1959 No. 177

The Wages Regulation (Industrial and Staff Canteen) Order, 1959

Made - - - - 29*th January*, 1959
Coming into Operation 23*rd February*, 1959

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Industrial and Staff Canteen Undertakings Wages Board (hereafter in this Order referred to as "the Wages Board") the wages regulation proposals set in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Industrial and Staff Canteen) Order, 1959.

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

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the 23rd day of February, 1959, and as from that date the Wages Regulation (Industrial and Staff Canteen Undertakings) Order, 1955(c) (hereafter in this Order referred to as "Order I.S.C. (25)") and the Wages Regulation (Industrial and Staff Canteen Undertakings) (Amendment) Order, 1957(d), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 29th day of January, 1959.

Harold Emmerson,
Secretary,
Ministry of Labour and National Service.

(a) 6 & 7 Geo. 6. c. 24.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1955/692 (1955 I, p. 238).
(d) S.I. 1957/1658 (1957 I, p. 264).

ARRANGEMENT OF SCHEDULE

PART I—REMUNERATION FOR EMPLOYMENT

Paragraph
1. Workers other than night workers, shift workers and split duty workers.
2. Night workers.
3. Shift workers.
4. Split duty workers.
5. Workers temporarily transferred to higher grade work.
6. Provision of meals, full board and lodging, overalls and headwear.
7. Workers not supplied with meals, full board, lodging, overalls or headwear.
8. Basis of remuneration.
9. Guaranteed weekly remuneration for full-time workers.
10. Overtime rates—workers other than shift and split duty workers.
11. „ „ —shift workers.
12. „ „ —split duty workers.
13. „ „ —Jewish undertakings.
14. Work on customary holidays.
15. Special provisions relating to workers who are provided by their employer with full board and lodging.

PART II—HOLIDAYS AND HOLIDAY REMUNERATION

16-17. Customary holidays.
18. Remuneration for customary holidays.
19-24. Annual holidays.
25-26. Remuneration for annual holidays.
27. Accrued holiday remuneration payable on termination of employment.

PART III

28-30. Definitions.

PART IV

31. Workers to whom the Schedule applies.
32. Illegal deductions, etc.

SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Industrial and Staff Canteen Undertakings) Order, 1955 (Order I.S.C. (25)) as amended by the Wages Regulation (Industrial and Staff Canteen Undertakings) (Amendment) Order, 1957 (Order I.S.C. (29)).

STATUTORY MINIMUM REMUNERATION

PART I

REMUNERATION FOR EMPLOYMENT

WORKERS OTHER THAN NIGHT WORKERS, SHIFT WORKERS AND SPLIT DUTY WORKERS (AS DEFINED IN PARAGRAPH 30)

1. The minimum weekly remuneration for workers (other than night workers, shift workers and split duty workers) who are employed in the circumstances specified in paragraph 6 shall be in accordance with the following table:—

	Col. 1 Workers employed in the circumstances specified in Paragraph 6 (1)		Col. 2 Paragraph 6 (2)
	London area	Other areas	All areas
	s. d.	s. d.	s. d.
A. FEMALE WORKERS—			
CANTEEN ATTENDANT	*91 0*	*88 6*	*67 8*
Provided that where a Canteen Attendant in the course of her duties on any day or night is engaged in the cooking of prepared food she shall receive for that day or night in addition an allowance of 8d.			
Provided also that where a Canteen Attendant is deputed to supervise staff for a minimum consecutive period of one hour, she shall receive in addition for all time during which she is so employed an allowance of 1d. per hour.			
ALL WORKERS UNDER 18 YEARS OF AGE—			
17 and under 18 years of age	*74 0*	*71 6*	*56 4*
16 „ „ 17 „ „ „	*58 6*	*56 0*	*46 5*
Under 16 years of age	*50 0*	*47 6*	*39 1*
CASHIER	*95 0*	*92 6*	*71 8*
ASSISTANT COOK	*99 6*	*97 0*	*76 2*
COOK	*108 0*	*105 6*	*84 8*
HEAD COOK	*123 0*	*120 6*	*99 8*
CANTEEN SUPERVISOR, MANAGERESS OR STEWARDESS—			
Grade X	*112 6*	*110 0*	*89 2*
Grade A	*120 6*	*118 0*	*97 2*
Grade B	*130 6*	*128 0*	*107 2*
Grade C	*140 6*	*138 0*	*117 2*
Grade D	*150 6*	*148 0*	*127 2*
B. MALE WORKERS—			
PORTER OF 21 YEARS OF AGE OR OVER ...	*127 0*	*124 6*	*103 8*
Provided that where a Porter is deputed to supervise staff for a minimum consecutive period of one hour, he shall receive in addition for all time during which he is so employed an allowance of 1d. per hour.			
ASSISTANT COOK	*143 0*	*140 6*	*119 8*
COOK	*156 0*	*153 6*	*132 8*
HEAD COOK	*169 0*	*166 6*	*145 8*
CANTEEN SUPERVISOR, MANAGER OR STEWARD—			
Grade A	*164 0*	*161 6*	*140 8*
Grade B	*174 0*	*171 6*	*150 8*
Grade C	*184 0*	*181 6*	*160 8*
Grade D	*194 0*	*191 6*	*170 8*

