

The Baking Wages Council (Northern Ireland) Holidays

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1946, DATED 20TH AUGUST, 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. 153

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") has received from the Baking Wages Council (Northern Ireland) wages regulation proposals for requiring the workers in relation to whom the Council operates to be allowed by their employers the holidays specified 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 the holiday remuneration fixed by the Council under the Holidays with Pay Act 2 Geo. 6, (Northern Ireland), 1938, and confirmed by the Order of the Ministry Ch. 24. dated the 13th day of May, 1943 (hereinafter referred to as "Order N.I. Bk. (19)"), as amended by the Baking Wages Council (Northern Ireland) Wages Regulation Order, 1946 (a).

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 :—

1.—The provisions set out in the Schedule to this Order shall become Holidays effective as from the specified date and Order N.I. Bk. (19) as amended and holiday by Article 2 of, and the Second Schedule to, the Baking Wages Council remuneration. (Northern Ireland) Wages Regulation Order, 1946, shall thereupon cease to have effect.

2.—In this Order the expression "specified date" means the 26th Commence- day of August, 1946. Provided that where as respects any worker who ment. is paid wages at intervals not exceeding seven days the specified date does not correspond with the beginning of the period for which 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.

3.—(1) This Order may be cited as the Baking Wages Council Short title (Northern Ireland) Wages Regulation (Holidays) Order, 1946. and inter-pretation.

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

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twentieth day

of August, nineteen hundred and forty-six, in the presence of

(L.S.)

F. C. S. Moore,

Assistant Secretary to the Ministry of Labour and
National Insurance for Northern Ireland.

SCHEDULE

HOLIDAYS WITH PAY.

PART I.

APPLICATION.

PARAGRAPH 1.

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II.

HOLIDAYS.

PARAGRAPH 2.

- (a) An employer shall between 1st April and 31st October, 1946, allow a holiday to every worker aforesaid in his employment who was employed by him during the 12 months immediately preceding 1st April, 1946, 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 |
|--------------------------|---------------------|
| At least 48 weeks | 6 days |
| „ 40 „ | 5 „ |
| „ 32 „ | 4 „ |
| „ 24 „ | 3 „ |
| „ 16 „ | 2 „ |
| „ 8 „ | 1 day |

Provided that the duration of a worker's holiday shall not exceed the period of his normal working week.

- (b) An employer shall between 1st March and 30th November, 1947, and in each succeeding year between 1st March and 30th November (herein and in Part III referred to as the “ holiday season ”) allow a 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 :—

| Col. 1 | | Col. 2 | |
|---|---------------------|--|---------------------|
| Workers (other than transport workers, stablemen and harness cleaners or van washers) employed in establishments other than Home Bakeries | | Workers employed in Home Bakeries and transport workers, stablemen and harness cleaners or van washers employed in establishments other than Home Bakeries | |
| Period of employment | Duration of holiday | Period of employment | Duration of holiday |
| At least 48 weeks | 12 days | At least 48 weeks | 6 days |
| „ 44 „ | 11 „ | „ 40 „ | 5 „ |
| „ 40 „ | 10 „ | „ 32 „ | 4 „ |
| „ 36 „ | 9 „ | „ 24 „ | 3 „ |
| „ 32 „ | 8 „ | „ 16 „ | 2 „ |
| „ 28 „ | 7 „ | „ 8 „ | 1 day |
| „ 24 „ | 6 „ | | |
| „ 20 „ | 5 „ | | |
| „ 16 „ | 4 „ | | |
| „ 12 „ | 3 „ | | |
| „ 8 „ | 2 „ | | |
| „ 4 „ | 1 day | | |

Provided that the number of days of holiday to which a worker shall be entitled shall not exceed the period of his normal working week in the case of a worker of the class specified in Column 2 of the table above or double such period in the case of a worker of the class specified in Column 1 of that table.

PARAGRAPH 3.

Holidays under this Schedule shall be allowed on consecutive days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or some other holiday intervenes.

PARAGRAPH 4.

An employer shall give to a worker reasonable notice of the commencing date and duration of his holiday. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

PART III.

