1970 No. 120 **[NC]**

WAGES COUNCILS

Wages Regulation (Brush and Broom)

ORDER, DATED 29TH MAY 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Brush and Broom Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Brush and Broom Wages Regulation (Holidays) Order (Northern Ireland) 1970.

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 Brush and Broom Wages Regulation (Holidays) Order (Northern Ireland) 1969(b) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 16th day of June 1970, 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 Ministry of Health and Social Services for Northern Ireland this 29th day of May 1970.

(L.S.)

W. G. H. Quigley,
Senior Assistant Secretary.

(a) 1945, c. 21. (b) S.R. & O. (N.I.) 1969, No. 110.

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 Brush and Broom Wages Regulation (Holidays) Order (Northern Ireland) 1969 (Order N.I.B.B. 101)):—

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker (other than an outworker) 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 sub-paragraph (2) provided that the worker was in his employment for a period of not less than eight weeks immediately preceding the customary holiday and worked for the employer for the whole or part of that period and (unless excused by the employer or absent by reason of the proved illness of the worker) throughout the last working day on which work was available to him immediately preceding 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 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) in the case of each of the said days a day, substituted therefor by agreement between the employer and the worker, 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 to work thereon and, in lieu of any holiday on which he so works, the employer shall allow to the worker a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday on which he would normally work for the employer within the period of two calendar months 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 rate of statutory minimum remuneration then appropriate to the worker for work on a customary holiday; and

(b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 8.

PART III

ANNUAL HOLIDAY AND ADDITIONAL ANNUAL HOLIDAY

ANNUAL HOLIDAYS

Paragraph 3.

Subject to the provisions of paragraph 4, in addition to the customary holidays specified in Part II, an employer shall, between the 1st June and the 30th September *1970,* and in each succeeding year between the 1st June and the 30th September (hereinafter 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 has been employed by him during the twelve months ended on the 5th April immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 13) set out in the table below, and the duration of the annual holiday in the case of each such worker shall be related to his period of employment during that twelve months as follows:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	6 days	5 days	4 days	3 days
At least 48 weeks	12 days	10 days	8 days	6 days
„ „ 44 „	11 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „	4 „
„ „ 28 „	7 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „	3 „
„ „ 20 „	5 „	4 „	3 „	2 „
„ „ 16 „	4 „	3 „	2 „	2 „
„ „ 12 „	3 „	2 „	2 „	1 day
„ „ 8 „	2 „	1 day	1 day	1 „

Paragraph 4.

(1) An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive notwithstanding that a day of customary holiday allowed to a worker under Part II or a day upon which he does not normally work for the employer intervenes.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may, by agreement in writing made between the employer and the worker, be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) Subject to the provisions of sub-paragraph (4), where a day of customary holiday allowed to a worker under Part II immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of customary holiday allowed under Part II, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday shall be allowed on any working day in the holiday season, or with the consent of the worker on any working day prior to the commencement of the next holiday season.

(4) Any day of annual holiday or additional annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act (Northern Ireland) 1945, except that a day of annual holiday allowed under sub-paragraph (3) shall not be allowed on the worker's weekly short day.

ADDITIONAL ANNUAL HOLIDAY

Paragraph 5.

Subject to the provisions of this paragraph, in addition to the holidays specified in paragraphs 2 and 3 an employer shall, in each year commencing on 1st June, allow a holiday (hereinafter referred to as an "additional annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him at the preceding 5th April for a continuous period of *one* year or more (calculated in accordance with paragraph 13) and the duration of the additional annual holiday shall be *3 days*.

Paragraph 6.

Where a worker becomes entitled to any days of additional annual holiday in accordance with the provisions of paragraph 5 those days of additional annual holiday shall be allowed by the employer, by agreement with the worker, on a day or days on which the worker is normally called upon to work for the employer, at any time (or times) during the period of 12 months commencing on 1st June immediately following 5th April upon which the worker becomes entitled as aforesaid.

Paragraph 7.

An employer shall give to a worker notice of the commencing date or dates and duration of the period or periods of his annual holiday and the date or dates of his additional holiday. Such notice shall be given at least 28 days before the first day of the annual holiday (or, where under the provisions of paragraph 4 an annual holiday is allowed in more than one period, before each separate period) and before the said date or dates of his additional holiday. 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 AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

Paragraph 8.

(1) Subject to the provisions of this paragraph, for each day of customary holiday which a worker is allowed under Part II he shall be paid by the employer as holiday remuneration whichever of the following sums is the greater, that is to say either—

(a) In the case of a worker whose normal working week—

(i) exceeds five days, two-elevenths

(ii) is five days, one-fifth

(iii) is four days, one-quarter

(iv) is three days, one-third

of the average weekly earnings of the worker during the twelve months ended on 5th April immediately preceding the holiday such average weekly earnings to be determined by dividing the total remuneration (as defined in paragraph 14) paid to him by the employer during that period, by the number of weeks of employment with the employer during the said period;