



---

AN BILLE UM LAETHANTA SAOIRE (FOSTAITHE), 1961.  
HOLIDAYS (EMPLOYEES) BILL, 1961.

---

*Mar a ritheadh ag dhá Theach an Oireachtais.  
As passed by both Houses of the Oireachtas.*

---

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY.

Section.

1. Short title and commencement.
2. Definitions generally.
3. Workers.
4. "Employment year" and "employment half-year".
5. Meaning of "a whole holiday".
6. Expenses.
7. Repeals and consequential amendment.

PART II.

PUBLIC HOLIDAYS.

8. Public holidays in respect of all workers.
9. Rights of workers in respect of public holidays.

PART III.

ANNUAL LEAVE.

10. Annual leave of non-domestic workers.
11. Failure to allow annual leave to a non-domestic worker.
12. Restriction on work during annual leave.
13. Annual leave of domestic workers.
14. Failure to allow annual leave to a domestic worker.
15. Payment in lieu of board and lodgings during leave.
16. Annual leave of non-domestic workers in one or more than one period of consecutive days.
17. Reckoning of days off with pay as annual leave.

PART IV.

MISCELLANEOUS.

18. Recovery by workers of moneys due by employers.
19. Offences by bodies corporate.
20. Prosecution of offences.
21. Emergency as defence.
22. Penalties for offences.
23. Laying of orders and regulations before Houses of the Oireachtas.
24. Powers of inspectors.
25. Records.



AN BILLE UM LAETHANTA SAOIRE (FOSTAITHE), 1961.  
HOLIDAYS (EMPLOYEES) BILL, 1961.

**BILL**

*entitled*

AN ACT TO MAKE BETTER PROVISION FOR THE 5  
ALLOWANCE OF HOLIDAYS TO EMPLOYED PERSONS  
AND TO PROVIDE FOR OTHER MATTERS CON-  
NECTED WITH THE MATTER AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I. 10

PRELIMINARY.

Short title and  
commencement.

1.—(1) This Act may be cited as the Holidays (Employees) Act,  
1961.

(2) This Act shall come into operation on such day as the  
Minister may by order appoint. 15

Definitions  
generally.  
1936, No. 2.

2.—(1) In this Act—

“ the Act of 1936 ” means the Conditions of Employment Act,  
1936;

1938, No. 4.

“ the Act of 1938 ” means the Shops (Conditions of Employment)  
Act, 1938; 20

“ day ” means, in relation to a person whose spell of work begins  
on one day and ends on the next, a period of twenty-four hours  
commencing at the time at which the spell of work begins;

“ employ ” means employ, under a contract of service (whether  
the contract is expressed or implied or is oral or in writing) or a 25  
contract of apprenticeship, and cognate words shall be construed  
accordingly;

“ industrial work ” has the same meaning as in the Act of 1936;

“ the Minister ” means the Minister for Industry and Commerce;

“ month ” means any period of thirty consecutive days; 30

“ non-working day ” means, in relation to a worker, a day on  
which the worker does not under his contract of service normally  
work;

“ offence under any section of this Act ” includes an offence  
under any subsection of a section of this Act; 35

“ shop ” has the same meaning as that word had in the Act of  
1938, prior to the enactment of the Shops (Conditions of Employ-  
ment) (Amendment) Act, 1942;

“ member of the staff ”, in relation to a shop, has the same mean-  
ing as that expression has in the Act of 1938, as amended by 40  
Section 2 of the Shops (Conditions of Employment) (Amendment)  
Act 1942, and “ shop work ” has the same meaning as in the Act  
of 1938;

“ short day ” means, in relation to a worker, a day on which the worker under his contract of service normally works for less than a full day;

“ week ” means any period of seven consecutive days;

5 “ working day ” means, in relation to a worker, a day which—

(a) is a week-day, and

(b) is not—

(i) a public holiday,

10 (ii) a day within which any period of twenty-four consecutive hours of rest required to be allowed to the worker under any other enactment falls,

(iii) a non-working day, or

(iv) a short day.

