PIECE WORK BASIS TIME RATES

PARAGRAPH 2.

The piece work basis time rates for the male workers specified in paragraph 15 of the said Schedule shall be increased by 1d. per hour.

EXPLANATORY NOTE.

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

1. The effect of this Order is to increase as from 4th December, 1946, the general minimum time rates and piece work basis time rates for certain male workers in relation to whom the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Northern Ireland) operates.

2. The provisions of Order N.I.H.H.G. (84) should be read in conjunction with the provisions of this Order.

N.I.W.M. (23)

The Mantle and Costume (Wholesale) Wages Council (Northern Ireland) Holidays

THE WHOLESALE MANTLE AND COSTUME WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1946, DATED 12TH 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. 157

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Wholesale Mantle and Costume 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 and holiday remuneration heretofore applicable in that behalf by virtue of an Order of the Ministry dated the 11th day of August, 1939 (hereinafter referred to as " Order N.I.W.M. (15) ") made in pursuance of the Holidays with Pay Act (Northern Ireland), 1938, and having effect by virtue of subsection (3) of section twenty-one of the Wages Councils Act (Northern Ireland), 1945 ;

2 Geo. 6 Ch. 14.

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.—(1) Subject to the provisions of paragraph (2) of this Article the provisions relating to holidays and holiday remuneration set out in the Schedule hereto shall become effective as from the 19th day of August, 1946, (hereinafter referred to as " the specified date ") and accordingly the Order N.I.W.M. (15) shall thereupon cease to have effect.

(2) 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, the provisions relating to statutory minimum remuneration set out in the First Schedule hereto shall, as respects that worker, become effective as from the beginning of the next such period following the specified date and Order N.I.W.M. (15) shall cease to have effect in relation to that worker accordingly.

Short title and interpretation.

3.—(1) This Order may be cited as the Wholesale Mantle and Costume Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946.

12 Geo. 5 Ch. 4.

(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.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twelfth 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.

(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 week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday and two other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ; 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.

PARAGRAPH 2.—*Continued*

(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 July and 30th September, 1946, and in each succeeding year between 1st July and 30th September (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
At least 48 weeks	6 days
„ 40 „	5 „
„ 32 „	4 „
„ 24 „	3 „
„ 16 „	2 „
„ 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.

PARAGRAPH 5.

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 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 been employed as follows on work to which statutory minimum remuneration applies :—

PARAGRAPH 6.—*Continued*

(*a*) in the case of a worker normally employed for more than 30 hours a week, for 8¼ hours, and

(*b*) in the case of a part-time worker normally employed for 30 hours a week or less, for 4¼ hours.

(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.

(3) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the holiday are paid.

(4) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the pay week including that holiday in lieu are paid.

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu.

B — ANNUAL HOLIDAYS.

PARAGRAPH 7.

(1) Subject to the provisions of paragraph 10 of this Schedule, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following table :—

TABLE OF HOLIDAY REMUNERATION.

Col. 1	Col. 2			Col. 3
Period of holiday	Holiday remuneration for workers with a normal working week of—			Holiday remuneration for full normal working week
	6 days	5 days	4 days or less	
6 days	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.
5 days	Five-sixths of the amount in Col. 3	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	
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	
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	
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	

(2) In the application of the provisions of the foregoing table to the case of a piece worker the appropriate statutory minimum remuneration for time work is the appropriate minimum rate that would have been applicable to him if he had been employed as a time worker.

PARAGRAPH 8.

If a worker ceases to be employed by an employer before being allowed or entitled to be allowed an annual 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 provisions of the next following paragraph.

PARAGRAPH 9.

(1) Subject to the provisions of this paragraph holiday remuneration shall accrue to a worker during the period of twelve months commencing on the 1st day of July, 1945, and thereafter in each successive period of twelve months commencing on the 1st day of July and such holiday remuneration shall accrue in accordance with the provisions of the following table :—

TABLE OF ACCRUED HOLIDAY REMUNERATION.

Col. 1 Period of employment	Col. 2 Accrued holiday remuneration	Col. 3 Accrued holiday remuneration for full normal working week
After 48 weeks employment calculated in accordance with the provisions of paragraph 11 of this Schedule	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.
After 40 weeks such employment	Five-sixths of the amount in Col. 3	
After 32 weeks such employment	Two-thirds of the amount in Col. 3	
After 24 weeks such employment	One-half of the amount in Col. 3	
After 16 weeks such employment	One-third of the amount in Col. 3	
After 8 weeks such employment	One-sixth of the amount in Col. 3	

(2) In the application of the provisions of the foregoing table to the case of a piece worker the appropriate statutory minimum remuneration for time work is the appropriate minimum rate that would have been applicable to him if he had been employed as a time worker.

(3) The amount of any accrued holiday remuneration payable on the termination of the worker's employment in respect of any of the periods of twelve months mentioned in sub-paragraph (1) of this paragraph 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 10.

Where in accordance with the provisions of paragraphs 8 and 9 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 twelve months immediately preceding the holiday season within which an annual 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 annual holiday under the provisions of paragraph 7 of this Schedule shall be reduced by the amount of the said accrued holiday remuneration.

PART V.

GENERAL.

PARAGRAPH 11.

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

PARAGRAPH 11.—*Continued*

(*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 20 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 4 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 6 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 12.

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 13.

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 8 and 9 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 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 Wholesale Mantle and Costume Wages Council (Northern Ireland), or by an Order of the Ministry having effect as if it were such a wages regulation order.

"week" in paragraphs 3 and 11 means "pay week."

PARAGRAPH 14.

The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

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 19th August, 1946, fixes the annual holidays and certain other days of holidays (referred to as "customary holidays") which an employer is required to allow to a worker in relation to whom the Wholesale Mantle and Costume Wages Council (Northern Ireland) operates.

2. The provisions of Order N.I.W.M. (15) cease to have effect when the new provisions under this Order come into force.