The Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1955

1955. No. 88 [NC]

Whereas the Ministry of Labour and National Insurance (hereinafter in this Order referred to as "the Ministry") has received from the Paper Box Wages Council (Northern Ireland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Ministry by virtue of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland), 1945(a), and of all other powers enabling it in that behalf, hereby makes the following Order:—

1. The wages regulation proposals set out in the Schedule hereto shall have effect on and from the specified date and as from the date immediately preceding the specified date the Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948(b), as amended by the Second Schedule to the Paper Box Wages Council (Northern Ireland) Wages Regulation Order, 1952(c), shall cease to have effect.

2. In this Order the expression "the specified date" means the 13th day of May, 1955, 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.

3. This Order may be cited as the Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1955.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this second day of May, nineteen hundred and fifty-five in the presence of

(L.S.) *A. E. Goodbody,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

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 Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (Order N.I.B. (41)) as amended by the Second Schedule to the Paper Box Wages Council (Northern Ireland) Wages Regulation Order, 1952 (Order N.I.B. (49)).

(a) 1945, Ch. 21. (b) S.R. & O. (N.I.) 1948, No. 148.
(c) S.R. & O. (N.I.) 1952, No. 38.

PART I

APPLICATION

Paragraph 1.

(1) This Schedule applies to every male and female worker (other than an out-worker) for whom statutory minimum remuneration has been fixed.

(2) For the purposes of this Schedule an out-worker is a worker who works in his or her 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 (hereafter 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 not less than half that period and (unless excused by the employer or absent by reason of proved illness) has worked for the employer throughout the last five working days on which work was available to him immediately preceding the customary holiday.

(2) The said customary holidays are:—

(*a*) Christmas Day, Boxing Day and the day following Boxing Day Provided that—

(i) where Christmas Day falls on a Thursday, Friday or Saturday the Saturday shall be treated as one of the customary holidays irrespective of whether the worker normally works on Saturday or not;

(ii) where Christmas Day falls on a Sunday the customary holidays shall be Boxing Day and the next two following days;

(iii) where the day following Boxing Day falls on a Sunday that Sunday shall not be treated as one of the customary holidays and a customary holiday shall be allowed to the worker on the Monday next following;

Easter Monday, Easter Tuesday and the Wednesday following the last-mentioned day, or

(*b*) a day substituted by the employer for any one of the said days, being either a day recognised by local custom as a day of holiday in substitution for the said day or a day agreed between the employer and the worker or his representative.

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2), an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise qualified to be allowed a customary holiday 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 of a customary holiday") within the period of four weeks next ensuing, on a day on which he normally works for the employer.

(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, holiday remuneration in accordance with paragraph 6.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the customary holidays specified in Part II and subject to the provisions of sub-paragraph (2), an employer shall, between *the date on and from which the provisions of this Schedule become effective* and 30th September, 1955, and in each succeeding year between 31st March and 30th September (hereafter referred to as the "holiday season") allow a holiday (hereafter referred to as "an annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the twelve months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to his period of employment during that twelve months as follows:—

Workers with a normal working week of six days		Workers with a normal working week of five 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):—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any period of twelve months commencing on the 1st day of January shall not exceed in the aggregate twice the period constituting the worker's normal working week;

(*b*) the holiday season may be varied in any year by agreement between the employer and the worker if they jointly notify the Wages Council of such agreement and any reference to a holiday season in this Schedule shall be construed accordingly.

(*c*) *the duration of a worker's annual holiday during the holiday season ending on 30th September, 1955, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.B. (41) between 31st March, 1955, and the date on and from which the provisions of this Schedule become effective.*

Paragraph 4.

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 the intervention of a customary holiday or a holiday in lieu of a customary holiday

Provided that—