HOLIDAY REMUNERATION.

PARAGRAPH 5.

(1) Subject to the provisions of paragraph 9 of this Schedule a worker entitled to be allowed holidays under this Schedule shall be paid by his employer in respect thereof, on the last-pay day preceding such holiday, remuneration in accordance with the following table :—

TABLE OF HOLIDAY REMUNERATION.

| Col. 1 Period of holiday | Col. 2 Holiday remuneration for workers with a normal working week of | | | | Col. 3 Holiday remuneration for full normal working week |
|-----------------------------------|--|---|---|---|--|
| | 6 days | 5 days | 4 days | 3 days or less | |
| 12 days | Twice the amount in Col. 3 | — | — | — | The amount which the worker would be entitled to receive from his employer at the date of the holiday for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies, and at the same rate for work (if any) to which that order does not apply. |
| 11 days | One and five-sixths times the amount in Col. 3 | — | — | — | |
| 10 days | One and two-thirds times the amount in Col. 3 | Twice the amount in Col. 3 | — | — | |
| 9 days | One and one-half times the amount in Col. 3 | One and four-fifths times the amount in Col. 3 | — | — | |
| 8 days | One and one-third times the amount in Col. 3 | One and three-fifths times the amount in Col. 3 | Twice the amount in Col. 3 | — | |
| 7 days | One and one-sixth times the amount in Col. 3 | One and two-fifths times the amount in Col. 3 | One and three-quarters times the amount in Col. 3 | — | |
| 6 days | The amount in Col. 3 | One and one-fifth times the amount in Col. 3 | One and one-half times the amount in Col. 3 | Twice the amount in Col. 3 | |
| 5 days | Five-sixths of the amount in Col. 3 | The amount in Col. 3 | One and one-quarter times the amount in Col. 3 | One and two-thirds times the amount in Col. 3 | |
| 4 days | Two-thirds of the amount in Col. 3 | Four-fifths of the amount in Col. 3 | The amount in Col. 3 | One and one-third times the amount in Col. 3 | |
| 3 days | One-half of the amount in Col. 3 | Three-fifths of the amount in Col. 3 | Three-quarters of the amount in Col. 3 | The amount in Col. 3 | |
| 2 days | One-third of the amount in Col. 3 | Two-fifths of the amount in Col. 3 | One-half of the amount in Col. 3 | Two-thirds of the amount in Col. 3 | |
| 1 day | One-sixth of the amount in Col. 3 | One-fifth of the amount in Col. 3 | One-quarter of the amount in Col. 3 | One-third of the amount in Col. 3 | |

(2) In the application of the provisions of the last preceding sub-paragraph to night workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers.

PARAGRAPH 6.

If a worker ceases to be employed by an employer before being allowed, or entitled to be allowed a holiday, the employer shall immediately on the termination of the employment pay to the worker any holiday remuneration which has accrued to that worker in accordance with the next following paragraph.

PARAGRAPH 7.

(a) (1) Holiday remuneration shall (except as provided in sub-paragraph (a) (3) of this paragraph) accrue to a worker of the class specified in Column 1 of the table in paragraph 2 (b) of this Schedule during the period of 12 months commencing on 1st March, 1946, and thereafter in each successive period of 12 months commencing on 1st March and such holiday remuneration shall accrue during each of such 12 monthly periods in accordance with the provisions of the following table :—

TABLE OF ACCRUED HOLIDAY REMUNERATION.