(2) A person in the service of a local authority shall be deemed  
15 for the purposes of this Act to be employed by the local authority.

3.—(1) In this Act—

Workers.

“ worker ” means any person of the age of fourteen years or upwards who is employed, other than a person who is—

20 (a) one to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles,

25 (b) an agricultural worker to whom the Agricultural Workers (Holidays) Act, 1950, applies,

(c) the master or a member of the crew of any sea-going vessel (not being a barge or a hopper), whether publicly or privately owned, engaged in the transport of cargo or passengers,

30 (d) a lighthouse or lightship employee,

(e) a clergyman in Holy Orders,

(f) a member of any religious order or community,

35 (g) the wife, husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother or half-sister of his employer maintained by and dwelling in the house of his employer,

40 (h) a person who is employed by or under the State not being—

(i) a person so employed in an unestablished position to whom, by virtue of section 6 of the Act of 1936, that Act applies,

45 (ii) a person so employed in an unestablished position as a porter, door-keeper, messenger, night watchman, charwoman, cleaner, or labourer or in other subordinate duties, or

(iii) a person so employed in an unestablished position as an artisan or other skilled labourer,

50 (i) employed as a fisherman, or

(j) a member of any particular class of employed persons declared by an order made under this section to be an excluded class for the purposes of this section;

“ domestic worker ” means a person who—

55 (a) is a worker,

(b) is not an industrial worker,

(c) is not a member of the staff of a shop, and

(d) either—

(i) is entitled under his contract of service to free lodgings either in his employer's house or elsewhere, or

5

(ii) does work of a personal or domestic nature in or about the dwellinghouse of his employer:

“ non-domestic worker ” means a worker who is not a domestic worker;

“ industrial worker ” means a worker, other than an out-worker within the meaning of the Act of 1936, who does industrial work for a salary or wages or for the purposes of learning any trade or calling;

1936, No. 2.

In paragraph (h) of this subsection “ unestablished position ” has the same meaning as in the Civil Service Commissioners Act, 1956.

1956, No. 45.

(2) The Minister may, whenever and so often as he thinks fit, after consultation with such Ministers of State or employers' organisations and with such workers' organisations as he considers appropriate to be consulted, by order declare that any particular class (defined in such manner and by reference to such things as the Minister thinks proper) of employed persons shall be an excluded class for the purposes of this section, and whenever any such order is made then so long as such order is in force the class of employed persons to which such order relates shall be an excluded class for the purposes of this section.

(3) The Minister may, after consultation with such Ministers of State or employers' organisations and with such workers' organisations as he considers appropriate to be consulted, make regulations providing—

(a) that any person or any class or description (defined in such manner and by reference to such things as the Minister thinks proper) of persons shall be deemed to be a worker or workers for the purposes of this Act;

(b) that any worker or workers, whether as so defined in this section, or deemed to be such for the purposes of this Act by virtue of regulations made under this subsection, shall, for those purposes, be deemed to be a domestic worker or domestic workers or a non-domestic worker or non-domestic workers (as the case may be) as specified in the regulations.

Any regulations made by the Minister under this subsection may contain such supplemental and consequential provisions or modifications of the provisions of this Act as he considers necessary for giving full effect to the regulations.

(4) The Minister may revoke or amend any order made under this section (including this subsection).

“ Employment year ” and “ employment half-year ”.

4.—(1) In this Act—

“ employment year ”, when used in relation to a worker, means a period of three hundred and sixty-five days (excluding any day which is the 29th day of February) commencing on the day on which the worker last entered the employment in relation to which the expression is used or on any anniversary of that day;

“ the first half ”, when used in relation to an employment year of a domestic worker, means a period of one hundred and eighty-three days commencing on the first day of the employment year;

“ the second half ”, when used in relation to an employment year of a domestic worker, means so much of the employment year as is not included in the first half thereof.

