The Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1955

1955. No. 88 [NC]

Whereas the Ministry of Labour and National Insurance (hereinafter in this Order referred to as "the Ministry") has received from the Paper Box Wages Council (Northern Ireland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Ministry by virtue of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland), 1945(a), and of all other powers enabling it in that behalf, hereby makes the following Order:—

1. The wages regulation proposals set out in the Schedule hereto shall have effect on and from the specified date and as from the date immediately preceding the specified date the Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948(b), as amended by the Second Schedule to the Paper Box Wages Council (Northern Ireland) Wages Regulation Order, 1952(c), shall cease to have effect.

2. In this Order the expression "the specified date" means the 13th day of May, 1955, 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.

3. This Order may be cited as the Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1955.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this second day of May, nineteen hundred and fifty-five in the presence of

(L.S.) *A. E. Goodbody,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Paper Box Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (Order N.I.B. (41)) as amended by the Second Schedule to the Paper Box Wages Council (Northern Ireland) Wages Regulation Order, 1952 (Order N.I.B. (49)).

(a) 1945, Ch. 21. (b) S.R. & O. (N.I.) 1948, No. 148.
(c) S.R. & O. (N.I.) 1952, No. 38.

PART I

APPLICATION

Paragraph 1.

(1) This Schedule applies to every male and female worker (other than an out-worker) for whom statutory minimum remuneration has been fixed.

(2) For the purposes of this Schedule an out-worker is a worker who works in his or her 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 (hereafter 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 four weeks immediately preceding the customary holiday and has worked for the employer for not less than half that period and (unless excused by the employer or absent by reason of proved illness) has worked for the employer throughout the last five working days on which work was available to him immediately preceding the customary holiday.

(2) The said customary holidays are:—

(*a*) Christmas Day, Boxing Day and the day following Boxing Day Provided that—

(i) where Christmas Day falls on a Thursday, Friday or Saturday the Saturday shall be treated as one of the customary holidays irrespective of whether the worker normally works on Saturday or not;

(ii) where Christmas Day falls on a Sunday the customary holidays shall be Boxing Day and the next two following days;

(iii) where the day following Boxing Day falls on a Sunday that Sunday shall not be treated as one of the customary holidays and a customary holiday shall be allowed to the worker on the Monday next following;

Easter Monday, Easter Tuesday and the Wednesday following the last-mentioned day, or

(*b*) a day substituted by the employer for any one of the said days, being either a day recognised by local custom as a day of holiday in substitution for the said day or a day agreed between the employer and the worker or his representative.

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2), an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise qualified to be allowed a customary holiday to work thereon, and, in lieu of any customary holiday on which he so works the worker shall be entitled to be allowed a day's holiday, (hereafter referred to as a "holiday in lieu of a customary holiday") within the period of four weeks next ensuing, on a day on which he normally works for the employer.

(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, holiday remuneration in accordance with paragraph 6.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the customary holidays specified in Part II and subject to the provisions of sub-paragraph (2), an employer shall, between *the date on and from which the provisions of this Schedule become effective* and 30th September, 1955, and in each succeeding year between 31st March and 30th September (hereafter referred to as the "holiday season") allow a holiday (hereafter referred to as "an annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the twelve months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to his period of employment during that twelve months as follows:—

Workers with a normal working week of six days		Workers with a normal working week of five days or less	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
„ *44* „	*11* „	„ *43* „	*9* „
„ 40 „	10 „	„ 38 „	8 „
„ *36* „	*9* „	„ *33* „	*7* „
„ 32 „	8 „	„ *28* „	*6* „
„ *28* „	7 „	„ *24* „	*5* „
„ 24 „	6 „	„ 19 „	4 „
„ *20* „	*5* „	„ *14* „	*3* „
„ 16 „	4 „	„ 9 „	2 „
„ *12* „	*3* „	„ *4* „	*1 day*
„ 8 „	2 „		
„ *4* „	*1 day*		

(2) Notwithstanding the provisions of sub-paragraph (1):—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any period of twelve months commencing on the 1st day of January shall not exceed in the aggregate twice the period constituting the worker's normal working week;

(*b*) the holiday season may be varied in any year by agreement between the employer and the worker if they jointly notify the Wages Council of such agreement and any reference to a holiday season in this Schedule shall be construed accordingly.

(*c*) *the duration of a worker's annual holiday during the holiday season ending on 30th September, 1955, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.B. (41) between 31st March, 1955, and the date on and from which the provisions of this Schedule become effective.*

Paragraph 4.

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 annual holiday shall be treated as consecutive notwithstanding the intervention of a customary holiday or a holiday in lieu of a customary holiday

Provided that—

(i) where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week the said annual holiday may be allowed in two separate periods of such consecutive working days, if one of such periods is not less than the period constituting the worker's normal working week;

(ii) the last day of the annual holiday or, as the case may be, of either of such separate periods, may be allowed on a non-consecutive working day (other than the worker's weekly short day) falling within the holiday season where the said annual holiday or, as the case may be, such separate period, is allowed immediately after a customary holiday or so that a customary holiday intervenes.

