers with a normal working week of			Holiday remuneration for full normal working week
	5 days	4 days	3 days or less	
At least 50 weeks	*Three times the amount in Col. 3*	*Three times the amount in Col. 3*	*Three times the amount in Col. 3*	The amount which the worker would be entitled to receive from his employer at the date of the holiday for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
,, ,, 48 ,,	Twice the amount in Col. 3	Twice the amount in Col. 3	Twice the amount in Col. 3	
,, ,, 43 ,,	One and four-fifths times the amount in Col. 3	,,	,,	
,, ,, 38 ,,	One and three-fifths times the amount in Col. 3	,,	,,	
,, ,, 33 ,,	One and two-fifths times the amount in Col. 3	One and three-quarters times the amount in Col. 3	,,	
,, ,, 28 ,,	One and one-fifth times the amount in Col. 3	One and one-half times the amount in Col. 3	,,	
,, ,, 24 ,,	The amount in Col. 3	One and one-quarter times the amount in Col. 3	One and two-thirds times the amount in Col. 3	
,, ,, 19 ,,	Four-fifths of the amount in Col. 3	The amount in Col. 3	One and one-third times the amount in Col. 3	
,, ,, 14 ,,	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	The amount in Col. 3	
,, ,, 9 ,,	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	Two-thirds of the amount in Col. 3	
,, ,, 4 ,,	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	One-third of the amount in Col. 3	