THE BRUSH AND BROOM WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1953, DATED 18TH MARCH, 1953, 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).

1953. No. 52

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Brush and Broom 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 provided and holiday remuneration fixed for these workers by the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (a) dated the 14th day of January, 1948, (hereinafter in this Order referred to as " Order N.I.B.B. (57) ") ;

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. As from the specified date the workers to whom the Schedule to this Order applies shall be entitled to be allowed the holidays and paid the holiday remuneration specified therein.

Commencement.

2. In this Order the expression " the specified date " means the 28th day of March, 1953. 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.

Short title, interpretation and revocation.

3.—(1) This Order may be cited as the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1953.

52 & 53 Vict., Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.B.B. (57) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this eighteenth day of March, nineteen hundred and fifty-three, in the presence of

(L.S.)

A. E. Goodbody,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

(a) S. R. & O. 1948, No. 16.

SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

PART I

APPLICATION

PARAGRAPH 1.

This Schedule applies to every worker (other than an outworker) for whom statutory minimum remuneration has been fixed.

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 was in his employment for a period of not less than two weeks immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) worked for the employer *throughout the last working day on which work was available to him immediately preceding the customary holiday*.

(2) The said customary holidays are :—

(*a*) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday 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*) in the case of each of the said days a day, substituted therefor *by agreement between the employer and the worker*, being a day recognised by local custom as a day of holiday in substitution for the said day.

(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 employer shall allow to the worker a day's holiday (hereinafter in this Schedule referred to as a " holiday in lieu of a customary holiday ") on a weekday *on which he would normally work for the employer* within the period of *two calendar months* 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 rate of statutory minimum remuneration then appropriate to the worker for work on a customary holiday ; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6 of this Schedule.

PART III

ANNUAL HOLIDAYS

PARAGRAPH 3.

Subject to the provisions of paragraph 4 of this Schedule, in addition to the customary holidays specified in Part II of this Schedule, an employer shall, between the 1st day of June and the 30th day of September, *1953*, and in each succeeding year between the 1st day of June and the 30th day of September (hereinafter in this Schedule referred to as the " holiday season "), allow a holiday (hereinafter in this Schedule referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who has been employed by him during the twelve months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) set out in the table below, and the duration of the annual holiday in the case of each such worker shall be related to his period of employment during that twelve months as follows :—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	6 days	5 days	4 days	3 days
At least 48 weeks	12 days	10 days	8 days	6 days
„ 44 „	11 „	9 „	7 „	5 „
„ 40 „	10 „	8 „	6 „	5 „
„ 36 „	9 „	7 „	6 „	4 „
„ 32 „	8 „	6 „	5 „	4 „
„ 28 „	7 „	5 „	4 „	3 „
„ 24 „	6 „	5 „	4 „	3 „
„ 20 „	5 „	4 „	3 „	2 „
„ 16 „	4 „	3 „	2 „	2 „
„ 12 „	3 „	2 „	2 „	1 day
„ 8 „	2 „	1 day	1 day	1 „

PARAGRAPH 4.

(1) An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work for the employer, and days of holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.

(2) *Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may, by agreement in writing made between the employer and the worker, be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.*

(3) *Subject to the provisions of sub-paragraph (4) of this paragraph, where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day in the holiday season.*

(4) Any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act (Northern Ireland), 1945, except that a day of annual holiday allowed under sub-paragraph (3) of this paragraph shall not be allowed on the worker's weekly short day.

PARAGRAPH 5.

An employer shall give to a worker notice of the commencing date *or dates* and duration of the period *or periods* of his annual holiday. Such notice shall be given at least 28 days before the first day of the annual holiday *or, where under the provisions of paragraph 4 of this Schedule an annual holiday is allowed in more than one period, before each separate period,* and may be given individually to the 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) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount to which he would have been entitled, calculated at the appropriate rate of statutory minimum remuneration, if the day had not been a day of holiday and he had worked on that day.

on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week :

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of the worker) presents himself for employment at the usual starting hour on the first working day following the holiday.

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker *not later than the pay day on which the wages for the pay week including the first working day following the customary holiday are paid.*

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid *not later than the pay day on which the wages for the pay week including the first working day following the holiday in lieu of a customary holiday 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 a holiday in lieu of a customary holiday to which he is entitled and in that case the proviso contained in sub-paragraph (1) of this paragraph shall not apply.

B.— ANNUAL HOLIDAYS

PARAGRAPH 7.

(1) Subject to the provisions of paragraph 8 of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, *not later than* on the last pay day preceding such holiday, *one day's holiday pay (as defined in paragraph 11 of this Schedule) in respect of each day thereof.*

(2) *Where under the provisions of paragraph 4 of this Schedule an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly.*

PARAGRAPH 8.

Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with the provisions of paragraph 9 of this Schedule or under Order N.I.B.B. (57)) in respect of employment during any of the periods referred to in that paragraph or that Order respectively, the amount of holiday remuneration payable by that employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

PARAGRAPH 9.

Where 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 (hereinafter in this Schedule referred to as " the termination date "), pay to the worker as accrued holiday remuneration :—

(1) in respect of any period of employment occurring in the twelve months up to the 31st day of May immediately preceding the termination date, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of paragraph 7 of this Schedule if he had been allowed an annual holiday in respect of that period of employment at the termination date, less any holiday remuneration already paid for any day or days of annual holiday allowed after the 31st day of May aforesaid in respect of that period of employment and,

(2) in respect of any period of employment since the 31st day of May immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 11 of this Schedule) multiplied by the number of days of annual holiday to which the worker would have been entitled under the provisions of paragraph 3 of this Schedule if by virtue of such period of employment he could have been allowed an annual holiday at the termination date, less any accrued holiday remuneration already paid by the employer to the worker in respect of that period of employment.

PART V

GENERAL

PARAGRAPH 10.

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

(1) as if he were employed for a week in respect of any week in which —
  (*a*) he has worked for the employer on not less than three days and has performed some work for which statutory minimum remuneration is payable ;
  (*b*) he has been absent throughout the week *or he has worked for the employer on less than 3 days*, by reason, in either case, of the proved illness of, or accident to, the worker : Provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed four in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season ; and

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule *or of Order N.I.B.B. (57)*; and for the purpose of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer on work for which statutory minimum remuneration is payable.

PARAGRAPH 11.

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

" APPROPRIATE RATE OF STATUTORY MINIMUM REMUNERATION " means, where the worker is usually employed as :—

(1) a time worker	the general minimum time rate applicable to the worker.
(2) a piece worker and is a female worker under 21 years of age	the general minimum time rate which would apply if the worker were employed as a time worker.
(3) a piece worker and is not a worker specified in (2) of this definition ...	a time rate equal to the basis rate.

For the purpose of this definition —

  (*a*) the expression " basis rate " means the piece work basis time rate applicable to the worker or which is applicable when no general minimum piece rate applies or where no such piece work basis time rate is applicable the general minimum time rate which would apply if the worker were a time worker.
  (*b*) where a worker is employed on work to which more than one minimum rate applies, the rate shall be ascertained by reference to the work on which he has been mainly employed in the twelve months prior to the holiday in the case of a customary holiday or holiday in lieu of a customary holiday, the commencement of the holiday season in the case of an annual holiday or the date of the termination of the employment where accrued holiday remuneration is payable.
  (*c*) where a worker is usually employed partly on time work and partly on piece work, he shall be treated as having been employed on piece work for the whole of his time.
  (*d*) where a female worker aged under 21 years is employed on pan work the general minimum time rate applicable shall be the rate that would be applicable if she were employed as a worker other than a pan hand.

" NORMAL WORKING WEEK " means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the twelve 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.

" ONE DAY'S HOLIDAY PAY " means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the holiday is taken in more than one period, at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition " appropriate proportion " means —

where the worker's normal working week is six days—one sixth.
where the worker's normal working week is five days—one fifth.
where the worker's normal working week is four days—one quarter.
where the worker's normal working week is three days—one third.

" OUTWORKER " means a worker who works in his own home or in any other place not under the control or management of the employer.

" STATUTORY MINIMUM REMUNERATION " means statutory minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Ministry to give effect to proposals submitted to it by the Brush and Broom Wages Council (Northern Ireland).

" WEEK " means " pay week ".

PARAGRAPH 12.

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.

Dressmaking and Women's Light Clothing

THE DRESSMAKING AND WOMEN'S LIGHT CLOTHING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (NO. 1) ORDER, 1953, DATED 21ST APRIL, 1953, 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).

1953. No. 81

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Dressmaking and Women's Light Clothing Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to certain workers in relation to whom the Council operates in substitution for the minimum remuneration fixed by the Dressmaking and Women's Light Clothing Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1951 (a) dated the 18th day of May, 1951, (hereinafter in this Order referred to as " Order N.I.W.D. (64) ") ;

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 statutory minimum remuneration set out in the Schedule to this Order shall be paid to the workers therein specified. Statutory minimum remuneration.

2. In this Order the expression "the specified date" means the 30th day of April, 1953. Provided that where, as respects any worker who is Commencement.

(a) S. R. & O. 1951, No. 108.