N.I.B.S. (53)

The Boot and Shoe Repairing Wages Council (Northern Ireland) Holidays

THE BOOT AND SHOE REPAIRING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1946, DATED 25TH NOVEMBER, 1946, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1946. No. 200

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Boot and Shoe Repairing Wages Council (Northern Ireland) wages regulation proposals for requiring workers in relation to whom the Council operates to be allowed by their employers the holidays set out in the Schedule to this Order and for fixing the holiday remuneration specified therein in substitution for the holidays provided for by the direction given, and holiday remuneration fixed, by the Council under the Holidays with Pay Act (Northern Ireland), 1938, and confirmed by the Order of the Ministry dated the 5th day of February, 1940, (hereinafter referred to as " Order N.I.B.S. (30) "), as amended by the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation Order, 1946 (a) dated the 14th day of March, 1946 ;

2 Geo. 6, Ch. 24.

NOW, THEREFORE, the Ministry by virtue of section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

Holidays and holiday remuneration.

1. As from the specified date the Order N.I.B.S. (30) as amended shall cease to have effect and the workers to whom the Schedule to this Order applies shall be entitled to be allowed the holidays and paid the holiday remuneration specified herein.

Commencement.

2. In this Order the expression "specified date" means the 2nd day of December, 1946. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, the specified date does not correspond with the beginning of the period for which the wages are paid, this Order shall, as respects that worker, become effective as from the beginning of the next such period following the specified date.

Short title and interpretation.

3.—(1) This Order may be cited as the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946.

(a) S. R. & O., 1946, No. 49.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland. 12 Geo. 5, Ch. 4.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-fifth day of November, nineteen hundred and forty-six, in the presence of

(L.S.)

J. W. M'Connell,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

HOLIDAYS WITH PAY

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) For the purpose of this Schedule 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 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 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, and Easter Tuesday ; 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 of this Schedule 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 of this Schedule.

PART III.

ANNUAL HOLIDAYS

PARAGRAPH 3.

In addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st April and 30th November, 1947, and in each succeeding year between 1st April and 30th November (in this Schedule 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 :—

Period of employment						*Duration of holiday*
Exceeding	40	weeks	...	...	...	6 days
,,	32	,,	but not exceeding	40	weeks	5 ,,
,,	24	,,	,,	32	,,	4 ,,
,,	16	,,	,,	24	,,	3 ,,
,,	8	,,	,,	16	,,	2 ,,
At least	8	,,	...	...	...	1 day

provided that the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed the period of his normal working week.

PARAGRAPH 4.

Annual holidays under this Schedule shall be allowed on consecutive days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or a customary holiday or a holiday in lieu of a customary holiday intervenes,

provided that—

(*a*) if the employer employs not more than three workers holidays may be allowed in two separate periods in the case of any worker entitled to be allowed more than three days holidays in a holiday season,

(*b*) if the employer employs only one worker holidays may be allowed in three separate periods in the case of any worker entitled to be allowed more than three days holidays in a holiday season.

PARAGRAPH 5.

An employer shall give to a worker notice of the commencing date and duration of his annual holiday. Such notice shall be given at least 28 days before the first day of the annual holiday and may be given individually to a 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 holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a 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,

provided that payment of the said holiday remuneration shall be subject to the condition that the worker presents himself for employment at the usual starting hour on the working day immediately preceding the holiday and on the first working day following the holiday or, if he fails to do so, failure is due to absence with the consent of his employer or to proved illness.

(2) 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 holiday under Part II of this Schedule if it had been a day on which he had normally worked.