	Col. 1 Workers employed in the circumstances specified in Paragraph 6 (1)		Col. 2 Paragraph 6 (2)
	London area	Other areas	All areas
	s. d.	s. d.	s. d.
APPRENTICE COOKS—			
First year of apprenticeship	61 6	59 0	50 6
Second year of apprenticeship...	77 0	74 6	63 6
Third year of apprenticeship	92 0	89 6	76 0
Fourth year of apprenticeship...	107 6	105 0	89 0
Fifth year of apprenticeship	122 6	120 0	101 6
Provided that for the purpose of determining the "year of apprenticeship" any period by which the 5 years' apprenticeship is reduced under the proviso to the definition of "APPRENTICE COOK" in paragraph 29 shall be treated as a period of apprenticeship.			
ALL OTHER MALE WORKERS aged			
21 years or over...	127 0	124 6	103 8
20 and under 21 years	108 6	106 0	85 2
19 „ „ 20 „	97 6	95 0	77 0
18 „ „ 19 „	83 6	81 0	65 10
17 „ „ 18 „	71 6	69 0	56 7
16 „ „ 17 „	58 0	55 6	45 11
Under 16 years	49 6	47 0	38 7

NIGHT WORKERS

2. The minimum remuneration for a night worker (as defined in paragraph 30) who is employed in the circumstances specified in sub-paragraph (1) or (2) of paragraph 6 and who is not a shift worker or a split duty worker (as defined in paragraph 30) is that for the corresponding description of worker in the same area specified in paragraph 1 INCREASED IN EACH CASE BY ONE-FIFTH.

SHIFT WORKERS

3. The minimum remuneration for a shift worker (as defined in paragraph 30) who is employed in the circumstances specified in sub-paragraph (1) or (2) of paragraph 6 is that for the corresponding description of worker in the same area specified in paragraph 1 with the ADDITION OF 1d. per hour.

SPLIT DUTY WORKERS

4. The minimum remuneration for a split duty worker (as defined in paragraph 30) who is employed in the circumstances specified in paragraph 6 (2) is that for the corresponding description of worker specified in col. 2 of paragraph 1 with the ADDITION OF 2d. per hour.

WORKERS TEMPORARILY TRANSFERRED TO HIGHER GRADE WORK

5. Where a worker is required temporarily to perform the duties of a worker entitled to a higher minimum remuneration than himself and is engaged on such higher graded duties for four or more hours on any day he shall be paid for the whole of his time on that day not less than the minimum remuneration appropriate to the worker of the higher grade.

PROVISION OF MEALS, FULL BOARD AND LODGING, OVERALLS AND HEADWEAR

6.—(1) The minimum remuneration in col. 1 of paragraph 1 is payable to a worker not being a worker to whom sub-paragraph (2) hereof applies who is employed in the circumstances that he is provided by the employer, subject in the case of (*b*) to the requisite supplies being available, with—

(*a*) such meals as are available during the time the worker is on duty and as are provided for the persons using the canteen ; and

(*b*) a reasonable supply in good repair of clean overalls and (except in the case of a supervisor, manager, manageress, steward, stewardess or porter) of clean headwear for the use of the worker while at work.

(2) The minimum remuneration in col. 2 of paragraph 1 is payable to a worker employed in the circumstances that he is provided by the employer, subject in the case of (*b*) to the requisite supplies being available, with—

(*a*) full board and lodging (as defined in paragraph 30) for 7 days a week ; and

(*b*) a reasonable supply in good repair of clean overalls and (except in the case of a supervisor, manager, manageress, steward, stewardess or porter) of clean headwear for the use of the worker while at work.

WORKERS NOT SUPPLIED WITH MEALS, FULL BOARD, LODGING, OVERALLS OR HEADWEAR

7. The minimum remuneration for a worker who is not employed in the circumstances specified in paragraph 6 (1) or 6 (2) is :—

(1) In the case of a worker who is not provided by his employer with meals as specified in paragraph 6 (1) (*a*) or full board and lodging, the remuneration specified in paragraph 1 (col. 1), 2, 3 or 5 for the corresponding description of worker in the same area INCREASED BY 15s. PER WEEK.

(2) In the case of a worker who is provided by his employer with full board or lodging (but not full board and lodging) the remuneration specified in paragraph 1 (col. 2), 2, 3, 4 or 5 for the corresponding description of worker in the same area increased by the following amounts :—

(*a*) Where lodging is provided but not full board :—

(i) Workers 17 years of age or over ... AN INCREASE of 23s. 11d. per week of seven days or 3s. 5d. per day.