| Col. 1 | Col. 2 | | | | Col. 3 |
|----------------------|--|---|---|---|---|
| Period of employment | Accrued Holiday remuneration for workers with a normal working week of | | | | Accrued holiday remuneration for full normal working week |
| | 6 days | 5 days | 4 days | 3 days or less | |
| At least; | | | | | |
| 48 weeks | Twice the amount in Col. 3 | — | — | — | The amount which the worker would be entitled to receive from his employer at the date of the termination of his employment for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies and at the same rate for work (if any) to which that order does not apply. |
| 44 weeks | One and five-sixths times the amount in Col. 3 | — | — | — | |
| 40 weeks | One and two-thirds times the amount in Col. 3 | Twice the amount in Col. 3 | — | — | |
| 36 weeks | One and one-half times the amount in Col. 3 | One and four-fifths times the amount in Col. 3 | — | — | |
| 32 weeks | One and one-third times the amount in Col. 3 | One and three-fifths times the amount in Col. 3 | Twice the amount in Col. 3 | — | |
| 28 weeks | One and one-sixth times the amount in Col. 3 | One and two-fifths times the amount in Col. 3 | One and three-quarters times the amount in Col. 3 | — | |
| 24 weeks | The amount in Col. 3 | One and one-fifth times the amount in Col. 3 | One and one-half times the amount in Col. 3 | Twice the amount in Col. 3 | |
| 20 weeks | Five-sixths of the amount in Col. 3 | The amount in Col. 3 | One and one-quarter times the amount in Col. 3 | One and two-thirds times the amount in Col. 3 | |
| 16 weeks | Two-thirds of the amount in Col. 3 | Four-fifths of the amount in Col. 3 | The amount in Col. 3 | One and one-third times the amount in Col. 3 | |
| 12 weeks | One-half of the amount in Col. 3 | Three-fifths of the amount in Col. 3 | Three-quarters of the amount in Col. 3 | The amount in Col. 3 | |
| 8 weeks | One-third of the amount in Col. 3 | Two-fifths of the amount in Col. 3 | One-half of the amount in Col. 3 | Two-thirds of the amount in Col. 3 | |
| 4 weeks | One-sixth of the amount in Col. 3 | One-fifth of the amount in Col. 3 | One-quarter of the amount in Col. 3 | One-third of the amount in Col. 3 | |

(2) In the application of the provisions of the last preceding sub-paragraph to night workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers.

PARAGRAPH 7.—(continued).

(3) If a worker ceases to be employed by an employer between the date upon which these proposals become effective and 1st March, 1947, holiday remuneration in accordance with the provisions of paragraph 6 and sub-paragraphs (a) (1) and (a) (2) of this paragraph shall accrue to that worker in respect of the period of employment subsequent to 1st April, 1946.

(b) (1) Holiday remuneration shall accrue to a worker of the class specified in Column 2 of the table in paragraph 2 (b) of this Schedule during the period of 12 months commencing on 1st April, 1945, and thereafter in each successive period of twelve months commencing on 1st March and such holiday remuneration shall accrue during each of such 12 monthly periods in accordance with the provisions of the following table :—

TABLE OF ACCRUED HOLIDAY REMUNERATION.

| Col. 1 | Col. 2 | | | | Col. 3 |
|------------------------|--|--------------------------------------|--|------------------------------------|---|
| Period of employment | Accrued Holiday remuneration for workers with a normal working week of | | | | Accrued holiday remuneration for full normal working week |
| | 6 days | 5 days | 4 days | 3 days or less | |
| At least ; 48 weeks | The amount in Col. 3 | — | — | — | The amount which the worker would be entitled to receive from his employer at the date of the termination of his employment for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies and at the same rate for work (if any) to which that order does not apply. |
| 40 weeks | Five-sixths of the amount in Col. 3. | The amount in Col. 3 | — | — | |
| 32 weeks | Two-thirds of the amount in Col. 3 | Four-fifths of the amount in Col. 3 | The amount in Col. 3 | — | |
| 24 weeks | One-half of the amount in Col. 3 | Three-fifths of the amount in Col. 3 | Three-quarters of the amount in Col. 3 | The amount in Col. 3 | |
| 16 weeks | One-third of the amount in Col. 3 | Two-fifths of the amount in Col. 3 | One-half of the amount in Col. 3 | Two-thirds of the amount in Col. 3 | |
| 8 weeks | One-sixth of the amount in Col. 3 | One-fifth of the amount in Col. 3 | One-quarter of the amount in Col. 3 | One-third of the amount in Col. 3 | |

(2) In the application of the provisions of the last preceding sub-paragraph to night workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers.

