

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) (CONSTITUTION) ORDER, 1948, DATED 2ND MARCH, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE FOR NORTHERN IRELAND UNDER SECTION TWENTY-ONE OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (1945 C. 21).

1948. No. 136

WHEREAS by virtue of Section twenty-one of the Wages Councils Act (Northern Ireland), 1945, (hereinafter referred to as "the Act") the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") is empowered by Order to direct that on such date as may be specified the constitution of any Wages Council that was in existence as a Trade Board at the commencement of the Act shall be in accordance with the provisions of the Act;

NOW, THEREFORE, the Ministry by virtue of the powers conferred by the said section and of every other power in that behalf hereby makes the following Order;—

1. As from the date of this Order the constitution of the Baking Wages Council (Northern Ireland) shall be in accordance with the provisions of the Act.

2.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) (Constitution) Order, 1948, and shall come into force on the date hereof.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of March, 1948.

(L.S.)

*J. W. McConnell,*

Assistant Secretary of the Ministry of Labour and National Insurance for Northern Ireland.

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1948, DATED 20TH FEBRUARY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1948. No. 145

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") has received from the Baking Wages Council (Northern Ireland) wages regulation proposals for requiring

workers, employed in establishments other than Home Bakeries, in relation to whom the Council operates to be allowed by their employers the holidays set out in the Schedule to this Order and for fixing the holiday remuneration specified therein in substitution for the holidays provided, and holiday remuneration fixed, for these workers by the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946 (a) (hereinafter referred to as "Order N.I. Bk. (40)"), as amended by the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) (Amendment) Order, 1946 (b) (hereinafter referred to as "Order N.I. Bk. (43)");

NOW, THEREFORE, the Ministry by virtue of Section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

1. As from the specified date Order N.I. Bk. (40) as amended by Order N.I. Bk. (43) shall, as respects the aforesaid workers, cease to have effect and the workers to whom the Schedule to this Order applies shall be entitled to be allowed the holidays and paid the holiday remuneration specified therein.

2. In this Order the expression "the specified date" means the 25th day of February, 1948. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

3.—(1) This Order may be cited as the Baking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twentieth day of February, nineteen hundred and forty-eight, in the presence of

(L.S.)

*F. C. S. Moore,*

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

(a) S. R. & O. 1946, No. 153.

(b) S. R. & O. 1946, No. 174.

## SCHEDULE

## HOLIDAYS WITH PAY

## PART I.

## APPLICATION

## PARAGRAPH 1.

This Schedule applies to workers engaged in the baking trade for whom statutory minimum remuneration has been fixed and who are employed in establishments other than Home Bakeries.

## PART II

## CUSTOMARY HOLIDAYS

## PARAGRAPH 2.

- (1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the holiday.
- (2) The said customary holidays are :—
- (a) in the case of a worker employed in Area A, that is, in the County Borough of the City of Belfast and in districts situate within a radius of 15 statute miles therefrom —  
 Christmas Day, Easter Monday, 12th July, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days ;
- (b) in the case of a worker employed in Area B, that is, in the County Borough of the City of Londonderry —  
 Christmas Day, Easter Monday, August Bank Holiday, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days ;
- (c) in the case of a worker employed in Area C, that is, in all areas other than Areas A and B —  
 Christmas Day, Easter Monday, August Bank Holiday, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days.

Provided that, in the case of August Bank Holiday and the day immediately preceding or the day immediately following that day, as the case may be, two other days (being days of the week on which the worker normally works) may be substituted therefor, being days recognised by local custom, or by custom in the establishment, as days of holiday.

## Provided that —

- (i) where Christmas Day or 12th July falls on a day of the week on which the worker does not normally work, the customary holiday shall be allowed by the employer to the worker on the working day immediately preceding or immediately following that day,
- (ii) in the case of a night worker, irrespective of the Area in which he is employed, the day immediately preceding or the day immediately following each of the days Christmas Day, Easter Monday, 12th July and August Bank Holiday (or the day substituted for any of those days under the provisions of this sub-paragraph) shall be deemed to include the spell of duty prior to or next following that which would ordinarily end on Christmas

Day, Easter Monday, 12th July, or August Bank Holiday (or the day substituted for any of these days as aforesaid) as the case may be, had each of those days been a day on which the worker would normally have worked.

