1966. No. 296 **[NC]**

WAGES COUNCILS

Wages Regulation (General Waste Materials Reclamation)

ORDER, DATED 14TH DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the General Waste Materials Reclamation Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the General Waste Materials Reclamation Wages Regulation (Holidays) Order (Northern Ireland) 1966.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the General Waste Materials Reclamation Wages Council (Northern Ireland) Wages Regulation (Holidays) Order 1953(b) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 2nd day of January 1967, 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of December 1966.

(L.S.)

W. Slinger,
Assistant Secretary.

(a) 1945. c. 21.

(b) S.R. & O. (N.I.) 1953, No. 68.

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 General Waste Materials Reclamation Wages Council (Northern Ireland) Wages Regulation (Holidays) Order 1953 (Order N.I.W.R. (47)):—

Holidays and Holiday Remuneration

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker 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 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 during the whole or part of that period and is in his employment on the day of 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 mutually agreed between the employer and the worker or his representative;

or (b) in the case of each of the said days (other than a day mutually agreed between the employer and the worker or his representative as aforesaid) a day substituted by the employer therefor, 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 customary 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.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the customary holidays specified in Part II, an employer shall, between the *1st May and the 30th September 1967,* and in each succeeding year, between the 1st May and the 30th September (hereinafter 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 twelve months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 10) set out in the table below, and the duration of the annual holiday shall in the case of each such worker be related to his period of employment during that twelve months as follows:—

Where the worker's normal working week is one of 6 days		Where the worker's normal working week is one of 5 days or less	
Period of employment	Duration of holiday	Period of employment	Duration of holiday
At least 48 weeks ..	*14 days*	At least 48 weeks ..	*12 days*
„ 44 „ ..	11 days	„ 43 „ ..	9 days
„ 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 (1)—*

(*a*) *the number of days of annual holiday to which a worker who has had at least 48 weeks of employment with the employer during the twelve months immediately preceding the commencement of the holiday season shall be entitled shall not exceed twice the number of days constituting the worker's normal working week plus two days;*

(*b*) *the number of days of annual holiday to which a worker who has had less than 48 weeks of such employment shall be entitled shall not exceed twice the number of days constituting the worker's normal working week.*

Paragraph 4.

(1) Annual holidays shall be allowed on consecutive working days, being days on which the worker is normally required to work, and days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work or a holiday in lieu of a customary holiday intervenes.

Provided that—

(a) where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, *but does not exceed twice that number,* the annual holiday may be allowed in two periods of consecutive working days if one of the periods is not less than the number of days constituting the worker's normal working week;

(*b*) *where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting his normal working week the annual holiday may be allowed as follows—*

(*i*) *as to two periods of consecutive working days, each such period being not less than the period constituting the worker's normal working week, during the holiday season; and*

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by mutual agreement between the employer and the worker or his representative between the commencement of the holiday season and 30th April next following.

(2) 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 annual holiday allowed under this Schedule.

Paragraph 5.

An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of the period or periods of his annual holiday. Such notice 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) 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 customary 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 shall be subject to the condition that the worker (unless excused by the employer or absent by reason of proved illness of the worker) presents himself for employment at the usual starting hour on the working day immediately preceding the customary holiday and on the first working day following the customary holiday.

(2) The 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 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 on the pay day on which the wages for the week including the first working day following that holiday in lieu are paid. Provided that the said payment shall be made immediately upon the termination of the worker's employment if he ceases to be employed before being allowed such holiday in lieu of a customary holiday and in that case the conditions specified in the proviso to sub-paragraph (1) shall not apply.

B—ANNUAL HOLIDAYS

Paragraph 7.

(1) Subject to the provisions of paragraph 10, 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 annual holiday	Holiday remuneration for workers with a normal working week of				Holiday remuneration for full normal working week
	6 days	5 days	4 days	3 days or less	
14 days	*Two and one-third times the amount in Col. 3*	—	—	—	The amount which the worker would be entitled to receive from his employer at the date of the holiday or the first period of the holiday as the case may require, 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.
12 days	—	*Two and two-fifths times the amount in Col. 3*	—	—	
11 days	One and five-sixths times the amount in Col. 3	—	—	—	
10 days	One and two-thirds times the amount in Col. 3	—	*Two and one-half times 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	*Two and two-thirds 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	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 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) *Where under the provisions of paragraph 4 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 paragraph 9 or in accordance with the provisions of Order N.I.W.R. (47) 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 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 or of Order N.I.W.R. (47).

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 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 30th April 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 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 30th April aforesaid in respect of that period of employment and,

(2) in respect of any period of employment since the 30th April 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 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 purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration 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 twenty-four hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has been absent throughout the week by reason of the proved illness of or accident to the worker, or for a like reason has worked for the employer for less than twenty-four hours provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed six 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 provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed four in the aggregate in the period of twelve months last mentioned;

(b) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order N.I.W.R. (47) 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 for the employer on that day of the week on work for which statutory minimum remuneration is payable.

Paragraph 11.

In this Schedule, 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 termination date.

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) 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 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.

EXPLANATORY NOTE

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

This Order, which comes into operation on 2nd January 1967, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the General Waste Materials Reclamation Wages Council (Northern Ireland) Wages Regulation (Holidays) Order 1953 (Order N.I.W.R. (47)).

Order N.I.W.R. (47) is revoked.

New provisions in the Schedule are printed in italics.