1979 No. 240

WAGES COUNCILS

Sugar Confectionery and Food Preserving Wages Regulation (Holidays) Order (Northern Ireland) 1979

Made . . . . . 22*nd June* 1979

Coming into operation . . . . 2*nd July* 1979

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 Sugar Confectionery and Food Preserving Wages Council (Northern Ireland).

Citation

1. This Order may be cited as the Sugar Confectionery and Food Preserving Wages Regulation (Holidays) Order (Northern Ireland) 1979.

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 Sugar Confectionery and Food Preserving Wages Regulation (Holidays) Order (Northern Ireland) 1975(**c**) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means 2nd July 1979, 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 22nd June 1979.

(L.S.) *J. S. Crozier*
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. 248 (II, p. 1179)

SCHEDULE

Holidays and Holiday Remuneration

This Schedule sets out the holidays and holiday remuneration payable in substitution for the holidays and holiday remuneration fixed by the Sugar Confectionery and Food Preserving Wages Regulation (Holidays) Order (Northern Ireland) 1975 (Order N.I.F. (95)) as amended by the Sugar Confectionery and Food Preserving Wages Regulation Order (Northern Ireland) 1978(**d**) (Order N.I.F. (99)).

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) An out-worker 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 eight 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, May Day, and three 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 therein 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.

(d) S.R. 1978 No. 79

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st May and 31st October 1979, and in each succeeding year between 1st May 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 that 12 months as follows:—

Period of Employment	*Duration of annual holiday*		
	Year commencing 1st May 1979	*Year commencing 1st May 1980*	*Year commencing 1st May 1981*
At least 52 weeks	*17 days*	*19 days*	*20 days*
" " *48* "	*11* "	*12* "	*13* "
" " *43* "	*10* "	*11* "	*12* "
" " *38* "	*9* "	*10* "	*11* "
" " *33* "	*8* "	*9* "	*10* "
" " *28* "	*7* "	*8* "	*9* "
" " *24* "	*6* "	*7* "	*8* "
" " *19* "	*4* "	*4* "	*4* "
" " *14* "	*3* "	*3* "	*3* "
" " *9* "	*2* "	*2* "	*2* "
" " *4* "	*1* "	*1* "	*1* "

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

(a) The number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week, except if otherwise determined by the employer.

(b) Outside the holiday season, annual holidays shall be allowed by the employer to the worker on days on which the worker is normally required to work and at a time or times to be determined by the employer.

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 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, 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.

Paragraph 5.

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.