Where a worker entered on employment on the 29th day of February, he shall for the purposes of the interpretation of the definition of "employment year", be deemed to have entered that employment on the next following day.

5 (2) Where—

(a) the ownership of any business, whether carried on for profit or gain or not, is transferred by act of the parties or by operation of law during the currency of an employment year of any worker who immediately before the transfer was employed by the person carrying on the business, and

(b) the worker continues after the transfer to be employed by the person (in this subsection referred to as the new employer) to whom the ownership is transferred, the following provisions shall have effect—

(i) the worker shall, for the purposes of this Act (including subsection (1) of this section but excluding section 9 (in so far as it relates to rights of non-domestic workers in respect of public holidays) of this Act in respect of any public holidays previous to the transfer), be deemed to have been in the employment of the new employer as on and from the beginning of the employment year;

(ii) if the worker has been allowed before the transfer annual leave or, in case the worker is a domestic worker, annual leave or semi-annual leave during the employment year, the annual leave or semi-annual leave shall, for the purposes of this Act, be deemed to have been allowed by the new employer.

(3) In this section "business" includes any profession, office, establishment or trade of whatsoever kind.

5.—A person shall be deemed, for the purposes of this Act, to allow a worker employed by him a whole holiday on a particular day if, but only if, he does not permit the worker to do on that day any work for him. Meaning of "a whole holiday".

6.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

7.—(1) Section 7 of the Act of 1936 is hereby repealed. Repeals and consequential amendment.

(2) Sections 28, sections 30 to 32 inclusive, and sections 36 to 39 inclusive of the Act of 1938 are hereby repealed. 1936, No. 2.  
1938, No. 4.

45 (3) The Holidays (Employees) Act, 1939 is hereby repealed. 1939, No. 1.

(4) Subsection (1) of section 49 of the Act of 1936 is hereby amended by the insertion of "within the meaning of the Holidays (Employees) Act, 1961" after "public holiday". 1936, No. 2.

## PART II.

### 50 PUBLIC HOLIDAYS.

8.—(1) Subject to the provisions of this section, each of the following days shall, in respect of all workers, be for the purposes of this Act, a public holiday; Public Holidays in respect of all workers.

- (a) Christmas Day when it falls on a weekday or, when it falls on a Sunday, the 27th day of December,
- (b) St. Stephen's Day when it falls on a weekday or, when it falls on a Sunday, the next following Monday,
- (c) St. Patrick's Day when it falls on a weekday or, when it falls on a Sunday, the next following Monday,
- (d) Easter Monday, Whit Monday, and the first Monday in August,

(2) Whenever in any year a day is appointed under the Public Holidays Act, 1924, to be a bank holiday instead of a day mentioned in *subsection (1)* of this section, the day so appointed shall in that year be deemed to be substituted throughout that subsection for the day so mentioned.

(3) The employer of any worker may substitute for any public holiday (other than Christmas Day or St. Patrick's Day) falling in a calendar year either—

- (a) the Church holiday falling in the calendar year immediately before the public holiday by giving to the worker not less than fourteen days before the Church holiday notice of his intention to effect the substitution, or
- (b) the Church holiday falling in that calendar year immediately after the public holiday or, if the public holiday is a day which is a public holiday by virtue of *paragraph (b)* of *subsection (1)* of this section, the 1st day of January next following by giving to the worker not less than fourteen days before the public holiday notice of his intention to effect the substitution,

and whenever such notice is given, the substituted Church holiday shall in respect of the worker be a public holiday for the purposes of this Act instead of the day for which it is so substituted.

(4) For the purposes of *subsection (3)* of this section each of the following days shall be a Church holiday :

- (i) the 1st day of January, except when it falls on a Sunday,
- (ii) Ascension Thursday,
- (iii) the Feast of Corpus Christi,
- (iv) the 15th day of August, except when it falls on a Sunday,
- (v) the 1st day of November, except when it falls on a Sunday,
- (vi) the 8th day of December, except when it falls on a Sunday.