(ii) Workers under 17 years of age ... AN INCREASE of 19s. 3d. per week of seven days or 2s. 9d. per day.

(*b*) Where full board is provided but not lodging :—

(i) Workers 17 years of age or over ... AN INCREASE of 12s. 10d. per week of seven days or 1s. 10d. per day.

(ii) Workers under 17 years of age ... AN INCREASE of 8s. 9d. per week of seven days or 1s. 3d. per day.

(3) In the case of any worker who is not provided by his employer with a reasonable supply in good repair of clean overalls and headwear as specified in paragraph 6 (1) (*b*) or (2) (*b*) the remuneration specified in paragraph 1, 2, 3, 4 or 5 for the corresponding description of worker in the same area INCREASED BY 2s. 6d. PER WEEK.

BASIS OF REMUNERATION

8.—(1) The weekly remuneration specified in this Schedule except that in paragraph 7 (2) relates—

(*a*) in the case of a full-time worker (as defined in paragraph 30) aged 16 years or over to a week of 45 hours;

(*b*) in the case of a worker aged 16 years or over who is not a full-time worker to a week of 47 hours;

(*c*) in the case of any worker aged under 16 years to a week of 44 hours;

and, except as provided in paragraph 9, is subject to a proportionate reduction according as the number of hours worked is less than 45, 47 or 44 as the case may be.

(2) In calculating the remuneration for the purposes of this Schedule recognised breaks for meal times shall be excluded.

GUARANTEED WEEKLY REMUNERATION FOR FULL-TIME WORKERS

9.—(1) Where in any week a full-time worker works for the employer for less than 45 hours (or 44 hours in the case of a worker aged under 16 years) he shall, subject to and in accordance with the provisions of this paragraph, be paid in respect of that week not less than the guaranteed weekly remuneration.

(2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker

(*a*) who normally works for the employer for less than 40 hours in the week, is the remuneration to which he would be entitled under this Schedule (calculated as in paragraph 8), for 40 hours' work;

(*b*) who normally works for the employer for 40 hours or more in the week, is the remuneration to which he would be entitled under this Schedule for 45 hours' work (or 44 hours' work in the case of a worker aged under 16 years);

(*c*) who normally works for the employer for less than 45 hours in the week by reason only of the fact that he does not hold himself out as available for work for more than the number of hours he normally works in the week and who has so informed the employer in writing, is the remuneration (calculated as in paragraph 8), for the number of hours normally worked by the worker for the employer.

(3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker is capable of and available for work (except as respects any time allowed to him as a holiday)

(i) in the case of a worker to whom sub-paragraph (2) (*a*) applies, for 40 hours in that week, including the hours normally worked by him;

(ii) in the case of a worker to whom sub-paragraph (2) (*b*) applies, for 45 hours (or 44 hours in the case of a worker aged under 16 years) in that week, including the hours normally worked by him; and

(iii) in the case of a worker to whom sub-paragraph (2) (*c*) applies, for the number of hours normally worked by him;

and is willing to perform such duties outside his normal occupation as may reasonably be required by the employer when work is not available for him in his normal occupation in the undertaking.

(4) If the employer is prevented from providing employment by reason of strikes or other circumstances outside his control and has given the worker not less than four days' notice of his inability to provide such employment and the notice has expired, the provisions in regard to the guaranteed payment shall not apply and the worker shall be entitled in that week to payment in respect of hours actually worked.

(5) In order to ascertain for the purposes of sub-paragraph (1) of this paragraph whether a full-time worker has worked in any week for less than

45 hours (or 44 hours in the case of a worker aged under 16 years) any day or days allowed and taken as holidays by the worker under Part II of this Schedule shall be treated as a day or days on which the worker worked for the number of hours usually worked by him on that day of the week or those days of the week as the case may be.

(6) Where in any week any day or days have been allowed and taken as holidays by a worker under Part II of this Schedule the guaranteed weekly remuneration which that worker would be entitled to under the preceding sub-paragraphs of this paragraph shall be reduced by the amount of remuneration received or receivable by him in respect of the day or days of holiday aforesaid.

OVERTIME RATES

WORKERS OTHER THAN SHIFT AND SPLIT DUTY WORKERS

10.—(1) Subject to the provisions of paragraph 15, overtime rates shall be paid as follows:—

(*a*) to workers other than night workers, shift workers and split duty workers (as defined in paragraph 30):—

For the first 2 hours worked in excess of 8½ hours on any of five weekdays in the week other than the weekly short day or in excess of 4½ hours on the weekly short day... ...	Time-and-a-quarter.
For all time worked thereafter on any of those days	Time-and-a-half.
For all time worked on Sunday	Double time.
For all time worked in excess of 45 hours in any week exclusive of any time in respect of which overtime rates are payable under the foregoing provisions of this sub-paragraph...	Time-and-a-quarter.

