1961. No. 89 **[NC]**

WAGES COUNCILS

Wages Regulation (Hat, Cap and Millinery)

ORDER, DATED 6TH APRIL, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945.

The Ministry of Labour and National Insurance, 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 Hat, Cap and Millinery Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Hat, Cap and Millinery Wages Regulation (Holidays) Order (Northern Ireland), 1961.

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 Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1950(**b**), shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 17th day of April, 1961, 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 Labour and National Insurance for Northern Ireland this sixth day of April, nineteen hundred and sixty-one.

(L.S.)

W. Slinger,
Assistant Secretary.

(**a**) 1945. c. 21.

(**b**) S.R. & O. (N.I.) 1950, No. 85.

SCHEDULE

Holidays and Holiday Remuneration

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, 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) 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 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 (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) In addition to the customary holidays specified in Part II, an employer shall, between *the date on which this Order becomes operative and 30th September, 1961*, and in each succeeding year between *6th April* 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 one of the periods of employment specified below, and the duration of the annual holiday shall be related to the period of employment during those 12 months as follows:—

Where the worker's normal working week is one of 6 days		Where the worker's normal working week is one of 5 days or less	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
„ 44 „	11 „	„ 43 „	9 „
„ 40 „	10 „	„ 38 „	8 „
„ 36 „	9 „	„ 33 „	7 „
„ 32 „	8 „	„ 28 „	6 „
„ 28 „	7 „	„ 24 „	5 „
„ 24 „	6 „	„ 19 „	4 „
„ 20 „	5 „	„ 14 „	3 „
„ 16 „	4 „	„ 9 „	2 „
„ 12 „	3 „	„ 4 „	1 day
„ 8 „	2 „		
„ 4 „	1 day		

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

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 holiday 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, where the duration of an annual holiday for which a worker has qualified exceeds the period constituting the worker's normal working week, the said annual holiday may be allowed in two separate periods of such consecutive working days if one of such periods is not less than the number of days constituting the worker's normal working week.

Paragraph 5.

An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such 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

Paragraph 6.

(1) For each day of customary holiday (including a customary holiday falling on a Saturday to which a worker is entitled he shall be paid by the employer as holiday remuneration *whichever of the following amounts is the greater:*

(a) (i) *in the case of a worker who normally works for the employer on six days in the week: two-elevenths,*

(ii) *in the case of a worker who normally works for the employer on five days in the week: one-fifth,*

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

or (b) the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of customary holiday and he had worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

(2) *Notwithstanding the provisions of sub-paragraph (1) payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment at the usual starting hour on the working day immediately preceding the customary holiday and on the first working day following the customary holiday or, if he fails to do so, such failure is by reason of the proved illness of the worker or with the consent of the employer.*

(3) Where a worker normally works in the week on every weekday except Saturday, he shall be paid a sum equivalent to the holiday remuneration in respect of any Saturday in respect of which he would have been entitled to a customary holiday under Part II if it had been a day on which he normally worked.

(4) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the *first working day following* the customary holiday are paid.

(5) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the week which includes that holiday in lieu are paid.

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu and in that case the conditions specified in sub-paragraph (2) shall not apply.

B—Annual Holidays

Paragraph 7.

(1) Subject to the provisions of paragraph 8, a worker qualified to be allowed an annual holiday shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday as holiday remuneration *whichever of the following amounts is the greater:*

(a) an amount equal to two fifty-seconds of the total remuneration (including holiday remuneration) paid by the employer to the worker during the twelve months ended on 5th April immediately preceding the annual holiday;

or (b) holiday remuneration in accordance with the following table:—