1968 No. 1535

WAGES COUNCILS

The Wages Regulation (Laundry) (Holidays) Order 1968

Made - - -	*26th September* 1968
Coming into Operation	*23rd October* 1968

Whereas the Secretary of State has received from the Laundry Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of her powers under section 11 of the Wages Councils Act 1959(**a**), and of all other powers enabling her in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Laundry) (Holidays) Order 1968.

2.—(1) In this Order the expression "the specified date" means the 23rd October 1968, 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**) 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 specified date and as from that date the Laundry Wages Council (Great Britain) Wages Regulation (Holidays) Order 1956(**c**) as amended by Schedule 2 to the Wages Regulation (Laundry) (Amendment) Order 1967(**d**) shall cease to have effect.

Signed by order of the Secretary of State.

26th September 1968.

P. H. St. J. Wilson,
Deputy Under Secretary of State,
Department of Employment and Productivity.

(a) 1959 c. 69.
(b) 1889 c. 63.
(c) S.I. 1956/131 (1956 II, p. 2663).
(d) S.I. 1967/774 (1967 II, p. 2299).

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration fixed by the Laundry Wages Council (Great Britain) Wages Regulation (Holidays) Order 1956 (Order W. (77)) as amended by Schedule 2 to the Wages Regulation (Laundry) (Amendment) Order 1967 (Order W.(102)).

PART I

APPLICATION

1. This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

2.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (hereafter in this Schedule referred to as a "customary holiday") in each year on the days specified in the next following sub-paragraph, provided that the worker (unless excused by the employer, or absent by reason of the certified sickness of, or accident to, the worker) has worked for the employer throughout the last three working days on which work was available to him immediately preceding the holiday.

(2) The said customary holidays (of which at least three shall be fixed between the 15th day of March and the 1st day of October in each year) are:—

(*a*) (i) in England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday 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 (or where another day is substituted therefor by national proclamation, that day) and August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday;

(ii) in Scotland—

six 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, and any day proclaimed as an additional Bank Holiday or a general holiday, provided that in a burgh two of the said weekdays, which shall not be less than three months apart, shall be the days fixed by the town council for the purposes of section 94(3) of the Factories Act 1961(a);

or (*b*) in the case of each of the said days, such weekday as may be substituted therefor being a day mutually 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 allowed a day's holiday (hereafter in this Schedule referred to as "a holiday in lieu of a customary holiday") on a weekday within the period of 28 days 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 of this Schedule.

(a) 1961 c. 34.

PART III

ANNUAL HOLIDAYS

3.—(1) Subject to the provisions of paragraph 4, in addition to the holidays specified in Part II of this Schedule, an employer shall:—

(*a*) between the date on which the provisions of this Schedule become effective and 31st October 1968, 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 12 months immediately preceding the commencement of the holiday season for any of the periods set out in the appropriate table below, and the duration of the annual holiday shall in the case of each such worker be related to that period of employment as follows:—

(i) In the case of workers who are under 17 years of age when they enter the employment of the employer and who are under 18 years of age at the commencement of the first annual holiday to which they are entitled under this Schedule:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	Five days	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4	Column 5
At least 24 weeks	12 days	10 days	8 days	6 days
„ „ 22 „	11 „	9 „	7 „	5 „
„ „ 20 „	10 „	8 „	6 „	5 „
„ „ 18 „	9 „	7 „	6 „	4 „
„ „ 16 „	8 „	6 „	5 „	4 „
„ „ 14 „	7 „	5 „	4 „	3 „
„ „ 12 „	6 „	5 „	4 „	3 „
„ „ 10 „	5 „	4 „	3 „	2 „
„ „ 8 „	4 „	3 „	2 „	2 „
„ „ 6 „	3 „	2 „	2 „	1 day
„ „ 4 „	2 „	1 day	1 day	1 „
„ „ 2 „	1 day	1 „	—	—

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

(ii) In the case of all other workers:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	Five days	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4	Column 5
At least 48 weeks	12 days	10 days	8 days	6 days
„ „ 44 „	11 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „	4 „
„ „ 28 „	7 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „	3 „
„ „ 20 „	5 „	4 „	3 „	2 „
„ „ 16 „	4 „	3 „	2 „	2 „
„ „ 12 „	3 „	2 „	2 „	1 day
„ „ 8 „	2 „	1 day	1 day	1 „
„ „ 4 „	1 day	1 „	—	—