The weekly short day shall be Saturday or any other weekday substituted therefor by agreement between an employer and a worker or his representative:

Provided that in the case of a worker who is customarily required to attend only on five days a week the following overtime rates shall apply:—

For the first 2 hours worked in excess of 9 hours on any weekday on which he is customarily required to attend	Time-and-a-quarter.
For all time worked thereafter on any of such days	Time-and-a-half.
For the first 2 hours worked on a sixth day (not including any time worked on Sunday) on which attendance is not customarily required	Time-and-a-quarter.
For all time worked thereafter on that day (not including any time worked on Sunday) ...	Time-and-a-half.
For all time worked on Sunday	Double time.

(*b*) to night workers other than shift workers and split duty workers (as defined in paragraph 30):—

For the first 2 hours worked in excess of 9 hours on any day from Monday to Friday inclusive	Time-and-a-quarter.
For all time worked thereafter on any of such days	Time-and-a-half.

For the first 2 hours worked on Saturday ... Time-and-a-quarter.
For all time worked thereafter on Saturday ... Time-and-a-half.
For all time worked on Sunday ... ... Double time.

(2) The whole of a worker's turn of duty shall be counted for the purpose of ascertaining the overtime rate payable and where the turn extends beyond midnight shall be regarded as having been worked on the day upon which it commences.

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2) of this paragraph all time worked between midnight on Saturday and midnight on Sunday shall be paid at double time and all time worked on Monday which is part of a turn of duty which normally commences on Sunday shall be regarded as overtime and paid as follows:—

For such time as is required to complete 2 hours from the commencement of the turn of duty ... ... Time-and-a-quarter.
For the remainder of the time ... ... Time-and-a-half.

The time worked on Monday aforesaid shall not be included in calculating overtime on any turn of duty which commences on Monday.

SHIFT WORKERS

11.—(1) Subject to the provisions of paragraph 15, overtime rates shall be paid to shift workers (as defined in paragraph 30) as follows:—

(*a*) to workers whose shift comprises six full turns of duty—
For the first 2 hours worked in excess of 7½ hours on any of the six turns of duty ... Time-and-a-quarter.
For all time worked thereafter on such turns of duty ... ... Time-and-a-half.
For all time worked on a seventh turn of duty or on the normal rest day ... ... Double time.

(*b*) to workers whose shift comprises five full turns and one short turn of duty—
For the first 2 hours worked in excess of 8½ hours on any of the five full turns of duty or in excess of 4½ hours on the one short turn of duty ... ... Time-and-a-quarter.
For all time worked thereafter on any such turns of duty ... ... Time-and-a-half.
For all time worked on a seventh turn of duty or on the normal rest day ... ... Double time.
For all time worked in excess of 45 hours in any week exclusive of any time in respect of which overtime rates are payable under the foregoing provisions of (*b*) of this sub-paragraph ... Time-and-a-quarter.

(*c*) to workers whose shift comprises five turns of duty—
For the first 2 hours worked in excess of 9 hours on any turn of duty ... ... Time-and-a-quarter.
For all time worked thereafter on any turn of duty ... ... Time-and-a-half.
For all time worked on the first day of the week on which attendance is not normally required Time-and-a-quarter.
For all time worked on the second day of the week on which attendance is not normally required ... ... Double time

(2) A shift worker shall in addition to the above be paid an amount calculated at the rate of 1d. per hour for all overtime worked in respect of which an overtime rate is payable as above.

(3) For the purpose of calculating the time worked in any week a shift worker who is allowed and has taken a holiday in any week under Part II of this Schedule shall be treated as having worked on any such day of holiday the number of hours usually worked by him on the turn of duty which he would otherwise have worked if the holiday had not been allowed.

SPLIT DUTY WORKERS

12.—(1) Subject to the provisions of paragraph 15, overtime rates shall be paid to split duty workers (as defined in paragraph 30) as follows:—

For the first 4 hours worked in excess of 45 hours in any week on days other than the normal rest day	Time-and a-quarter.
For all time worked thereafter on days other than the normal rest day	Time-and-a-half.
For all time worked on a normal rest day ...	Double time.

(2) A split duty worker shall in addition to the above be paid an amount calculated at the rate of 2d. per hour for all overtime worked in respect of which an overtime rate is payable as above.

(3) For the purpose of calculating the time worked in any week a split duty worker who is allowed and has taken a holiday in any week under Part II of this Schedule shall be treated as having worked on any such day of holiday the number of hours usually worked by him on the turn of duty which he would otherwise have worked if the holiday had not been allowed.

JEWISH UNDERTAKINGS

13. Where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the provisions of paragraph 10 shall apply in like manner as if in such provisions Sunday were treated as a weekday and the word "Sunday" were substituted for "Saturday" and the word "Saturday" for "Sunday".

