GUARANTEED WEEKLY REMUNERATION

B. There were substituted for sub-paragraph (3) of paragraph 10 the following sub-paragraph:—

"(3) Subject as is hereinafter provided 'guaranteed weekly remuneration' means

(*a*) as respects a full time worker (that is to say, a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies) remuneration calculated in accordance with the provisions of sub-paragraph (4) hereof *for four days or shifts*

(*b*) as respects a part-time worker (that is to say, a worker who normally works for the employer for less than 36 hours in the week on work to which this Schedule applies) remuneration calculated in accordance with sub-paragraph (4) hereof, for thirty-four forty-fifths of the hours normally worked by him in a week for the employer on work to which this Schedule applies."

C. There were added immediately after (*b*) of sub-paragraph (11) of paragraph 10 the following:—

"(c) *the expression 'day or shift' means the number of hours, exclusive of overtime, normally worked by the worker on a full working day or shift in the week, or, where the length of the full working day or shift varies during the week, the average of the number of hours (exclusive of overtime) normally worked by the worker on the first 4 full working days or shifts in the week.*"

EXPLANATORY NOTE

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

This Order, which has effect from the 8th April, 1949, amends Order R.U. (26)(a) (which sets out the statutory minimum remuneration payable to workers in relation to whom the Rubber Manufacturing Wages Council (Great Britain) operates) by increasing the basic time rates for time workers and by varying the provisions relating to the payment of guaranteed weekly remuneration.

New provisions are shown in italics.

The Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1949

1949 No. 1374

Made - - - - 20*th July*, 1949

Coming into Operation 8*th August*, 1949

R.U. (30)

Whereas the Minister of Labour and National Service (hereinafter referred to as "the Minister") has received from the Rubber Manufacturing 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

(a) S.I. 1948 (No. 1173) I, p. 4656.

for, and the holiday remuneration fixed, by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947(a) (hereinafter referred to as " Order RU. (22) ");

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(b), and of all other powers in that behalf, hereby makes the following Order:—

Short title and interpretation

1.—(1) This Order may be cited as the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1949.

(2) In this Order the expression " the specified date " means the 8th day of August, 1949, 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(c), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of holidays and holiday remuneration and revocation of Order RU. (22)

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto.

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order RU. (22)(a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 20th day of July, 1949.

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

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 R.U. (22).

PART I
APPLICATION

Paragraph 1

This Schedule applies to every worker (*not being a home worker*) for whom statutory minimum remuneration has been fixed.

PART II
CUSTOMARY HOLIDAYS

Paragraph 2

(1) An employer shall allow to every worker in his employment to whom this Schedule applies and who was in attendance for the normal hours of his employment on the six working days immediately preceding the holiday (absence on account of the certified sickness of, or accident to, the worker,

(a) S.R. & O. 1947 (No. 4) I, p. 2605. (b) 8 & 9 Geo. 6. c. 17.
(c) 52 & 53 Vict. c. 63.

or absence with permission granted by, or for any other reason acceptable to, the employer, being regarded as attendance) a holiday (hereinafter referred to as a "customary holiday") in each year, on the days specified in the following sub-paragraph.

(2) The said customary holidays are:—

(*a*) 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 or in the case of any worker the days which may be substituted for the said days under section 78 of the Factories Act, 1937(a), in the case of women and young persons employed in a factory;

(*b*) in Scotland, six week-days which shall be fixed by the employer and notified by means of a notice posted in the factory throughout not less than three weeks before each such holiday.

Provided that in a burgh two of the said week-days shall be those fixed by the town council under Section 78 of the Factories Act, 1937.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such 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 allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a week-day.

(4) A worker who is required to work on a customary holiday shall be paid:—

(*a*) for all time worked thereon the 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 HOLIDAY

Paragraph 3

In addition to the holidays specified in Part II of this Schedule an employer shall between the 8th day of August, 1949 and the 30th day of September, 1949, and in each succeeding year between the 1st day of May 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 has been employed by him during the twelve months immediately preceding the date which is two weeks before the beginning of his holiday (or immediately preceding the *2nd* day of September in each year if a holiday has not been allowed before that date) for any one of the periods of employment (calculated in accordance with the provisions of paragraph 11 of this Schedule) as is set out in the appropriate column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows—

(a) 1 Edw. 8 & 1 Geo. 6. c. 67.