- (3) Notwithstanding the foregoing provisions of this paragraph an employer may (except where, in the case of a woman or a young person, such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon and, in lieu of any customary holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a "holiday in lieu") on a week-day within the period of four weeks next ensuing.

Provided that —

in the case of a worker who is so required to work on a customary holiday —

- (i) if, in respect of such work, the worker is paid by the employer the statutory minimum remuneration appropriate to work on a customary holiday, a holiday in lieu need not be allowed by the employer to that worker,
- (ii) if, in respect of such work on a customary holiday other than Christmas Day, Easter Monday, 12th July, or August Bank Holiday (or the day substituted therefor), the worker is paid by the employer the statutory minimum remuneration appropriate to work on a week-day other than a customary holiday, a holiday in lieu shall be allowed to that worker in accordance with the provisions of this sub-paragraph and the worker shall be paid, in respect of that holiday in lieu, holiday remuneration in accordance with the provisions of paragraph 6 of this Schedule.

### PART III

#### ANNUAL HOLIDAYS

##### PARAGRAPH 3.

In addition to the holidays specified in Part II of this Schedule an employer shall between 1st March and 30th November, 1948, and in each succeeding year between 1st March and 30th November (herein and in Part IV referred to as the "holiday season.") allow a 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 specified below, and the duration of the holiday shall be related to his period of employment during that 12 months as follows :

Col. 1		Col. 2	
Workers (other than transport workers, stablemen and harness cleaners or van washers) employed in establishments other than Home Bakeries		Transport workers, stablemen and harness cleaners or van washers employed in establishments other than Home Bakeries.	
Period of employment	Duration of holiday	Period of employment	Duration of holiday
At least 48 weeks	12 days	At least 48 weeks	6 days
" 44 "	11 "	" 40 "	5 "
" 40 "	10 "	" 32 "	4 "
" 36 "	9 "	" 24 "	3 "
" 32 "	8 "	" 16 "	2 "
" 28 "	7 "	" 8 "	1 day
" 24 "	6 "		
" 20 "	5 "		
" 16 "	4 "		
" 12 "	3 "		
" 8 "	2 "		
" 4 "	1 day		

Provided that the number of days of holiday to which a worker shall be entitled shall not exceed the period of his normal working week in the case of a worker of the class specified in Column 2 of the table above or double such period in the case of a worker of the class specified in Column 1 of that table.

## PARAGRAPH 4.

Holidays under this Schedule shall be allowed on consecutive days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or some other holiday intervenes.

## PARAGRAPH 5.

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

## PART IV

## HOLIDAY REMUNERATION

## A — CUSTOMARY HOLIDAYS

## PARAGRAPH 6.

- (1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under the provisions of 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 holiday and he had worked the normal number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

Provided that payment of the aforesaid holiday remuneration shall be subject to the conditions that (a) the worker has worked the last working day on which work was available to him preceding the holiday and (b) presents himself for employment at his usual starting hour on the first working day following the holiday or, in either case he fails to do so, failure is by reason of proved illness or with the consent of his employer.

- (2) Where the worker normally works in the week on every week-day, or in the case of a worker whose normal working week includes employment of at least 7½ hours' duration on Sunday on every day in the week, except Saturday, he shall be paid a sum equivalent to the holiday remuneration in respect of any Saturday in respect of which he would have been entitled to a holiday under the provisions of Part II of this Schedule if it had been a day on which he had normally worked.
- (3) Where, in the case of a worker whose normal working week includes employment of at least 7½ hours' duration on a Sunday, a customary holiday or a holiday in lieu falls on a Sunday, that worker shall be paid, in respect of that customary holiday, holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled if he had been a worker who did not normally work on Sunday and the day had not been a Sunday and he had worked for 7½ hours on work to which statutory minimum remuneration applies.
- (4) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the holiday are paid.
- (5) Holiday remuneration in respect of any holiday in lieu shall be paid on the pay day on which the wages for the pay week including that holiday in lieu are paid.

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu, and in that case condition (b) in sub-paragraph (1) of this paragraph shall not apply.

## B — ANNUAL HOLIDAYS

## PARAGRAPH 7.

- (1) Subject to the provisions of paragraph 11 of this Schedule a worker entitled to be allowed annual holidays under the provisions of Part III of this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such holiday, remuneration in accordance with the following table :—

TABLE OF HOLIDAY REMUNERATION.

