SCHEDULES

SCHEDULE 2 [F1]

RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

F1 functions transf. by SR 1999/481

Reduction of pay, etc.

5.—(1) This paragraph applies where—

(a) under the contract of employment under which a shop worker who satisfies paragraph 2(2)(a) was employed on the day before the commencement date, the shop worker was, or might have been, required to work on Sunday before the commencement date;

(b) the shop worker has done shop work on Sunday in that employment (whether or not before the commencement date) but has, on or after that date, ceased to do so; and

(c) it is not apparent from the contract what part of the remuneration payable, or of any other benefit accruing, to the shop worker was intended to be attributable to shop work on Sunday.

(2) So long as the shop worker remains a protected shop worker, the contract shall be regarded as enabling the employer to reduce the amount of remuneration paid, or the extent of the other benefit provided, to the shop worker in respect of any period by the relevant proportion.

(3) In sub-paragraph (2) "the relevant proportion" means the proportion which the hours of shop work which (apart from this Schedule) the shop worker could have been required to do on Sunday in the period ("the contractual Sunday hours") bears to the aggregate of those hours and the hours of work actually done by the shop worker in the period.

(4) Where, under the contract of employment, the hours of work actually done on weekdays in any period would be taken into account in determining the contractual Sunday hours, they shall be taken into account in determining the contractual Sunday hours for the purposes of sub-paragraph (3).

(5) For the purposes of paragraph 2(2)(b), the appropriate date in relation to this paragraph is the end of the period in respect of which the remuneration is paid or the benefit accrues.

Changes to legislation:
There are currently no known outstanding effects for the The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997, Cross Heading: Reduction of pay, etc..