1970. No. 107 **[NC]**

WAGES COUNCILS

Wages Regulation (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods)

ORDER, DATED 15TH 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 Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods 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 Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods 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 9th 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 15th 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. 82.

SCHEDULE

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 Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Holidays) Order (Northern Ireland) 1969 (Order NIHHG (188)):—

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 four weeks immediately preceding the customary holiday and has 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, or accident to, the worker) has worked for the employer on the last working day on which work was available to him within the period of six week-days immediately preceding the customary holiday.

(2) The said customary holidays are:—

Christmas Day (or, if Christmas Day falls on a Sunday, such other week-day 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 of the week on which the worker normally works) in the course of a calendar year to be allowed at a time agreed between the employer and his workers (or a majority thereof) or their representative and notified to the workers not less than two calendar months before the date proposed for the customary holiday. In default of such agreement the customary holiday shall be allowed at a time fixed by the Wages Council on application in writing thereto by any of the parties concerned such application to be made not less than one calendar month before the date proposed for the customary holiday.

(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 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, an employer shall, between 1st June and 30th September *1970*, and in each succeeding year between 1st June and 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 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:—

(a) Workers under 18 years of age when they enter the employment of the employer and under 19 years of age at the commencement of their first annual holiday—

Where the worker's normal working week is one of 5 days or less

Period of employment	Duration of annual holiday in the period commencing 1st June			
	1970	*1971*	*1972*	*1973 and thereafter*
At least 24 weeks	*12* days	*13* days	*14* days	*15* days
„ 20 „	9 „	9 „	9 „	9 „
„ 16 „	7 „	7 „	7 „	7 „
„ 12 „	5 „	5 „	5 „	5 „
„ 8 „	3 „	3 „	3 „	3 „
„ 4 „	2 „	2 „	2 „	2 „

Provided that this provision applies only to a worker who is in his first employment since leaving school and in respect of his first annual holiday allowed under this Schedule or under Order N.I.H.H.G. (188).

(b) All other workers—

Where the worker's normal working week is one of 5 days or less

Period of employment	Duration of annual holiday in the period commencing 1st June			
	1970	*1971*	*1972*	*1973 and thereafter*
At least 48 weeks	*12* days	*13* days	*14* days	*15* days
„ 43 „	10 „	10 „	10 „	10 „
„ 38 „	9 „	9 „	9 „	9 „
„ 33 „	8 „	8 „	8 „	8 „
„ 28 „	7 „	7 „	7 „	7 „
„ 24 „	6 „	6 „	6 „	6 „
„ 20 „	5 „	5 „	5 „	5 „
„ 16 „	4 „	4 „	4 „	4 „
„ 12 „	3 „	3 „	3 „	3 „
„ 8 „	2 „	2 „	2 „	2 „
„ 4 „	1 day	1 day	1 day	1 day

(2) Notwithstanding the provisions of sub-paragraph (1) the number of days of annual holiday which an employer is required to allow to a worker shall not exceed in the aggregate—

(a) in the period commencing *1st June 1970 and ending 8th January 1971,* twice the number of days constituting the workers normal working working week, ***plus two days;***

(b) in the period commencing *1st June 1971 and ending 8th January 1972,* twice the number of days constituting the worker's normal working week, *plus three days;*

(c) in the period commencing *1st June 1972 and ending 8th January 1973,* twice the number of days constituting the worker's normal working week, *plus four days;*

(d) in the period commencing *1st June 1973 and ending 8th January 1974, and in each succeeding period commencing 1st June, three times the number of days constituting the worker's normal working week.*

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 holidays 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—

(a) where the number of days of annual holiday for which a worker has qualified exceeds the period constituting his normal working week but does not exceed twice that number, the said annual holiday may, by agreement between the employer and the worker or his representative, 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, or, failing such agreement, on application to and with the consent of the Council.

(b) 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—

(i) in two separate periods as in (a); and

(ii) as to any additional days, on working days to be fixed by agreement between the employer and the worker or his representative, either during the holiday season or within the period ending on 8th January immediately following the holiday season, or, failing such agreement, on application to and with the consent of the Council.

Any such application for the consent of the Council must be made between the 1st day of March immediately preceding the holiday season and the 31st day of May in the same year.

Paragraph 5.

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. Such notice must 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 the first day of each separate period, and may be given individually to the worker or by the posting of a notice in the place where the worker is employed.