

employer unless he is so present either without his employer's consent, express or implied, or for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform.

- (2) A piece worker shall, during any time during which he is present as aforesaid and not doing piece work, be entitled to payment of the general minimum time rate applicable to the workers of the class to which he belongs.
- Provisions (1) and (2) do not apply when —
- (a) a worker is present on his employer's premises by reason only of the fact that he is resident thereon, or
 - (b) a worker is present on his employer's premises during normal meal times in a room or place in which no work is being done and is not waiting for work to be given him to perform.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

PARAGRAPH 8.

The statutory minimum remuneration aforesaid shall apply, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, to workers in relation to whom the Aerated Waters Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Schedule to the Trade Boards (Aerated Waters Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1926 (a) dated 18th March, 1926, namely:—

The manufacture, wherever carried on, of mineral or aerated waters, non-alcoholic cordials, flavoured syrups, unfermented sweet drinks and other similar beverages and the manufacture in unlicensed premises of brewed liquors,
Including —

- (a) the operations of bottle washing, bottling and filling and all other operations preparatory to the sale of any of the aforesaid liquors in bottles, jars, syphons, casks or other similar receptacles;

And including also—

- (b) the operations of bottle washing, bottling and filling and all subsidiary operations preparatory to the sale in bottles, jars, or other similar receptacles, of cider, ale, stout, porter and other alcoholic beers, where all or any of such last-mentioned operations are, or is, conducted or carried on in association with, or in conjunction with all or any of the operations specified under (a) above, so as to form a common or interchangeable form of employment for workers, and whether the two sets of operations or any of them are, or, is carried on simultaneously or not.

Baking Wages Council (Northern Ireland).

THE BAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1949, DATED 1ST FEBRUARY, 1949, 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).

1949. No. 29

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

(a) S. R. & O. 1926, No. 35.

requiring workers in relation to whom the Council operates and who are employed in Home Bakeries 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), dated the 20th day of August, 1946 (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), dated the 22nd day of October, 1946 ;

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 the workers to whom the Schedule Holidays and holiday remuneration. 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 Commencement. 7th day of February, 1949. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

3.—(1) This Order may be cited as the Baking Wages Council Short title, interpretation and revocation. (Northern Ireland) Wages Regulation (Holidays) Order, 1949.

(2) The Interpretation Act, 1921, applies to the interpretation 12 Geo. 5, Ch. 4. of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.Bk. (40) as amended is hereby revoked.

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

(L.S.)

J. W. McConnell,

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

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 Home Bakeries.

PART II

ANNUAL HOLIDAYS

PARAGRAPH 2.

An employer shall between 1st March and 30th November, 1949, and in each succeeding year between 1st March and 30th November (herein and in Part III 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:—

Period of employment	Duration of holiday
At least 48 weeks ...	12 days
" 44 " ...	11 " "
" 40 " ...	10 " "
" 36 " ...	9 " "
" 32 " ...	8 " "
" 28 " ...	7 " "
" 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 in any holiday season shall not exceed in the aggregate twice the period of the worker's normal working week.

PARAGRAPH 3.

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 4.

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 III

HOLIDAY REMUNERATION

PARAGRAPH 5.

(1) Subject to the provisions of paragraph 9 of this Schedule a worker entitled to be allowed annual holidays under the provisions of Part II 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	Col. 2				Col. 3
Period of holiday	Holiday remuneration for workers with a normal working week of—				Holiday remuneration for full normal working week
	6 days	5 days	4 days	3 days or less	
12 days	Twice the amount in Col. 3	—	—	—	The amount which the worker would be entitled to receive from his employer 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 the appropriate statutory minimum remuneration is the remuneration applicable to night workers.

PARAGRAPH 6.

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 7.

- (1) Subject to the provisions of this paragraph holiday remuneration shall accrue to a worker during the period of 12 months commencing on 1st March, 1948, 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	Twice 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.
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 the appropriate statutory minimum remuneration is the remuneration applicable to night workers.

PARAGRAPH 8.

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 paragraph 7 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 9.

Where in accordance with the provisions of paragraphs 6 and 7 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 5 of this Schedule shall be reduced by the amount of the accrued holiday remuneration which has been so paid.

PART IV.
GENERAL.

PARAGRAPH 10.

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 11.

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 12.

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 6 and 7 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 10 means “pay week.”

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 13.

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.