In 1949		*In 1950 and subsequent years*	
Period of employment	*Duration of annual holiday*	*Period of employment*	*Duration of annual holiday*
Not less than 45 weeks	*9 days*	*Not less than 45 weeks*	*12 days*
,, ,, *40 but less than 45 weeks*	*8* ,,	,, ,, *42 but less than 45 weeks*	*11* ,,
,, ,, *35* ,, ,, *40* ,, ...	*7* ,,	,, ,, *39* ,, ,, *42* ,, ...	*10* ,,
,, ,, *30* ,, ,, *35* ,, ...	*6* ,,	,, ,, *36* ,, ,, *39* ,, ...	*9* ,,
,, ,, *25* ,, ,, *30* ,, ...	*5* ,,	,, ,, *33* ,, ,, *36* ,, ...	*8* ,,
,, ,, *20* ,, ,, *25* ,, ...	*4* ,,	,, ,, *29* ,, ,, *33* ,, ...	*7* ,,
,, ,, *15* ,, ,, *20* ,, ...	*3* ,,	,, ,, *25* ,, ,, *29* ,, ...	*6* ,,
,, ,, *10* ,, ,, *15* ,, ...	*2* ,,	,, ,, *21* ,, ,, *25* ,, ...	*5* ,,
,, ,, *5* ,, ,, *10* ,, ...	*1 day*	,, ,, *17* ,, ,, *21* ,, ...	*4* ,,
		,, ,, *13* ,, ,, *17* ,, ...	*3* ,,
		,, ,, *9* ,, ,, *13* ,, ...	*2* ,,
		,, ,, *5* ,, ,, *9* ,, ...	*1 day*

Provided that—

(a) the number of days of annual holiday to which a worker is entitled in the period of twelve months commencing on the first day of January, 1949, shall not exceed in the aggregate the period constituting the worker's normal working week, plus three normal working days, and in the period of twelve months commencing on the first day of January in 1950 and in each succeeding year shall not exceed in the aggregate twice the period constituting the worker's normal working week.

(b) the number of days of annual holiday to be allowed to a worker during the holiday season ending on the 30th day of September, 1949, shall be reduced by any day or days of annual holiday properly allowed to the worker by the employer under the provisions of Order RU. (22)(a) *between the first day of May, 1949 and the 8th day of August, 1949.*

Paragraph 4

Unless otherwise mutually agreed between the employer and the worker or his representative an annual holiday shall be allowed on consecutive working days, beings 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 day on which the worker is not normally required to work.

Provided that one day of the annual holiday 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 part thereof*, 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 or dates and of the duration of the period *or periods* of his annual holiday. Such notice may be given individually to a worker or by posting a notice in the place where the worker is employed.

PART IV

HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

Paragraph 6

(1) Subject to the condition that the worker is in attendance for the normal hours of his employment on the six working days immediately preceding and the three working days immediately following the customary holiday, a worker shall be paid by his employer in respect of each day which he is entitled to be allowed as a holiday under paragraph 2 of this Schedule, holiday remuneration equal to the 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.

(2) For the purpose of the last foregoing sub-paragraph the following shall be regarded as attendance:—

(*a*) absence on account of the certified sickness of, or accident to, the worker, unless such absence has exceeded eight consecutive weeks immediately prior to the customary holiday;

(*b*) absence with permission granted by, or for any other reason acceptable to, the employer.

(3) The holiday remuneration in respect of any customary holiday or holiday in lieu of a customary holiday shall be paid not later than the pay day on which wages are payable for the last of the three working days immediately following the said customary holiday or holiday in lieu thereof.

(a) S.R. & O. 1947 (No. 4) I, p. 2605.