WORK ON CUSTOMARY HOLIDAYS

14. Notwithstanding the foregoing provisions of this Schedule where a worker is required to work—

(i) on any day of customary holiday for which he has qualified under Part II of this Schedule; or

(ii) a turn of duty which commences on the day preceding any day of customary holiday and extends beyond midnight or a turn of duty which commences on the day of customary holiday and extends into the following day,

he shall, in addition to the minimum remuneration appropriate to him under the foregoing provisions, be paid for all time so worked between midnight and midnight on the day of customary holiday, one-half of the minimum remuneration which would be appropriate to the corresponding description of worker in the same area employed in the circumstances specified in sub-paragraph (1) of paragraph 6.

SPECIAL PROVISIONS RELATING TO WORKERS WHO ARE PROVIDED BY THEIR EMPLOYER WITH FULL BOARD AND LODGING

15.—(1) The provisions of this paragraph apply in the case of a worker who is provided by his employer with full board and lodging.

(2) Where a worker to whom this paragraph applies works on a seventh turn of duty or on a normal rest day pursuant to an agreement in writing with his employer that the employer will allow the worker an equivalent time off within a period of one month in lieu of time so worked, the worker shall for the purposes of the provisions of this Part of this Schedule relating to remuneration be treated as though during such turn of duty or on that day as the case may be he had performed no work to which the Schedule applies.

(3) Where a worker to whom this paragraph applies is allowed time off pursuant to an agreement as is specified in sub-paragraph (2) of this paragraph he shall be treated for the purposes of the provisions of this Part of this Schedule relating to remuneration as though in respect of that time he had been employed by the employer in his usual occupation.

PART II

HOLIDAYS AND HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

16. An employer shall (except as provided in paragraph 17) allow to every worker to whom this Schedule applies, who at the date of the holiday has been in his employment for not less than six days and (unless excused by the employer or absent by reason of proved sickness) has worked for the employer the number of hours ordinarily worked by him on the last working day on which work was available to him preceding the holiday, a holiday on each of the following days:—

(1) In England and Wales—Christmas Day (or if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and all nationally proclaimed holidays;

(2) In Scotland—

(*a*) New Year's Day (or the following day if New Year's Day falls on a Sunday), the local Spring holiday, the local Autumn holiday, and all nationally proclaimed holidays;

(*b*) three other weekdays 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 any other day or days falling within the same calendar year which may be substituted for such day or days by agreement between the employer and the worker or his representative:

Provided that where, in any establishment it is not the custom or practice to observe such days as are specified in sub-paragraph (1) or (2) (*a*) of this paragraph as holidays, other days not fewer in number may, by agreement between the employer and the worker or his representative, be substituted for the above-mentioned days.

17. A worker may be required to work on any day specified in paragraph 16 above, or on any day substituted therefor under the proviso to that paragraph, and if so required he shall be allowed a day of holiday in lieu thereof within the period of eight weeks from the day on which he is so required to work unless it is agreed in writing between the employer and the worker or his representative that the day in lieu be granted at another date not later than the last day of February next following:

Provided that, in the case of a worker who is ordinarily employed on turns of duty extending beyond midnight, another day of holiday shall not be allowed in lieu of a day of customary holiday if the worker having worked on one turn of duty which finishes or commences on the customary holiday has not been required to work on another turn of duty which he would otherwise be required to work and which would commence or finish on the customary holiday.

REMUNERATION FOR CUSTOMARY HOLIDAYS

18.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, for each day allowed as a holiday under paragraphs 16 and 17, the worker shall be paid the appropriate statutory minimum remuneration to which he

would have been entitled had the day not been a day of holiday and he had worked the number of hours of work usually worked by him on that day of the week, and

(i) in the case of a worker other than a worker to whom the provisions of sub-paragraph (ii) of this sub-paragraph apply AN ADDITION OF 2s. 6d. for each day of holiday or

(ii) in the case of a worker who is employed in the circumstances that he is provided by his employer with full board and lodging or either full board or lodging, AN ADDITION OF—

(*a*) 5s. 3d. if the worker is 17 years of age or over, or

(*b*) 4s. 0d. if the worker is under 17 years of age

for each day of holiday except where board and lodging is available to the worker on that day.

(2) Notwithstanding the provisions of the foregoing sub-paragraph, payment of remuneration in respect of the said holiday is subject to the condition that the worker (unless excused by the employer or absent by reason of proved sickness) worked for the employer the number of hours ordinarily worked by him on the first working day on which work was available to him following the holiday.

