1980 No. 27

WAGES COUNCILS

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

Made	*17th January 1980*
Coming into operation . . .	*29th January 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 Baking Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Baking 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 Baking Wages Regulation (Holidays) Order (Northern Ireland) 1978(**c**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 29th January 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 17th 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. 1978 No. 94 (I, p. 259)

SCHEDULE

Holidays and Holiday Remuneration

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 four weeks immediately preceding the customary holiday and has worked for the employer for 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) in the case of a worker employed in the County Borough of the City of Belfast or in districts situate within a radius of 15 statute miles therefrom—

Christmas Day, *1st January,* Easter Monday, *May Day,* 12th July (herein referred to as "named days") and one other day in addition to each of those named days *except May Day and 1st January.*

Provided that—

(i) where a named day falls on a Saturday, Sunday, or Monday, the additional day of customary holiday shall be allowed by the employer, to the worker within the period of four weeks next ensuing on a weekday to be agreed between the employer and the worker or his representative;

(ii) where Christmas Day or 12th July falls on a Tuesday, Wednesday, Thursday, or Friday, the additional day of customary holiday shall be allowed by the employer to the worker either on the day immediately preceding or on the day immediately following that day, according to production and distribution requirements;

(iii) where a named day falls on a worker's rest day the employer shall allow the customary holiday to the worker either on the weekday immediately preceding or on the weekday immediately following that day according to production and distribution requirements and the additional day shall be allowed in accordance with the provisions specified in (i).

(b) in the case of a worker employed in an area other than that specified in (a)—

the provisions set out in (a) shall apply subject to the substitution for "12th July," wherever it occurs, of the words "August Bank Holiday or a day substituted therefor, being a day recognised by local custom, or by custom in the establishment, as a day of customary holiday."

(3) Notwithstanding the foregoing 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 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") on a day of the week on which he normally works within the period of four weeks next ensuing.

Provided that in the case of a worker who is so required to work on a customary holiday—

(i) if, in respect of such work, the worker is paid by the employer the statutory minimum remuneration appropriate to work on a customary holiday a holiday in lieu need not be allowed by the employer to that worker:

(ii) if, in respect of such work on a customary holiday other than on a named day (as defined in (2)(a)), the worker is paid by the employer the statutory minimum remuneration appropriate to work on a weekday other than a customary holiday, a holiday in lieu shall be allowed to that worker and the worker shall be paid, in respect of that holiday in lieu, holiday remuneration in accordance with the provisions of paragraph 7.

Notwithstanding anything in the above paragraph, it shall be understood that a Jobber (a casual worker employed on a day to day basis either as a temporary replacement or to cover peak production periods) shall not be entitled to payment for any of the above holidays.

Paragraph 3.

An employer shall give to a worker reasonable notice of the days on which the customary holidays will be allowed to him, such notice may be given individually to the worker or by the posting of a notice in the place where he is employed.

PART III

ANNUAL HOLIDAYS AND FURTHER ANNUAL HOLIDAYS

Paragraph 4.

(1) In addition to the customary holidays specified in Part II an employer shall, between 1st April and 31st October 1980, and in each succeeding year between 1st April and 31st October (hereafter referred to as the "holiday season") allow a 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 that 12 months as follows:—

Period of employment	Duration of annual holiday
At least 48 weeks	10 days
,, 43 ,,	9 ,,
,, 38 ,,	8 ,,
,, 33 ,,	7 ,,
,, 28 ,,	6 ,,
,, 24 ,,	5 ,,
,, 19 ,,	4 ,,
,, 14 ,,	3 ,,
,, 9 ,,	2 ,,
,, 4 ,,	1 day

(2) In addition to the annual holidays specified in sub-paragraph (1) an employer shall, during the month of October in each year or during the months of November, January, February and March following each holiday season, allow a further 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 that 12 months as follows:—

Period of employment	Duration of further annual holiday
At least 48 weeks	*10 days*
,, 43 ,,	*9* ,,
,, 38 ,,	*8* ,,
,, 33 ,,	*7* ,,
,, 28 ,,	*6* ,,
,, 24 ,,	*5* ,,
,, 19 ,,	*4* ,,
,, 14 ,,	*3* ,,
,, 9 ,,	*2* ,,
,, 4 ,,	*1 day*

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2) the number of days of annual holiday to which a worker is entitled in any period of 12 months commencing on 1st April in any year shall not exceed in the aggregate four times the period constituting the worker's normal working week.

Paragraph 5.

Annual holidays and further annual holidays shall each 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 intervenes.

Paragraph 6.

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

PART IV

HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

Paragraph 7.

(1) For each day of customary holiday to which a worker is entitled under the provisions of Part II he shall be paid by the employer one day's holiday pay (as defined in paragraph 13).

Provided that payment of the aforesaid holiday remuneration shall be subject to the conditions that (a) the worker has worked the last working day on which work was available to him preceding the holiday and (b) the first working day following the holiday or, if in either case he fails to do so, failure is by reason of the proved illness of the worker or with the consent of his employer.

(2) Holiday remuneration in respect of a customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the customary holiday are paid.