(5) The Minister may by order declare any of the days mentioned in *subsection (1)* of this section not to be a public holiday for the purposes of this Act and may appoint any day to be a public holiday for the purposes of this Act and, on such order being made, the day so appointed shall be deemed to be a public holiday for the purposes of this Act.

(6) The Minister may by order appoint a day to be a Church holiday for the purposes of this Act either in substitution for or in addition to a day mentioned in *subsection (4)* of this section and, on such order being made, the day so appointed shall be deemed to be a Church holiday for the purposes of this Act.

(7) The notice mentioned in *subsection (3)* of this section shall be in writing and may be given to any person by handing a copy thereof to him personally or by posting a copy thereof in a conspicuous position in the place where he is employed.

(8) In this Act "public holiday", when used in relation to any worker, shall be construed in accordance with the foregoing provisions of this section.

9.—(1) Where—

Rights of workers  
in respect of  
public holidays.

5 (a) a worker is in the employment of a person on a public holiday,

(b) the worker has worked for such person for the qualifying period of work for that worker defined in *subsection (8)* of this section at any time during the period of  
10 five weeks immediately preceding the public holiday, and

(c) either—

(i) the worker has been allowed by such person a whole holiday on the public holiday, or

15 (ii) the public holiday occurs on a non-working day or on a short day and the worker does not work for such person on the public holiday,

such person shall pay to the worker in respect of the public holiday a sum equivalent to a full day's pay.

20 (2) Where—

(a) a worker is in the employment of a person on a public holiday,

(b) the worker has worked for such person for the qualifying period of work for that worker defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding the public holiday, and  
25

(c) the worker has worked on the public holiday for such person,

such person shall,

30 (i) allow to that worker a compensatory holiday in lieu of the public holiday, or

(ii) pay to the worker in respect of the public holiday a sum equivalent to twice the amount of a full day's pay.

35 (3) For the purposes of *subsection (2)* of this section a person shall be deemed to have allowed the worker a compensatory holiday in lieu of a public holiday if, but only if he

(a) allows the worker a whole holiday in lieu of a public holiday on a working day before the expiration of one month after the public holiday and pays to the worker in respect thereof a sum equivalent to the amount of a full day's pay, or  
40

(b) allows the worker at any time during the employment year of the worker within which the public holiday occurs a whole holiday on the working day next following the expiration of the worker's annual leave and pays to the worker in respect thereof a sum equivalent to the amount of a full day's pay.  
45

(4) Where—

50 (a) a worker is in the employment of a person on a public holiday,

(b) the worker has worked for such person for the qualifying period of work for that worker defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding the public holiday,  
55

(c) the worker has worked on the public holiday for such person,  
60

- (d) the worker has not received in respect of the holiday a sum equivalent to twice the amount of a full day's pay, and
- (e) the employment of the worker is terminated before he has been allowed a compensatory holiday in lieu of the 5 public holiday,

such person shall pay to the worker on such termination in addition to any wages then due to him a sum equivalent to a full day's pay.

(5) Where—

- (a) a worker in the employment of a person is allowed by 10 such person a compensatory holiday in lieu of a public holiday, and
- (b) the worker ceases to be in the employment of such person before the public holiday occurs,

such person may not deduct from the wages due to the worker any 15 sum in respect of the compensatory holiday.

(6) Where—

- (a) a worker in the employment of a person has worked for such person for the qualifying period of work for that worker defined in *subsection (8)* of this section at any 20 time during the period of five weeks immediately preceding a public holiday, and
- (b) the services of the worker with such person are terminated by such person before the public holiday,

such person shall upon such termination, pay to the worker, in 25 addition to any wages then due to him,

- (i) a sum equivalent to a full day's pay, or
- (ii) if such holiday was Christmas Day, a sum equivalent to a full day's pay in respect of that day, and an additional such sum in respect of St. Stephen's 30 Day.