(*b*) between 1st April 1969 and 31st October 1969, and between 1st April and 31st October in each succeeding year, 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 12 months immediately preceding the commencement of the holiday season for any of the periods set out in the appropriate table below, and the duration of the annual holiday shall in the case of each such worker be related to that period of employment as follows:—

(i) In the case of workers who are under 17 years of age when they enter the employment of the employer and who are under 18 years of age at the commencement of the first annual holiday to which they are entitled under this Schedule:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	Five days	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4	Column 5
At least 26 weeks	*13 days*	*11 days*	*9 days*	*7 days*
„ „ 24 weeks	12 days	10 days	8 days	6 days
„ „ 22 „	11 „	9 „	7 „	5 „
„ „ 20 „	10 „	8 „	6 „	5 „
„ „ 18 „	9 „	7 „	6 „	4 „
„ „ 16 „	8 „	6 „	5 „	4 „
„ „ 14 „	7 „	5 „	4 „	3 „
„ „ 12 „	6 „	5 „	4 „	3 „
„ „ 10 „	5 „	4 „	3 „	2 „
„ „ 8 „	4 „	3 „	2 „	2 „
„ „ 6 „	3 „	2 „	2 „	1 day
„ „ 4 „	2 „	1 day	1 day	1 „
„ „ 2 „	1 day	1 „	—	—

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

(ii) In the case of all other workers:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	Five days	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4	Column 5
At least 52 weeks	*13 days*	*11 days*	*9 days*	*7 days*
„ „ 48 weeks	12 days	10 days	8 days	6 days
„ „ 44 „	11 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „	4 „
„ „ 28 „	7 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „	3 „
„ „ 20 „	5 „	4 „	3 „	2 „
„ „ 16 „	4 „	3 „	2 „	2 „
„ „ 12 „	3 „	2 „	2 „	1 day
„ „ 8 „	2 „	1 day	1 day	1 „
„ „ 4 „	1 day	1 „	—	—

(2) Notwithstanding the provisions of the foregoing sub-paragraph—

(*a*) (i) the number of days of annual holiday which an employer is required to allow to a worker in respect of a period of employment during the 12 months immediately preceding 1st April 1968 shall not exceed in the aggregate twice the number of days constituting the worker's normal working week; and

(ii) the number of days of annual holiday which an employer is required to allow to a worker in respect of a period of employment during the 12 months immediately preceding 1st April 1969 and during the 12 months immediately preceding 1st April in any succeeding year shall not exceed in the aggregate twice the number of days constituting the worker's normal working week *plus one day*.

(*b*) the holiday season may, in the case of any worker—

(i) commence in any year on 1st March if the worker so agrees, or

(ii) be extended in any year to a date not later than 31st March next following, if the Wages Council on an application to it for that purpose by the employer (provided that the worker concerned has previously been informed) is of the opinion that it is reasonable to do so having regard to the convenience of the worker or the seasonal character of the business. Any such application to the Wages Council shall be made between 1st March immediately preceding the holiday season and 30th June in the same year.

(3) The duration of the worker's annual holiday in the holiday season ending on 31st October 1968 shall be reduced by any days of annual holiday allowed to him by the employer under the provisions of Order W.(77) between 1st April 1968 and the date on which the provisions of this Schedule become effective.

(4) In this Schedule the expression "holiday season" means in relation to the year 1968 the period commencing on 1st April 1968 and ending on 31st October 1968, and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

4.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) (*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 holiday may be allowed in two periods of consecutive working days or, in the circumstances specified in sub-paragraph (4) of this paragraph, in more than two periods; so however that when a holiday is so allowed, one of the periods shall consist of a number of consecutive working days 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 holiday may be allowed as follows:—*

(*i*) *as to the period comprising twice the number of days constituting the worker's normal working week, in accordance with sub-paragraph* (*a*) *of this paragraph; and*

(*ii*) *as to the additional day, on a working day to be fixed by the employer, either during the holiday season or before the beginning of the next following holiday season.*

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule a day referred to in sub-paragraph (6) of this paragraph or a day upon which he does not normally work for the employer intervenes.

