1980 No. 38

WAGES COUNCILS

Readymade and Wholesale Bespoke Tailoring Wages Regulation (Holidays) Order (Northern Ireland) 1980

Made	*24th January 1980*
Coming into operation . . .	*5th February 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 Readymade and Wholesale Bespoke Tailoring Wages Council (Northern Ireland).

Citation

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

Interpretation

3. In this Order the expression "the specified date" means 5th February 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 24th January 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. 20 (I, p. 66)
(**d**) S.R. 1978 No. 274 (II, p. 943)

[N.I.T.R.W. (96)]

SCHEDULE

Holidays and Holiday Remuneration

The following holidays and holiday remuneration shall be substituted for the holidays and holiday remuneration fixed by the Readymade and Wholesale Bespoke Tailoring Wages Regulation (Holidays) Order (Northern Ireland) 1974 (Order N.I.T.R.W. (76)).

PART I

APPLICATION

Paragraph 1

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

(2) For the purpose of this Schedule an out-worker is a worker who works in his own home or 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 six 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 four 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 *1980* and 30th September *1981*, and in each succeeding year *between 6th April and 30th September*, 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 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* and in each succeeding period
At least 48 weeks . .	*18 days*
At least 46 weeks . .	*17 days*
At least 44 weeks . .	*16 days*
At least 42 weeks . .	*15 days*
At least 40 weeks . .	*14 days*
At least 38 weeks . .	*13 days*
At least 36 weeks . .	*12 days*
At least 33 weeks . .	*11days*
At least 30 weeks . .	*10 days*
At least 27 weeks . .	*9 days*
At least 24 weeks . .	*8 days*
At least 21 weeks . .	*7 days*
At least 18 weeks . .	*6 days*
At least 15 weeks . .	5 days
At least 12 weeks . .	*4 days*
At least 9 weeks . .	*3 days*
At least 6 weeks . .	*2 days*
At least 3 weeks . .	*1 day*

(2) Notwithstanding the provisions of (1) the number of days of annual holidays to which a worker shall be entitled in any holiday season shall not exceed in the aggregate *3 times* the number of days constituting the worker's normal working week, plus *three* days.

Paragraph 4.

Annual holidays 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, 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 consecutive working days if one of the periods consists of a number of such days not less than the number of days constituting the worker's normal working week;

Provided also that, 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:—

(1) as to two periods of consecutive working days (each such period being not less than the number of days constituting the worker's normal working week) during the holiday season; and

(2) 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.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS

Paragraph 6.

(1) For each day of customary holiday (including a customary holiday falling on a Saturday) to which a worker is entitled under Part II he shall be paid by the employer as holiday remuneration whichever of the following amounts is the greatest:—

(a) the total remuneration (including holiday remuneration) paid to the worker by the employer during the first ten pay weeks in the relevant calendar year (as defined in paragraph 12) divided by the number of days on which the worker would normally have worked during that period.

Provided that the number of days on which the worker would normally have worked shall, for the purpose of this calculation, be reduced by the number of days on which the worker was absent due to lay-off, accident or illness substantiated as such by a medical practitioner.

Provided also that no such reduction shall be made for days of absence due to industrial dispute or to illness unsubstantiated as such by a medical practitioner.

or (b) one-fifth of the average weekly earnings of the worker during the twelve months ended on 5th April immediately preceding the customary holiday, such average weekly earnings to be determined by dividing the total remuneration (including holiday remuneration) paid to him by the employer during the said period by the number of weeks of employment with the employer during that period;

or (c) 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 customary 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.

(2) Notwithstanding the provisions of sub-paragraph (1) payment of the said holiday remuneration shall be subject to the condition that the worker presents himself for employment at the usual starting hour on the working day immediately preceding the customary holiday and on the first working day following the customary holiday or, if he fails to do so, such failure is by reason of illness of the worker *substantiated as such by a medical practitioner,* or with the consent of the employer.

(3) 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 on which he would have been entitled to a customary holiday under Part II if it had been a day on which he normally worked.

(4) 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 for the pay week which includes the customary holiday are paid.

(5) 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 week which includes 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 and in that case the conditions specified in sub-paragraph (2) shall not apply.