(7) Where—

- (a) a worker in the employment of a person has worked for such person for the qualifying period of work for that worker defined in *subsection (8)* of this section at any 35 time during the period of five weeks immediately preceding an appointed holiday,
- (b) a day (in this subsection referred to as the substituted day) is substituted under *section 8* of this Act for the appointed holiday, 40
- (c) the substituted day occurs after the appointed holiday, and
- (d) the services of the worker with such person are terminated by such person before the substituted day,

such person shall upon such termination, pay to the worker, in 45 addition to any wages then due to him, a sum equivalent to a full day's pay.

In this subsection "appointed holiday" means a day which is a public holiday by virtue of *subsection (1)* or *subsection (2)* of *section 8* of this Act. 50

(8) The qualifying periods of work for the purposes of *subsections (1), (2), (4), (6)* and *(7)* of this section shall be as follows :

- (a) in the case of an industrial worker under eighteen years of age, or a worker under eighteen years of age who is employed in mining, not less than one hundred and 55 twenty hours,
- (b) in the case of a domestic worker, not less than twenty-five days, and
- (c) in the case of any other worker, not less than one hundred and thirty-five hours. 60

In the calculation of the qualifying periods of work defined in this subsection days of annual leave shall be included and a worker shall be deemed to have worked on each day of his annual leave the normal number of hours which he would have worked on that day under his contract of service.

(9) Each hour of intermittent unemployment of a worker in respect of which supplementary benefit is payable under section 28 of the Insurance (Intermittent Unemployment) Act, 1942, shall be deemed to be an hour worked for the purposes of this section up to a maximum of fifty hours in respect of each qualifying period.

(10) The Minister may, whenever and so often as he thinks proper, make regulations varying in respect of all classes or any particular class (defined in such manner and by reference to such things as the Minister thinks proper) of workers any or all of the qualifying periods of work defined in subsection (8) of this section by substituting therefor either such other number of hours or such number of days as the Minister thinks proper, and whenever any such regulations are in force, the provisions of subsection (8) of this section shall have effect, in respect of the workers or the class or classes of workers to which the regulations apply, as if the qualifying period or periods defined in the said subsection (8) was or were varied in the manner stated in the regulations.

(11) If any person fails to comply with any of the provisions of this section relating to—

- (a) the rights of a worker in his employment who works for such person on a public holiday, or
- (b) the payment to a worker in his employment of any sum payable to the worker in accordance with the said provisions in addition to any wages due to him,

such person shall be guilty of an offence.

(12) Where—

- (a) a payment is made to a worker under this section by his employer in respect of a public holiday, and
- (b) the services of the worker are terminated before the public holiday,

the worker shall not, for the purposes of the provisions of the Social Welfare Act, 1952 which relate to unemployment benefit, be deemed to have been in the employment of such employer on such public holiday.

(13) In this section "a full day's pay" means the amount payable to a worker under his contract of service in respect of a normal full working day.

(14) For the purposes of this section a domestic worker shall be deemed to have worked in the employment of a particular person on any day on which he has been available for service at such person's request for a period of two or more hours.

### PART III.

#### ANNUAL LEAVE.

50 10.—(1) Every person who employs a non-domestic worker shall in every employment year of the worker during which he has been in the employment of such person, either continuously or on a day to day basis, and has worked in that employment for—

- (a) a period of not less than sixteen hundred hours, or

(b) in the case of an industrial worker under eighteen years of age, or a worker under eighteen years of age who is employed in mining, a period of not less than fifteen hundred hours,

allow at such time as such person thinks fit to the worker fourteen consecutive whole holidays including two Sundays (in this Act referred to as annual leave). 5

(2) Where a non-domestic worker is allowed annual leave, the employer of the worker shall pay to the worker in respect of the annual leave a sum equivalent to twice the worker's normal weekly wage. 10