PARAGRAPH 8.

The amount of any accrued holiday remuneration payable on the termination of the worker's employment in respect of any of the periods of 12 months mentioned in sub-paragraphs (a) (1) and (b) (1) of paragraph 7 of this Schedule shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker in respect of the period for which the accrued holiday remuneration is payable.

PARAGRAPH 9.

Where in accordance with the provisions of paragraphs 6 and 7 of this Schedule any accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the 12 months immediately preceding the holiday season within which a holiday is allowed by the employer to the worker in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said holiday under the provisions of paragraph 5 of this Schedule shall be reduced by the amount of the accrued holiday remuneration which has been so paid.

PART IV.

GENERAL.

PARAGRAPH 10.

For the purposes of calculating any period of employment entitling a worker to any holiday or to any accrued holiday remuneration under this Schedule, the worker shall be treated :

- (a) as if he were employed for a week in respect of any week in which—
- (i) he has worked for the employer for not less than 16 hours and has performed some work to which statutory minimum remuneration applies ; or
 - (ii) he has been absent throughout the week by reason of proved illness or accident, but not exceeding 12 weeks in the aggregate in the period of 12 months immediately preceding the commencement of the holiday season ; or
 - (iii) he has been suspended throughout the week owing to shortage of work but not exceeding 12 weeks in the aggregate in the period of 12 months last mentioned ; or
- (b) as if he were employed on any day of holiday allowed under the provisions of this Schedule and for the purposes of the provisions of sub-paragraph (a) of this paragraph, a worker who is absent on such a holiday shall be treated as having 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.

PARAGRAPH 11.

Where any day of holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act (Northern Ireland), 1945, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

PARAGRAPH 12.

In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :

“ normal working week ” means the number of days on which it has been usual for the worker to work in a pay week in the employment of the employer in the 12 months immediately preceding the commencement of the holiday season or, where under paragraphs 6 and 7 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the date of the termination of the employment.

Provided that—

- (i) part of a day shall count as a day ;
- (ii) no account shall be taken of any pay week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ statutory minimum remuneration ” means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Ministry pursuant to proposals submitted to it by the Baking Wages Council (Northern Ireland), or by an Order made by the Ministry which has effect as if it were such a wages regulation order.

“ week ” in paragraphs 2 and 10 means “ pay week.”

“ transport workers ” in paragraph 2 include carters, motor drivers, loaders at quays and motor lorry boys.

a “ home bakery ” is deemed to be a bakery in which the number of workers engaged on operations within the scope of the Council does not exceed six, provided that, irrespective of the number of workers employed, no bakery which is engaged in the manufacture of plain bread (that is, 1 lb. or 2 lb. batch loaves) or pan loaves exceeding 1 lb. in weight shall be deemed to be a home bakery.

PARAGRAPH 13.

The provisions of this Schedule are without prejudice to agreements made or that may be made, for payment of higher rates of holiday remuneration or for the grant of holidays in addition to those herein provided.

EXPLANATORY NOTE.

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

1. This Order, which has effect as from 5th September, 1946, fixes the holidays and holiday remuneration which an employer is required to allow to a worker in relation to whom the Baking Wages Council (Northern Ireland) operates.

2. The provisions of Order N.I. Bk. (19) cease to have effect when the new provisions under this Order come into force.

N.I.Bk. (43)

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) (AMENDMENT) ORDER, 1946, DATED 22ND OCTOBER, 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. 174

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") has received from the Baking Wages Council (Northern Ireland) wages regulation proposals for the amendment of the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946 (a) dated the 20th day of August, 1946 (hereinafter referred to as "the principal Order") which specifies the holidays to be allowed and fixes the holiday remuneration to be paid to the workers in relation to whom the Council operates;

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:—

1. As from the specified date the principal Order shall have effect subject to the amendments set out in the Schedule hereto. Holiday remuneration.
2. In this Order the expression "specified date" means the 28th day of October, 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 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. Commencement.
- 3.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) (Amendment) Order, 1946. Short title and interpretation.