ANNUAL HOLIDAYS

19.—(1) Subject to the provisions of paragraphs 22 and 23 and in addition to the customary holidays provided in paragraphs 16 and 17, an employer shall, between the 1st day of March, 1959 and the 31st day of October, 1959, and in each succeeding year between the 1st day of March and the 31st day of October (hereafter in this Schedule referred to as the "holiday season") allow a holiday (hereinafter referred to as an "annual holiday") to every worker to whom this Schedule applies who was employed or engaged to be employed by him during the twelve months immediately preceding the commencement of the holiday season (hereinafter referred to as the "qualifying period") for any of the periods of employment set out in the table below, and the duration of the annual holiday shall be related to the period of the worker's employment during the qualifying period as follows:—

Period of employment in the qualifying period (1)	Duration of annual holiday for a worker who is normally employed on		
	6 days a week (2)	5 days a week (3)	4 days a week or less (4)
At least 4 weeks	1 day	1 day	—
„ „ 8 „	2 days	1 „	1 day
„ „ 12 „	3 „	2 days	2 days
„ „ 16 „	4 „	3 „	2 „
„ „ 20 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „
„ „ 28 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „
„ „ 44 „	11 „	9 „	7 „
„ „ 48 „	12 „	10 „	8 „

(2) Notwithstanding the provisions of the last foregoing sub-paragraph, the number of days of annual holiday which an employer is required to allow to a worker in the holiday season under the provisions of this Schedule shall not exceed twice the number constituting the worker's normal working week.

20. For the purpose of calculating any period of employment referred to in paragraph 19, 23 or 27 qualifying the worker for an annual holiday or for any accrued holiday remuneration, a worker shall be treated as having been employed:—

(*a*) For a week in respect of any week in which he has performed some work for the employer which would entitle him to statutory minimum remuneration.

(*b*) When absent from work in any of the following circumstances:—

(i) on customary holidays and annual holidays as provided in this Part of this Schedule or in the Schedule to Order I.S.C. (25);

(ii) during proved sickness or accident up to and not exceeding a maximum of eight weeks in the aggregate during any such period as aforesaid;

(iii) by leave of the employer.

21. Annual holidays shall be allowed on consecutive days and days of holiday shall be treated as consecutive notwithstanding that a Sunday (or in the case of a shift-worker or split duty worker the normal day of rest), or a holiday allowed under the provisions of paragraph 16 or 17 intervenes:

Provided that where the number of days of annual holiday for which a worker has qualified exceeds the number constituting his normal working week his holiday may be allowed in two separate periods of which one shall consist of at least the number of days constituting his normal working week.

22.—(*a*) Notwithstanding the provisions of paragraph 19, days of annual holiday may be allowed after the end of the holiday season and before the commencement of the next following holiday season if it is agreed before the end of the holiday season in writing between the employer and the worker or his representative.

(*b*) Where by agreement in writing between the employer and the worker or his representative at any time during the qualifying period immediately preceding the commencement of the holiday season in any year, his employer allows him in respect of employment within that qualifying period any day or days of holiday (not being days of customary holiday) and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraph 25, then—

(i) the annual holiday to be allowed in accordance with paragraph 19 in the holiday season in that year shall be reduced by the day or days of holiday so allowed prior to the commencement of that holiday season; and

(ii) for the purpose of calculating accrued holiday remuneration under paragraph 27 any day or days of holiday deducted in accordance with sub-paragraph (i) hereof shall be treated as if they had been allowed as a day or days of annual holiday.

23. Notwithstanding the provisions of paragraph 19, an employer may make application to the Wages Board to vary the holiday season to meet special circumstances, either by providing for its commencement earlier than 1st March or extending its duration beyond 31st October in any year, provided that any such application is made, in the case of the commencement of the holiday season on an earlier date, not less than six weeks before the date on which it is desired that the holiday season shall commence, and in the case of the extension of the holiday season, before 1st August.

Where the holiday season has been varied under this provision so as to commence earlier than 1st March, the qualifying period in respect of the worker or workers concerned shall be the 12 months immediately preceding the commencement of the holiday season as varied.

24. An employer shall give to a worker reasonable notice of the commencing date or dates and duration of his annual holiday and such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAYS

25.—(1) Subject to the provisions of paragraph 26, a worker qualified 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, one day's holiday pay (as defined in paragraph 30) in respect of each day thereof.

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

26. Where in accordance with the provisions of paragraph 27 of this Schedule, or the provisions of Order I.S.C. (25), accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the 12 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 25 shall be reduced by the amount of the said accrued holiday remuneration.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

27. Subject to the provisions of this paragraph, 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 12 months up to the commencing date of the current holiday season, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since the commencing date of the current holiday season, or if no holiday season is then current, the commencing date of the last holiday season, 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:

Provided that—

(1) the amount of the accrued holiday remuneration payable to a worker who leaves his employment without the consent of his employer before giving one week's notice of termination of employment or before one week has elapsed from the time of giving such notice, shall be the amount payable under the foregoing provisions of this Schedule less an amount equal to the holiday remuneration which would have been payable to him if at the termination of his employment he had been allowed an annual holiday of the number of days constituting his normal working week;

(2) accrued holiday remuneration shall not be payable to a worker if he is dismissed on the grounds of dishonesty and is so informed by his employer at the time of dismissal;

(3) *where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker has been allowed any day or days of holiday for which he had not qualified under the provisions*

of this Schedule or of the Schedule to Order I.S.C. (25), not being days of holiday referred to in paragraph 22 (b), any accrued holiday remuneration payable as aforesaid shall be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday.