Col. 1. Period of holiday	Col. 2 Holiday remuneration for workers with a normal working week of—				Col. 3 Holiday remuneration for full normal working week
	6 days	5 days	4 days	3 days or less	
12 days	Twice the amount in Col. 3	—	—	—	The amount which the worker would be entitled to receive from his employer at the date of the holiday for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime other than time worked on a Sunday in the case of a worker whose normal working week includes employment on Sunday) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
11 days	One and five-sixths times the amount in Col. 3	—	—	—	
10 days	One and two-thirds times the amount in Col. 3	Twice the amount in Col. 3	—	—	
9 days	One and one-half times the amount in Col. 3	One and four-fifths times the amount in Col. 3	—	—	
8 days	One and one-third times the amount in Col. 3	One and three-fifths times the amount in Col. 3	Twice the amount in Col. 3	—	
7 days	One and one-sixth times the amount in Col. 3	One and two-fifths times the amount in Col. 3	One and three-quarters times the amount in Col. 3	—	
6 days	The amount in Col. 3	One and one-fifth times the amount in Col. 3	One and one-half times the amount in Col. 3	Twice the amount in Col. 3	
5 days	Five-sixths of the amount in Col. 3	The amount in Col. 3	One and one-quarter times the amount in Col. 3	One and two-thirds times the amount in Col. 3	
4 days	Two-thirds of the amount in Col. 3	Four-fifths of the amount in Col. 3	The amount in Col. 3	One and one-third times the amount in Col. 3	
3 days	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	The amount in Col. 3	
2 days	One-third of the amount in Col. 3	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	Two-thirds of the amount in Col. 3	
1 day	One-sixth of the amount in Col. 3	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	One-third of the amount in Col. 3	

- (2) In the application of the provisions of the last preceding sub-paragraph to night workers or to early morning workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers or to early morning workers, as the case may be.

PARAGRAPH 8.

If a worker ceases to be employed by an employer before being allowed, or entitled to be allowed an annual holiday, the employer shall immediately on the termination of the employment pay to the worker any holiday remuneration which has accrued to that worker in accordance with the next following paragraph.

PARAGRAPH 9.

(a) (1) Holiday remuneration shall accrue to a worker of the class specified in Column 1 of the table in paragraph 3 of this Schedule during the period of 12 months commencing on 1st March, 1947, and thereafter in each successive period of 12 months commencing on 1st March and such holiday remuneration shall accrue during each of such 12 monthly periods in accordance with the provisions of the following table;—

TABLE OF ACCRUED HOLIDAY REMUNERATION.

Col. 1	Col. 2				Col. 3
Period of employment	Accrued Holiday remuneration for workers with a normal working week of—				Accrued holiday remuneration for full normal working week
	6 days	5 days	4 days	3 days or less	
At least ;					The amount which the worker would be entitled to receive from his employer at the date of the termination of his employment for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime other than time worked on a Sunday in the case of a worker whose normal working week includes employment, on Sunday) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
48 weeks	Twice the amount in Col. 3	—	—	—	
44 weeks	One and five-sixths times the amount in Col. 3	—	—	—	
40 weeks	One and two-thirds times the amount in Col. 3	Twice the amount in Col. 3	—	—	
36 weeks	One and one-half times the amount in Col. 3	One and four-fifths times the amount in Col. 3	—	—	
32 weeks	One and one-third times the amount in Col. 3	One and three-fifths times the amount in Col. 3	Twice the amount in Col. 3	—	
28 weeks	One and one-sixth times the amount in Col. 3	One and two-fifths times the amount in Col. 3	One and three-quarters times the amount in Col. 3	—	
24 weeks	The amount in Col. 3	One and one-fifth times the amount in Col. 3	One and one-half times the amount in Col. 3	Twice the amount in Col. 3	
20 weeks	Five-sixths of the amount in Col. 3	The amount in Col. 3	One and one-quarter times the amount in Col. 3	One and two-thirds times the amount in Col. 3	
16 weeks	Two-thirds of the amount in Col. 3	Four-fifths of the amount in Col. 3	The amount in Col. 3	One and one-third times the amount in Col. 3	
12 weeks	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	The amount in Col. 3	
8 weeks	One-third of the amount in Col. 3	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	Two-thirds of the amount in Col. 3	
4 weeks	One-sixth of the amount in Col. 3	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	One-third of the amount in Col. 3	

(2) In the application of the provisions of the last preceding sub-paragraph to night workers or to early morning workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers or to early morning workers, as the case may be.

