



# Wages Councils Act 1979

## 1979 CHAPTER 12

### PART III

#### ORDERS REGULATING TERMS AND CONDITIONS OF EMPLOYMENT

#### 14 Power to fix terms and conditions of employment

- (1) A wages council or a statutory joint industrial council may make an order, subject to and in accordance with the provisions of this section,—
  - (a) fixing the remuneration,
  - (b) requiring holidays to be allowed,
  - (c) fixing any other terms and conditions,for all or any of the workers in relation to whom the council operates.
- (2) An order under this section requiring a holiday to be allowed for a worker—
  - (a) shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part of this Act for that worker ;
  - (b) shall provide for the duration of the holiday being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday ; and
  - (c) subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed.
- (3) Any order under this section fixing holiday remuneration may contain provisions—
  - (a) as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and
  - (b) for securing that any such remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

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- (4) Before making an order under this section the council shall make such investigations as it thinks fit and shall—
- (a) publish in the prescribed manner notice of the council's proposals with respect to any new terms and conditions of employment (that is to say, any terms and conditions of employment differing from any then in force by virtue of an order made under this section); and
  - (b) give the prescribed notice for the purpose of informing, so far as practicable, all persons affected by the proposals, stating the place where copies of the proposals may be obtained and the period (which shall not be less than fourteen days from the date of publication of the notice) within which written representations with respect to the proposals may be sent to the council.
- (5) After considering any written representations made with respect to any such proposals within the said period and making such further inquiries as the council considers necessary, or if no such representations are made within that period, after the expiration of that period, the council may make an order—
- (a) giving effect to the proposals ; or
  - (b) giving effect to them with such modifications as the council thinks fit having regard to any such representations ;
- but if it appears to the council that, having regard to the nature of any proposed modifications, an opportunity should be given to persons concerned to consider the modifications, the council shall again publish the proposals and give notice under subsection (4) above, and that subsection and this subsection shall apply accordingly.
- (6) Subsections (4) and (5) above have effect subject to the provisions of subsection (1A) of section 4 of the Equal Pay Act 1970.
- (7) An order under this section shall have effect as regards any terms as to remuneration as from a date specified in the order, which may be a date earlier than the date of the order but not earlier than the date on which the council agreed on those terms prior to publishing the original proposals to which effect is given, with or without modifications, by the order; but where any such order fixing workers' remuneration applies to any worker who is paid wages at intervals not exceeding seven days and the date so specified does not correspond with the beginning of the period for which the wages are paid (hereafter in this section referred to as a wages period), the order shall, as respects that worker, have effect as from the beginning of the next wages period following the date specified in the order.
- (8) Any increase in remuneration payable by virtue of an order under this section in respect of any time before the date of the order shall be paid by the employer within a period specified in the order, being—
- (a) in the case of a worker who is in the employment of the employer on the date of the order, a period beginning with that date;
  - (b) in the case of a worker who is no longer in the employment of the employer on that date, a period beginning with the date on which the employer receives from the worker or a person acting on his behalf a request in writing for the remuneration ;
- but if, in the case of a worker falling within paragraph (a) of this subsection who is paid wages at intervals not exceeding seven days, pay day (the day on which wages are normally paid to him) for any wages period falling wholly or partly within the period so specified occurs within seven days from the end of that specified period, any such remuneration shall be paid not later than pay day.

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- (9) As soon as a council has made an order under this section it shall give the prescribed notice of the making and contents of the order and shall then and subsequently give such notice of other prescribed matters affecting its operation for the purpose of informing, so far as practicable, all persons who will be affected by it.
- (10) An order under this section may make different provision for different cases and may amend or revoke previous orders under this section.
- (11) A document purporting to be a copy of an order made by a council under this section and to be signed by the secretary of the council shall be taken to be a true copy of the order unless the contrary is proved.
- (12) An order under this section shall not prejudice any rights conferred on any worker by or under any other enactment.