Provided that if a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday, the said payment shall be made at the same time as the payment of the wages due to him upon the termination of his employment, in which case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

ANNUAL HOLIDAY

Paragraph 7

(1) Subject to the provisions of paragraphs 9 and 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, not later than the pay-day in the week following the worker's return to work after the holiday, holiday remuneration equal to the sum obtained by multiplying *the number of weeks (not exceeding 45) which constitutes the period of employment for the purpose of determining the duration of the holiday—*

(a) in the case of annual holidays in 1949—

by 1 $\frac{8}{10}$ times the hourly rate of statutory minimum remuneration to which the worker is normally entitled;

(b) in the case of annual holidays in 1950 and in each succeeding year—

by twice the hourly rate of statutory minimum remuneration to which the worker is normally entitled.

Provided that 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.

(2) For the purposes of this paragraph the hourly rate of statutory minimum remuneration to which a worker is normally entitled means the total amount of the basic time rate and the supplemental time rate (being statutory minimum remuneration) applicable to the worker at the date when the holiday remuneration is payable or which would then be applicable to the worker if he were a time worker.

Paragraph 8

(1) *Subject to the provisions of this paragraph and of paragraphs 9 and 10, if a worker ceases to be employed before being entitled to be allowed an annual holiday or before being allowed the whole of any annual holiday for which he has qualified under this Schedule or under the Schedule to Order RU.*(22)(**a**), *the employer shall pay to the worker, at the same time as the payment of the wages due to him on the termination of his employment, accrued holiday remuneration as follows—*

(a) an amount equal to the sum which would have been payable to the worker as holiday remuneration on his return to work if he had been allowed at the date of terminating his employment any annual holiday to which he had become entitled and which had not then been allowed to him, and

(b) as respects any employment within the period of twelve months immemediately prior to the termination of his employment in respect of which he had not become entitled to an annual holiday an amount equal to the sum obtained by multiplying the number of weeks of such employment (not exceeding 45) in the said period of twelve months—

(i) in the case of accrued holiday remuneration payable in 1949, by 1 $\frac{8}{10}$ times the hourly rate of statutory minimum remuneration to which the worker is normally entitled;

(a) S.R. & O. 1947 (No. 4) I, p. 2605.

(ii) in the case of accrued holiday remuneration payable in 1950 and in each succeeding year, by twice the hourly rate of statutory minimum remuneration to which the worker is normally entitled.

Provided that holiday remuneration shall not accrue to a worker if his total employment with the employer during the said period of twelve months is less than five weeks.

(2) For the purposes of (*b*) of sub-paragraph (1) of this paragraph the hourly rate of statutory minimum remuneration to which a worker is normally entitled means the total amount of the basic time rate and the supplemental time rate (being statutory minimum remuneration) applicable to the worker at the date when the accrued holiday remuneration is payable or which would then be applicable to the worker if he were a time worker.

Paragraph 9

(1) The amount of any accrued holiday remuneration payable on the termination of the worker's employment in accordance with the provisions of paragraph 8 of this Schedule 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 or periods for which the holiday remuneration has accrued.

(2) Where in accordance with the provisions of paragraph 8 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

PART-TIME WORKERS

Paragraph 10

(1) Notwithstanding the foregoing provisions of this Schedule, the holiday remuneration or accrued holiday remuneration payable to a worker who is employed as a part-time worker, in respect of any annual holiday, shall be that proportion of the amount to which the worker is otherwise entitled under the provisions of paragraphs 7 and 8 of this Schedule which his normal number of hours of employment in the week as a part-time worker bears to *45*.

(2) For the purpose of this paragraph a part-time worker is a worker who normally works for the employer less than the hours customarily worked in the establishment in which he is employed.

Part VI

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 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 eight 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 (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 8 in any such period as aforesaid).

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:—

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

" 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 annual holiday (or immediately preceding the *2nd* September if an annual holiday has not been allowed before that date), or where under paragraph 8 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 minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the 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.

EXPLANATORY NOTE

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

The Schedule to this Order, which has effect from the 8th August, 1949, sets out the annual holidays and certain other days of holiday (referred to as " customary holidays ") which an employer is required to allow to workers (other than home workers) in relation to whom the Rubber Manufacturing Wages Council (Great Britain) operates and the holiday remuneration payable to such workers. It supersedes the Schedule to Order RU. 22(a). New provisions are printed in italics.

(a) S.R. & O. 1947 (No. 4) I, p. 2605.