(3) Where—

(a) a non-domestic worker employed by a person ceases, at any time other than the end of an employment year of the worker, to be in the employment of such person, 15

(b) such person has not allowed the worker before the cesser annual leave in respect of the portion of the employment year during which he was so employed,

such person shall pay to the worker at the cesser a sum equivalent to one-sixth of his normal weekly wages in respect of each month in the said portion of the employment year during which he has worked 20

(c) in the case of an industrial worker under eighteen years of age, or a worker under eighteen years of age who is employed in mining, for not less than one hundred and twenty hours in that month, and 25

(d) in the case of any other worker, for not less than one hundred and thirty-five hours in that month.

(4) For the purposes of *subsections* (2) and (3) of this section the normal weekly wage of a worker shall be— 30

(a) in case the ordinary remuneration of the worker is wholly calculated by reference to time, a sum equivalent to the amount (exclusive of pay for overtime) which the worker received from the employer as salary or wages in respect of the week next preceding the annual leave or cesser during which the worker worked the normal number of hours on the normal maximum number of days under his contract of service, and 35

(b) in any other case, a sum equivalent to the amount of his average weekly earnings (exclusive of pay for overtime) for the six months immediately preceding the annual leave or cesser if he has been so long employed by the employer but if not, then for any less period during which he has been employed by the employer. 40

(5) Each hour of intermittent unemployment of a worker in respect of which supplementary benefit is payable under section 28 of the Insurance (Intermittent Unemployment) Act, 1942, shall be deemed to be an hour worked for the purposes of this section up to a maximum of two hundred and fifty hours in any employment year of the worker. 45 50

1942, No. 7.

(6) The Minister may by order whenever and so often as he so thinks proper, make regulations varying in respect of all or any particular class or classes (defined in such manner and by reference to such things as the Minister thinks proper) of non-domestic workers all or any of the periods of sixteen hundred hours, fifteen hundred hours, one hundred and twenty hours, or one hundred and thirty-five hours mentioned in *subsections* (1) and (3) of this section by substituting therefor either such other number of hours or such number of days as the Minister 55

thinks proper, and whenever any such regulations are in force, those subsections shall have effect in respect of the non-domestic workers or the class or classes of non-domestic workers to which the regulations apply, as if those periods or such of them  
5 as are affected by the regulations were varied in the manner stated in the regulations.

(7) Where any non-working day or any two or more consecutive non-working days falls or fall immediately before or immediately after a day on which an employer has allowed a non-domestic  
10 worker a whole holiday, the non-working day or each of the consecutive non-working days (as the case may be) shall, if the worker does not work thereon for the employer, be deemed for the purposes of this section to be a day on which the employer has allowed the worker a whole holiday.

15 (8) No day which is a public holiday or a day on which a non-domestic worker is deemed, in pursuance of the immediately preceding section of this Act, to have been allowed a whole holiday shall be reckoned as a day of annual leave, but if any such day intervenes between days of annual leave, those days shall be  
20 deemed to be consecutive notwithstanding the intervention.

(9) This section shall apply to the employment year current at the commencement of this Act of every person who is a non-domestic worker at such commencement, and this section shall have effect in respect of that employment year and that person as  
25 if this section had been in force at the beginning of that employment year, but subject to the modifications that—

(a) if that employment year expires within one month after the commencement of this Act, the employer of such person shall be deemed to have complied with this  
30 section if he allows to such person not later than three months after the expiration of that employment year, such annual leave as he may be entitled to under this section in respect of that employment year, and

(b) if such employer has before such commencement allowed to such person in that employment year one or more whole holidays which would be annual leave for the purposes of this section but for the fact that they were less than fourteen, or were not consecutive, or were both less than fourteen and not consecutive, the said  
35 whole holidays so allowed shall be deemed to be annual leave for the purposes of this section and such person shall only be entitled in respect of that employment year to such number (if any) of consecutive whole  
40 holidays after such commencement as is equal to the number (if any) of days by which the number of the said holidays so allowed is less than fourteen.  
45

(10) Where a person who employs a non-domestic worker proposes to allow the worker annual leave in pursuance of this section—

50 (a) he shall, not later than fourteen days before the day on which the annual leave is to commence, give notice of his intention to allow the leave and of the day on which it will begin;

(b) if he fails to comply with *paragraph (a)* of this sub-  
55 section, he shall be guilty of an offence.

