The Paper Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948

1948 No. 38

Made - - - - 15th January, 1948

B. (42)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Paper Box Wages Council (Great Britain) (hereinafter referred to as " the Council ") the wages regulation proposals set out in the Schedule hereto being proposals for requiring workers in relation to whom the Council operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to those workers in substitution for the holidays provided for, and the holiday remuneration fixed, by the Paper Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946(a) (hereinafter referred to as " Order B. (38) ");

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945 and of all other powers in that behalf, hereby makes the following Order:— 8 & 9 Geo. 6. c. 17.

1.—(1) This Order may be cited as the Paper Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948. Short title and interpretation.

(2) In this Order the expression " the specified date " means the 2nd day of February, 1948, 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) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto. Fixing of holidays and holiday remuneration and revocation of Order B. (38).

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order B. (38)(a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 15th day of January, 1948.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

(a) S.R. & O. 1946 (No. 1635) I, p. 2045.

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 Order B. (38).

PART I

APPLICATION

Paragraph 1

This Schedule applies to every male or female worker (other than a homeworker) 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 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 holiday.

(2) The said customary holidays are :—

(*a*) (i) In England and Wales—

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, Good Friday, Easter Monday, Whit Monday and August Bank Holiday.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three 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 (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, 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 preceding provisions of this paragraph, 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 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 week day 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, holiday remuneration in accordance with paragraph 6 of this Schedule.

Part III

ANNUAL HOLIDAYS

Paragraph 3

(1) In addition to the customary holidays specified in Part II of this Schedule and subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall, between the 31st day of March and the 30th day of September, 1948, and in each succeeding year between the 31st day of March and the 30th day of 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 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 the worker's period of employment during that twelve months as follows :—

(*a*) In the case of a worker who is under 18 years of age when he enters the employment of the employer and who is under 19 years of age at the commencement of his first annual holiday under this Schedule ;

Where the worker's normal working week is 6 days		Where the worker's normal working week is 5 days or less	
Period of employment	Duration of holiday	Period of employment	Duration of holiday
At least 24 weeks	12 days	At least 24 weeks	10 days
" " 20 "	10 "	" " 19 "	8 "
" " 16 "	8 "	" " 14 "	6 "
" " 12 "	6 "	" " 9 "	4 "
" " 8 "	4 "	" " 5 "	2 "
" " 4 "	2 "		

Provided that this provision shall apply only to a worker who is in his first employment since leaving school and in respect of his first annual holiday under this or any previous wages regulation order, and

(*b*) in the case of any other worker :—

Where the worker's normal working week is 6 days		Where the worker's normal working week is 5 days or less	
Period of employment	Duration of holiday	Period of employment	Duration of holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
" " 40 "	10 "	" " 38 "	8 "
" " 32 "	8 "	" " 29 "	6 "
" " 24 "	6 "	" " 19 "	4 "
" " 16 "	4 "	" " 9 "	2 "
" " 8 "	2 "		

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

(*a*) The number of days of annual holiday to which a worker is entitled 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.

Paragraph 4

An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work, and days of 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 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 such a 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

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 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, however, 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 holiday and works throughout the remainder of the week in which the 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 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 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.

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, or not later than the first working day after the termination thereof, holiday remuneration in accordance with the next following Table :—

TABLE OF HOLIDAY REMUNERATION

Col. 1	Col. 2				Col. 3
Period of holiday	Holiday remuneration for a worker with a normal working week of—				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 for a week's work under the arrangement current immediately prior to the holiday, if he worked his normal working week and the number of daily hours usually worked by him (exclusive of overtime and payments by way of bonus).
10 days	One and two-thirds of the amount in Col. 3	Twice the amount in Col. 3	—	—	
8 days	One and one-third of the amount in Col. 3	One and three-fifths of the amount in Col. 3	Twice the amount in Col. 3	—	
6 days	The amount in Col. 3	One and one-fifth of the amount in Col. 3	One and one-half of the amount in Col. 3	Twice 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 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	Two-thirds of the amount in Col. 3	

(2) In relation to a piece worker Column 3 of the last foregoing Table shall have effect as if the words " under the arrangement current " and " and payments by way of bonus " were deleted therefrom and there were added at the end thereof the following words :—

" and if he were paid statutory minimum remuneration as follows :—

(*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, a time rate equal to the hourly piece work basis time rate applicable to the worker,

(*b*) in the case of any other piece worker, a time rate equal to the hourly general minimum time rate which would be applicable to the worker if he were a time worker."

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

Paragraph 8

If a worker ceases to be employed by an employer before being entitled to be allowed an annual holiday or before being allowed the whole of any annual holiday to which he is entitled under this Schedule, 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 31st day of March, 1947, and thereafter in each successive period of twelve months commencing on the 31st day of March 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	Twice the amount in Col. 3	The amount which the worker would be entitled to receive from his employer for a week's work under the arrangement current immediately prior to the termination of the employment, if he worked his normal working week and the number of daily hours usually worked by him (exclusive of overtime and payments by way of bonus).
After 40 weeks' such employment	One and two-thirds of the amount in Col. 3	
After 32 weeks' such employment	One and one-third of the amount in Col. 3	
After 24 weeks' such employment	The amount in Col. 3	
After 16 weeks' such employment	Two-thirds of the amount in Col. 3	
After 8 weeks' such employment	One-third of the amount in Col. 3	

(2) In relation to a piece worker Col. 3 of the last foregoing Table shall have effect as if the words " under the arrangement current " and " and payments by way of bonus " were deleted therefrom and there were added at the end thereof the following words :—

" and if he were paid statutory minimum remuneration as follows :—

(*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, a time rate equal to the hourly piece work basis time rate applicable to the worker,

(*b*) in the case of any other piece worker, a time rate equal to the hourly general minimum time rate which would be applicable to the worker if he were 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 and, where the worker's employment terminates during any holiday season by the amount of the holiday remuneration paid to him by the employer in respect of any days of annual holiday allowed during the said holiday season.

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—

(*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 by reason of proved illness or accident but not exceeding seven weeks 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, 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 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 12

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, 1945, that holiday or half-holiday shall be in addition to 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 week in the employment of the employer in the twelve 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 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) which has been fixed by a Wages Regulation Order made by the Minister pursuant to proposals submitted to him by the Paper Box Wages Council (Great Britain).

" 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 from the 2nd February, 1948, fixes the annual holidays and certain other days of holiday (referred to as " customary holidays ") which an employer is required to allow to a worker (other than a homeworker) in relation to whom the Paper Box Wages Council (Great Britain) operates. The Order also fixes the remuneration payable in respect of such holidays.

2. The provisions of the Paper Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946 (Order B. (38)) cease to have effect when the provisions of this Order come into force.