PART III

DEFINITIONS

28. In this Schedule the expressions "time-and-a-quarter," "time-and-a-half" and "double time" mean in the case of any worker whether employed as a day worker, a night worker, a shift worker or a split duty worker, respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing by 45 in the case of a full-time worker aged 16 years or over, by 47 in the case of a worker aged 16 years or over who is not a full-time worker, or by 44 in the case of any worker aged under 16 years, the minimum weekly remuneration specified in paragraph 1 for the corresponding description of worker employed in the same area and in the circumstances specified in sub-paragraph (1) of paragraph 6.

29. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"APPRENTICE COOK" is a male worker under the age of twenty-one years who is employed during the whole of his time under a written contract of apprenticeship which has been duly executed and which contains the provisions set out in (*a*) and (*b*) below or provisions substantially to the same effect and no provisions contrary thereto:—

(*a*) the worker of his own free will and with the consent of his guardian binds himself to serve the employer as his apprentice for a term of not less than five years;

(*b*) the employer will employ the worker as his apprentice during the said term and to the best of his power, skill and knowledge, instruct the worker or cause him to be instructed by a Head Cook in the underlying principles of cookery including the preparation, cooking and service of fish, meat, poultry, game, vegetables, eggs, pastry, cakes and sauces:

Provided that the minimum period of five years' apprenticeship under sub-paragraph (*a*) above shall be reduced—

(i) where the worker has after attaining the age of fifteen years received a course of instruction in cookery in a technical class at any university, college, school or similar establishment, by a period equal to the duration of such course of instruction subject to a maximum reduction of two years;

(ii) where the worker has after attaining the age of sixteen years continued to receive at a school full time general education which does not include a course of instruction in cookery in a technical class, by a period equal to the duration of such full time general education received after he attained the age of sixteen years subject to a maximum reduction of one year;

but so that the total reduction in the minimum period of any worker's apprenticeship shall not be more than two years.

"ASSISTANT COOK" is a male worker of 21 years of age or over, or a female worker of 18 years of age or over, wholly or mainly engaged in assisting in the preparing and cooking of food under the instructions of a cook or of a canteen supervisor, manager, manageress, steward or stewardess who is required to perform the duties of a cook.

"CANTEEN ATTENDANT" is a female worker of 18 years of age or over employed as a waitress, counter assistant, service worker, washer up, cleaner, tea girl, or kitchen assistant whose duties may include vegetable preparation.

"CANTEEN SUPERVISOR", "MANAGER OR MANAGERESS", "STEWARD OR STEWARDESS" is a person of one of the undermentioned grades who is in direct control of the staff of a canteen and immediately responsible for its operation including such a person required to perform the whole or part of the duties of a cook:—

Grade	Staff (exclusive of the supervisor, manager or manageress, steward or stewardess) normally employed in the canteen under his or her direct control
X (Female only)	Not less than 3 and not more than 4 persons
A	" " " 5 " " " " 10 "
B	" " " 11 " " " " 20 "
C	" " " 21 " " " " 30 "
D	" " " 31 " " " " 40 "

In computing the number of persons normally employed on the staff of the canteen both full-time workers and workers other than full-time workers shall be included except that in the case of workers other than full-time workers the number to be counted shall be the number disregarding fractions obtained by dividing by 36 the aggregate of the hours usually worked in the week by all such workers.

"CASHIER" is a female worker of 18 years of age or over wholly or mainly engaged in taking cash or giving change.

"COOK" is a male or female worker of 21 years of age or over wholly or mainly engaged in the preparing and cooking of food requiring the mixing of two or more ingredients and/or the preparing and the cooking of meat, poultry or game.

"HEAD COOK" is a cook experienced in all departments of the kitchen who is capable of training inexperienced staff and has not less than 3 cooks or assistant cooks under his or her control and whose duties mainly consist in cooking, planning menus, ordering supplies and who may be required to control kitchen staff.

30. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"AREAS"—

"LONDON AREA" means the City of London and the Metropolitan Police District.

"OTHER AREAS" means all areas other than the London area.

"FULL-TIME WORKER" means a worker whose usual hours of employment amount to 36 hours or more per week.

"FULL BOARD" means four meals per day which shall be of good and sufficient quality and quantity and shall consist of dinner and three other meals.

"LODGING" means clean and adequate accommodation and facilities for eating, sleeping, washing and leisure.

"NIGHT WORKER" is a worker whose usual turn of duty includes not less than four hours' work between 8.30 p.m. on one day and 6.30 a.m. on the next day and who is not a shift worker or a split duty worker.

"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 during the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 27 accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the date of the termination of the employment.