(11) If the employer of a non-domestic worker allows to the worker in any employment year a period of annual leave earlier than the last fourteen days (being days which are reckonable as days of annual leave for the purposes of this section) of the  
60 employment year and the worker leaves the employment of the employer before the termination of the employment year, the

employer shall not be entitled in respect of the allowance of annual leave to reduce the period of notice required for terminating the employment, nor the pay nor other emoluments to which the worker may be entitled at the time of leaving such employment.

5

Failure to allow annual leave to a non-domestic worker.

11.—If the employer of a non-domestic worker fails to allow annual leave to the worker in respect of an employment year of the worker in accordance with this Act, the following provisions shall have effect :

(a) the employer shall be guilty of an offence, and 10

(b) the employer shall (whether proceedings have or have not been taken under *paragraph (a)* of this section) pay to the worker a sum equivalent to the amount which under *subsection (2)* of *section 10* of this Act he would have been liable to pay to the worker if he had in fact allowed the worker the annual leave and it had been allowed during the last fourteen days of the employment year. 15

Restriction on work during annual leave.

12.—(1) It shall not be lawful for a person who is an industrial worker or a member of the staff of a shop to do for reward for any person any industrial work or shop work during any period of annual leave. 20

(2) If a person who is an industrial worker or a member of the staff of a shop acts in contravention of this section he shall be guilty of an offence.

Annual leave of domestic workers.

13.—(1) Every person who employs a domestic worker shall, in every employment year of the worker during which he has been in the employment of such person either continuously or on a day to day basis and has worked in that employment for not less than three hundred days, allow at such time as such person thinks fit to the worker fourteen consecutive whole holidays including two Sundays (in this Act also referred to as annual leave). 25 30

(2) Where a person allows to a domestic worker in his employment seven consecutive whole holidays (in this Act referred to as semi-annual leave) in the first half of the employment year of the domestic worker and also allows to the worker semi-annual leave in the second half of that employment year, the provisions of *subsection (1)* of this section shall not apply as regards that worker in that employment year. 35

(3) Where a domestic worker is allowed annual leave or semi-annual leave, the employer of the worker shall pay to the worker in respect of the annual leave or semi-annual leave a sum equivalent to the amount which the worker received from the employer as salary or wages in respect of— 40

(a) in case the worker is allowed annual leave, the two consecutive weeks next preceding the annual leave during which the worker worked the normal number of hours on the maximum number of days under his contract of service, 45

(b) in case the worker is allowed semi-annual leave, the week next preceding the semi-annual leave during which the worker worked the normal number of hours on the maximum number of days under his contract of service. 50

(4) Where—

(a) a domestic worker is employed by a person under a contract of service which includes lodgings, 55

(b) such person has given to the worker notice of intention to allow to the worker annual leave or semi-annual leave during a particular period, and

5 (c) the worker, with the consent of such person, remains at work with such person during that period,

such person shall, if, in addition to the wages for that period, he pays to the worker a sum equal to the amount of the wages, be deemed to have allowed to the worker a whole holiday on each of the days falling within that period.

10 (5) Where—

(a) a domestic worker ceases to be in the employment of a person during the currency of the first half of an employment year of the worker, and

15 (b) the worker has worked in the employment for not less than one hundred and fifty days in the first half, and

(c) the worker has not before the cesser been allowed during the first half either annual leave or semi-annual leave,

such person shall pay to the worker at the cesser a sum equivalent to the amount which, under *subsection (3)* of this section, he would  
20 have been liable to pay to the worker if he had in fact allowed the worker semi-annual leave during the first half and it had been allowed during the seven days preceding the cesser.