(b) (1) Holiday remuneration shall accrue to a worker of the class specified in Column 2 of the table in paragraph 3 of this Schedule during the period of 12 months commencing on 1st March, 1947, and thereafter in each successive period of 12 months commencing on 1st March and such holiday remuneration shall accrue during each of such 12 monthly periods in accordance with the provisions of the following table :—

TABLE OF ACCRUED HOLIDAY REMUNERATION.

Col. 1	Col. 2				Col. 3
Period of employment	Accrued Holiday remuneration for workers with a normal working week of—				Accrued holiday remuneration for full normal working week
	6 days	5 days	4 days	3 days or less	
At least ; 48 weeks	The amount in Col. 3	—	—	—	The amount which the worker would be entitled to receive from his employer at the date of the termination of his employment for a week's work if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime other than time worked on a Sunday in the case of a worker whose normal working week includes employment on Sunday) and if paid at the appropriate statutory minimum remuneration for time work fixed by a wages regulation order in respect of the worker for work to which that order applies, and at the same rate for work (if any) to which that order does not apply.
40 weeks	Five-sixths of the amount in Col. 3	The amount in Col. 3	—	—	
32 weeks	Two-thirds of the amount in Col. 3	Four-fifths of the amount in Col. 3	The amount in Col. 3	—	
24 weeks	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	The amount in Col. 3	
16 weeks	One-third of the amount in Col. 3	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	Two-thirds of the amount in Col. 3	
8 weeks	One-sixth of the amount in Col. 3	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	One-third of the amount in Col. 3	

- (2) In the application of the provisions of the last preceding sub-paragraph to night workers or to early morning workers the appropriate statutory minimum remuneration is the remuneration applicable to night workers or to early morning workers, as the case may be.

PARAGRAPH 10.

The amount of any accrued holiday remuneration payable on the termination of the worker's employment in respect of any of the periods of 12 months mentioned in sub-paragraphs (a) (1) and (b) (1) of paragraph 9 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 for which the accrued holiday remuneration is payable.

PARAGRAPH 11.

Where in accordance with the provisions of paragraphs 8 and 9 of this Schedule any accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the 12 months immediately preceding the holiday season within which a 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 holiday under the provisions of paragraph 7 of this Schedule shall be reduced by the amount of the accrued holiday remuneration which has been so paid.

PART V.

GENERAL.

PARAGRAPH 12.

For the purposes of calculating any period of employment entitling a worker to any holiday or to any accrued holiday remuneration under this Schedule, the worker shall be treated :



- (a) as if he were employed for a week in respect of any week in which—
- (i) he has worked for the employer for not less than 16 hours and has performed some work to which statutory minimum remuneration applies ; or
  - (ii) he has been absent throughout the week by reason of proved illness or accident but not exceeding 12 weeks in the aggregate in the period of 12 months immediately preceding the commencement of the holiday season ;
- or
- (iii) he has been suspended throughout the week owing to shortage of work but not exceeding 12 weeks in the aggregate in the period of 12 months last mentioned ; or
- (b) as if he were employed on any day of holiday allowed under the provisions of this Schedule and for the purposes of the provisions of sub-paragraph (a) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

**PARAGRAPH 13.**

Where any day of holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act (Northern Ireland), 1945, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

**PARAGRAPH 14.**

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 pay week in the employment of the employer in the 12 months immediately preceding the commencement of the holiday season or, where under paragraphs 8 and 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the 12 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 pay week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ statutory minimum remuneration ” means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Ministry pursuant to proposals submitted to it by the Baking Wages Council (Northern Ireland).

“ week ” in paragraphs 2 and 12 means “ pay week.”

“ transport workers ” in paragraph 3 include carters, motor drivers, loaders at quays and motor lorry boys.

a “ home bakery ” is deemed to be a bakery in which the number of workers engaged on operations within the scope of the Council does not exceed six, provided that, irrespective of the number of workers employed, no bakery which is engaged in the manufacture of plain bread (that is, 1 lb. or 2 lb. batch loaves) or pan loaves exceeding 1 lb. in weight shall be deemed to be a home bakery.

**PARAGRAPH 15.**

The provisions of this Schedule are without prejudice to agreements made or that may be made, for payment of higher rates of holiday remuneration or for the grant of holidays in addition to those herein provided.