(4) Where an annual holiday is allowed in two or more periods in accordance with sub-paragraph (2) of this paragraph, then notwithstanding paragraph 3 the period which is not required by virtue of sub-paragraph (2) of this paragraph to consist of a number of days not less than the number of days constituting the worker's normal working week may be allowed after the end of the holiday season but before 31st March next following if the worker so agrees, or failing such agreement, on application to and with the consent of the Wages Council and in such case the condition specified in sub-paragraph (1) of this paragraph that days of annual holiday shall be allowed on consecutive working days shall not apply to this period. Any such application for the consent of the Wages Council shall be made between 1st March immediately preceding the holiday season and 30th June in the same year.

(5) Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season or before 31st March next following the end of the holiday season where the period of annual holiday is allowed in accordance with sub-paragraph (4) of this paragraph.

(6) A day of annual holiday under this Schedule—

(*a*) may be allowed on a day on which the worker is entitled to a half-holiday under any enactment other than the Wages Councils Act 1959;

(*b*) shall not be allowed on any whole day of holiday to which the worker is so entitled.

An employer shall give to a worker reasonable notice of the commencing date or dates and duration of the period or periods of his annual holiday. Such notice shall 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 AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

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 for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week: Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the certified sickness of, or accident to, the worker) works throughout the first day on which work is available to him immediately following the holiday.

(2) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the day on which wages are paid for the first working day following the said holiday.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which the wages are paid for the first working day following the holiday in lieu of the customary holiday: 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 a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

ANNUAL HOLIDAYS

7.—(1) Subject to the provisions of paragraph 8 of this Schedule, 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 11 of this Schedule) in respect of each day thereof.

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

8. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 9 of this Schedule or in accordance with the provisions of Order W.(77) as amended in respect of employment during any of the periods referred to in that paragraph or in that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order W.(77) as amended.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereafter in this Schedule referred to as "the termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the twelve months up to and including the 31st day of the preceding March, 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 31st day of the preceding March, a

sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

(*a*) in relation to a worker to whom (*a*) of sub-paragraph (1) of paragraph 3 applies, the foregoing provisions of this paragraph shall have effect as if he were a worker to whom (*b*) of the said sub-paragraph applied;

(*b*) where a worker is employed under a contract of service under which not less than one week's notice on either side is required to terminate the employment and the worker without the consent of his employer terminates his employment:—

(i) without having given not less than one week's notice, or

(ii) before one week has expired from the beginning of such notice,

the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph, less an amount equal to one day's holiday pay multiplied in the case of (i), by the number of days constituting the worker's normal working week or, in the case of (ii), by the number of days which at the termination of the employment would complete a normal working week commencing at the beginning of the notice.

PART V

GENERAL

10. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for 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 twenty-four hours and has performed some work for which statutory minimum remuneration is payable; or

(ii) he has been absent throughout the week by reason of proved illness of, or accident to the worker, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight in the aggregate in any such period; 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 eight in the aggregate in any such period;

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of the Schedule to Order W.(77) as amended and for the purposes of the provisions of (*a*) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

11. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"normal working week" means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 9 of this Schedule 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 is payable.

"statutory minimum remuneration" means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Secretary of State to give effect to proposals submitted to her by the Wages Council.

"time worker" means any worker who is not a piece worker and who is not regularly remunerated on any other system of payment by results.

"week" in paragraphs 3 and 10 means "pay week".

"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 each period) or at the termination date, as the case may require, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if paid as a time worker 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 which such remuneration is not payable, and 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	one-quarter
Where the worker's normal working week is three days or less ...	one-third.

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.)

This Order, which has effect from the 23rd October 1968, 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 Laundry Wages Council (Great Britain) Wages Regulation (Holidays) Order 1956 (Order W. (77)), as amended by Schedule 2 to the Wages Regulation (Laundry) (Amendment) Order 1967 (Order W. (102)). Order W. (77) is revoked.

New provisions are printed in italics.