"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 allowed in more than one period, at the date of the first period) or at the date of termination of the employment as the case may be for one 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 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 with the ADDITION of the following amounts—

(i) in the case of a worker, other than a worker to whom the provisions of (ii) apply, an addition of 2s. 6d.

(ii) in the case of a worker who is employed in the circumstances that he is provided by his employer with full board and lodging or either full board or lodging—

(*a*) 5s. 3d. if the worker is 17 years of age or over; or

(*b*) 4s. 0d. if the worker is under 17 years of age.

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 or less	one-quarter.

"SHIFT WORKER" means a worker employed on a shift system in accordance with which—

(i) a 24-hour period is divided into three turns of duty; or

(ii) there is no night turn of duty and the remainder of the day is divided into two or more turns of duty;

and the worker is employed for not less than five out of the seven days in any week on the same turn and changes turns periodically in accordance with a pre-arranged plan.

"SPLIT DUTY WORKER" means a worker who is employed in the circumstances that he is provided by the employer with full board and lodging for seven days in any week and whose normal hours of daily duty are spread over a period exceeding 10 hours inclusive of meal times but not exceeding 14 hours inclusive of meal times.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Wages Board; and

"APPROPRIATE STATUTORY MINIMUM REMUNERATION" means the statutory minimum remuneration payable to the worker at the date of the holiday or the date when the employment ceases as the case may be, but excluding any part of such remuneration payable thereunder solely by reason of the fact that meals, board, lodging, or overalls and headwear are not provided by the employer.

"WEEK" means "pay week".

PART IV

WORKERS TO WHOM THE SCHEDULE APPLIES

31. The provisions of this Schedule apply to the following workers, that is to say:—

Workers employed in Great Britain by the person or body of persons carrying on an industrial or staff canteen undertaking who are so employed in the said undertaking, and who are engaged on any of the following work, that is to say:—

(*a*) the preparation of food or drink;

(*b*) the service or food or drink;

(*c*) work incidental to such preparation or service;

(*d*) any work performed on or about premises where food or drink is prepared or served, including work in connection with any service or amenity provided at such premises;

(*e*) transport work;

(*f*) work performed at any office, depot, store or similar place;

but excluding transport workers and workers at any office, depot, store or similar place who are employed by the person or body of persons carrying on the undertaking mainly on work not in connection with the undertaking.

DEFINITION OF INDUSTRIAL OR STAFF CANTEEN UNDERTAKING

An industrial or staff canteen undertaking consists of any undertaking or any part of an undertaking which is wholly or mainly engaged in supplying food or drink for immediate consumption and activities incidental or ancillary thereto, and which is carried on for the use of employed persons in connection with their employment:—

(*a*) by their employer or employers; or

(*b*) by the employed persons themselves; or

(*c*) by the employed persons and their employer or employers jointly; or

(*d*) by any other person or body of persons in pursuance of an arrangement or arrangements with the employer or employers of the employed persons, or with the employed persons themselves, or with the employed persons and their employer or employers jointly; or

(*e*) by a dock authority or by any person or body of persons under an arrangement with a dock authority;

but excluding any such undertaking carried on:—

(1) directly by the Crown; or

(2) by an employer or by workers and their employer jointly, wholly or mainly for the use of workers employed by the employer:—

(i) in the business of supplying food or drink for immediate consumption by the general public; or

(ii) at or in connection with a shop, if the shop includes a restaurant, café or similar place where meals are served to the general public; or

(iii) at or in connection with an hotel, boarding house, hostel or other similar establishment; or

(iv) at or in connection with any hospital, nursing home or other similar establishment; or

(v) at or in connection with any university, college, school or other similar establishment.

For the purpose of this definition "dock authority" means any person or body of persons whether incorporated or not who are authorised to construct or are owners or lessees of any dock authorised by or under any Act, and "dock" includes a wharf or quay.

32. Nothing in this Schedule shall be construed as authorising the making of any deduction or the giving of any remuneration in any manner which is illegal by virtue of the Truck Acts, 1831 to 1940, or of any other enactment.

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 23rd February, 1959, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Industrial and Staff Canteen Undertakings) Order, 1955 (Order I.S.C. (25)), as amended by the Wages Regulation (Industrial and Staff Canteen Undertakings) (Amendment) Order, 1957 (Order I.S.C. (29)), which Orders are revoked.

New provisions in the Schedule are printed in italics.

1959 No. 1106

The Wages Regulation (Keg and Drum) (Holidays) Order, 1959

Made - - - -	*25th June*, 1959
Coming into Operation	*13th July*, 1959

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Keg and Drum Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

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

1. This Order may be cited as the Wages Regulation (Keg and Drum) (Holidays) Order, 1959.

2.—(1) In this Order the expression "the specified date" means the 13th day of July, 1959, 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.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Keg and Drum) (Holidays) Order, 1957(c), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 25th day of June, 1959.

Harold Emmerson,
Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/287 (1957 II, p. 2789).