1978 No. 94

WAGES COUNCILS

Baking Wages Regulation (Holidays) Order (Northern Ireland) 1978

Made . . . . . 3*rd March* 1978

Coming into operation . . . 14*th March* 1978

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) 1978.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date.

Interpretation

3. In this Order the expression "the specified date" means 14th March 1978, 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 3rd March 1978.

(L.S.)

D. J. Perham
Senior 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)

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 Baking Wages Regulation (Holidays) Order (Northern Ireland) 1970(c) (Order N.I.Bk. (345)) as amended by the Baking Wages Regulation (Amendment) Order (Northern Ireland) 1975(d) (Order N.I.Bk. (357)).

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, 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*:

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."

(c) S.R. & O. (N.I.) 1970 No. 92 (p. 439) (d) S.R. 1975 No. 11 (I, p. 39)

(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.

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 1970, 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