Paragraph 5.

An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual 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 and Holidays in lieu of Customary Holidays

Paragraph 6.

(1) Subject to the provisions of this paragraph, for each day of customary holiday to which a worker is entitled under Part II 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 day of holiday and he had been employed on work to which statutory minimum remuneration applies 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 proved illness) presents himself for employment at the usual starting hour on the first working day following the customary holiday and works throughout the remainder of the week in which the customary holiday occurs.

(2) 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 customary holiday are paid.

(3) 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 of a customary holiday.

B—Annual Holidays

Paragraph 7.

(1) Subject to the provisions of paragraph 10, a worker entitled to be allowed an annual holiday shall be paid by his employer in respect thereof, on the last pay day preceding each annual holiday, or not later than the first working day after the termination thereof, holiday remuneration in accordance with the following table:—

Col. 1	Col. 2		Col. 3
Period of annual holiday	Holiday remuneration for workers with a normal working week of—		Holiday remuneration for full normal working week
	Six days	Five days or less	
12 days ...	Twice the amount in Col. 3.	—	The amount which the worker would be entitled to receive from his employer for a week's work immediately prior to the holiday 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.	
7 days ...	*One and one-sixth times the amount in Col. 3.*	*One and two-fifths times the amount in Col. 3.*	
6 days ...	The amount in Col. 3.	One and one-fifth times the amount in Col. 3.	
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.	
3 days ...	*One-half of the amount in Col. 3.*	*Three-fifths of the amount in Col. 3.*	
2 days ...	One-third of the amount in Col. 3.	Two-fifths of the amount in Col. 3.	
1 day ...	*One-sixth of the amount in Col. 3.*	*One-fifth of the amount in Col. 3.*	

(2) In relation to a piece worker Col. 3 of the foregoing table shall have effect as if the words "at the appropriate statutory minimum remuneration" to the end of the column were deleted and there were inserted in lieu thereof the following:—

"(*a*) in the case of a male worker aged 21 years or over to whom a piece work basis time rate applies or of a female worker aged 18 years or over, at a time rate equal to the hourly piece work basis time rate applicable to the worker, or in the case of any other piece worker, at a time rate equal to the hourly general minimum time rate which would be applicable to the worker if he were a time worker; and

(*b*) any supplemental payment payable to the worker."

(3) Where, under the provisions of paragraph 4, an annual holiday is taken 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 paragraph 9 or in accordance with the provisions of Order N.I.B. (41), as amended by Order N.I.B. (49)), in respect of employment during the periods referred to in that paragraph or that Order, the amount of holiday remuneration payable by the 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 after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the twelve months up to the 30th day of the preceding March, a sum equal to the holiday remuneration which would be payable for any days of annual holiday for which he has qualified by virtue of that employment (except days of such annual holiday which he has been allowed before leaving the employment) if they were allowed at the time of leaving the employment; and

(2) in respect of any employment since the 30th day of the preceding March, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.

PART V

GENERAL

Paragraph 10.

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—

(*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 twelve hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has been absent throughout the week solely by reason 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 reason shall not exceed seven in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(iii) he has been suspended throughout the week owing to shortage of work in the period of twelve months last mentioned; or

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule, or of the Schedule to Order N.I.B. (41) as amended by Order N.I.B. (49), and for the purposes of the provisions of sub-paragraph (*a*), a worker who is absent on such a holiday shall be treated as having worked thereon 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 annual 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 week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season, or where under paragraph 9 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.

"STATUTORY MINIMUM REMUNERATION" means statutory minimum remuneration (other than holiday remuneration but including any supplemental payment payable) fixed by a wages regulation order made by the Ministry to give effect to proposals submitted to it by the Wages Council.

"WEEK" means "pay week."

Paragraph 13.

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.

The Paper Box Wages Council (Northern Ireland) Wages Regulation (Amendment) Order, 1955

1955. No. 167. [NC]

Whereas the Ministry of Labour and National Insurance (hereinafter in this Order referred to as "the Ministry") has received from the Paper Box Wages Council (Northern Ireland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Ministry by virtue of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland), 1945 (a), and of all other powers enabling it in that behalf, hereby makes the following Order:—

1. The wages regulation proposals set out in the Schedule hereto shall have effect on and from the specified date and as from the date immediately preceding the specified date the Paper Box Wages Council (Northern Ireland) Wages Regulation (Amendment) (No. 2) Order, 1954(b), shall cease to have effect.

(a) 1945, Ch. 21. (b) S.R. & O. (N.I.) 1954, No. 193.