

1979 No. 413

WAGES COUNCILS**Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Holidays) (Amendment) Order (Northern Ireland) 1979**

Made 20th November 1979

Coming into operation 4th December 1979

The Department of Manpower Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), and now vested in it(b), 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) (Amendment) Order (Northern Ireland) 1979.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date.

Interpretation

3. In this Order the expression "the specified date" means 4th December 1979, 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 Department of Manpower Services on
20th November 1979.

(L.S.)

J. S. Crozier

Senior Assistant Secretary

(a) 1945 c. 21 (N.I.)

(b) 1946 c. 11 (N.I.); S.R. & O. (N.I.) 1964 No. 205 (p. 937) and S.R. & O. (N.I.) 1973 No. 504 Art. 6(1) and Sch. 3 (II, p. 2992)

[N.I.H.H.G. (216)]

SCHEDULE

Holidays and Holiday Remuneration

The Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Holidays) Order (Northern Ireland) 1970(c) (Order N.I.H.H.G. (192)) as amended by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Amendment) Order (Northern Ireland) 1976(d) (Order N.I.H.H.G. (208)) shall have effect as if in the Schedule thereto, for paragraphs 2(1) and (2), 3(1) and (2), 4(b)(ii) and 7 there were substituted the following paragraphs:—

1. 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, *New Year's Day*, Easter Monday, Easter Tuesday, *May Day*, 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.

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 1979 and 31st May 1980, and in each succeeding year between 1st June and 31st May (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:—
- (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 in the period commencing 1st June 1979

(c) S.R. & O. (N.I.) 1970 No. 107 (p. 522)

(d) S.R. 1976 No. 117 (I, p. 482)

and ending *31st May 1980*, and in each succeeding period commencing 1st June, three times the number of days constituting the workers' normal working week plus two days.

Paragraph 4.

- (b) (ii) as to any additional days, on working days to be fixed by agreement between the employer and the worker or his representative, during 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 7.

- (1) Subject to the provisions of paragraphs 8 and 9, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by the employer in respect thereof on the last pay day preceding such annual holiday—

in relation to the period commencing 1st June 1979 and ending *31st May 1980* and to each succeeding period commencing 1st June, an amount equal to 7.0 per cent of the total remuneration which the worker was entitled to receive from his employer for work done in the period of twelve months immediately preceding the commencement of the holiday season in which the holiday is to be allowed and including holiday remuneration which the worker was entitled to receive from his employer in respect of customary holidays during the same period, not being remuneration taken into account with any previous payment of annual holiday remuneration.

- (2) Where under the provisions of paragraph 4, an annual holiday is allowed in two periods, the holiday remuneration shall be apportioned accordingly.

2. For paragraph 26 of the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Consolidation) Order (Northern Ireland) 1973 (Order N.I.H.H.G. (200)) there was substituted the following paragraph:—

Paragraph 26.

The expression "customary holiday" means—

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, *New Year's Day*, Easter Monday, Easter Tuesday, *May Day*, 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 will 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.

EXPLANATORY NOTE :

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order, which comes into operation on 4th December 1979, amends the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Holidays) Order (Northern Ireland) 1970 (Order N.I.H.H.G. (192)) as amended by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Regulation (Amendment) Order (Northern Ireland) 1976 (Order N.I.H.H.G. (208)) by increasing the number of Customary Holidays by two and extending the holiday season.

New provisions in Schedule are printed in italics.