(6) Where a domestic worker ceases to be in the employment of a person during the currency of the second half of an employment year of the worker and the worker has not before the cesser  
25 been allowed either annual leave in respect of the employment year or semi-annual leave in respect of both the first half of the employment year and the second half, the following provisions shall have effect:

30 (a) if the worker has worked in the employment for not less than one hundred and fifty days in the first half and also for not less than one hundred and fifty days in the second half, such person shall on the cesser pay to the worker a sum equivalent to the amount which,  
35 under *subsection (3)* of this section, he would have been liable to pay to the worker if he had in fact allowed the worker the annual leave and it had been allowed during the fourteen days preceding the cesser;

(b) if—

40 (i) the worker has worked in the employment for not less than one hundred and fifty days in the first half, but for less than one hundred and fifty days in the second half, and

45 (ii) the worker has before the cesser not been allowed semi-annual leave during the first half,

such person shall pay to the worker on the cesser a sum equivalent to the amount which, under *subsection (3)* of this section, he would have been liable to pay to the worker if he had in fact allowed the worker semi-annual leave during the first half and it had been  
50 allowed during the last seven days of the first half;

(c) if—

55 (i) the worker has worked in the employment for less than one hundred and fifty days in the first half, but for not less than one hundred and fifty days in the second half, and

(ii) the worker has not been allowed before the cesser semi-annual leave during the first half or the second half,

such person shall pay to the worker on the cesser a sum equivalent to the amount which, under *subsection (3)* of this section, he would have been liable to pay to the worker if he had in fact allowed the worker semi-annual leave during the second half and it had been allowed during the last seven days of the second half. 5

(7) The Minister may, whenever and so often as he so thinks proper, make regulations varying in respect of all or any particular class or classes (defined in such manner and by reference to such things as the Minister thinks proper) of domestic workers all or any of the periods of three hundred days or one hundred and fifty days mentioned in *subsections (1), (5) and (6)* of this section by substituting therefor such other number of days as the Minister thinks proper, and whenever any such regulations are in force, those subsections shall have effect, in respect of the domestic workers or the class or classes of domestic workers to which the regulations apply, as if those periods or such of them as are affected by the regulations were varied in the manner stated in the regulations. 10 15

(8) Where any non-working day or any two or more consecutive non-working days falls or fall immediately before or after a day on which an employer has allowed a domestic worker a whole holiday, the non-working day or each of the consecutive non-working days (as the case may be) shall, if the worker does not work thereon for the employer, be deemed for the purposes of this section to be a day on which the employer has allowed the worker a whole holiday. 20 25

(9) No day which is a public holiday or a day on which a non-domestic worker is deemed, in pursuance of *section 9* of this Act, to have been allowed a whole holiday shall be reckoned as a day of annual leave, but if any such day intervenes between days of annual leave, those days shall be deemed to be consecutive notwithstanding the intervention. 30

(10) This section shall apply to the employment year current at the commencement of this Act of every person who is a domestic worker at such commencement, and this section shall have effect in respect of that employment year and that person as if this section had been in force at the beginning of that employment year. 35

(11) Where a person who employs a domestic worker proposes to grant the worker any whole holidays in pursuance of this section— 40

(a) he shall, not later than fourteen days before the day on which the whole holidays are to commence, give notice of his intention to grant the whole holidays and of the day on which they will begin; 45

(b) if he fails to comply with *paragraph (a)* of this subsection, he shall be guilty of an offence.

(12) For the purposes of this section a domestic worker shall be deemed to have worked in the employment of a particular person on any day on which he has been available for service at such person's request for a period of two or more hours. 50

Failure to allow annual leave to a domestic worker.

14.—If the employer of a domestic worker fails to allow annual leave to the worker in respect of an employment year of such worker in accordance with this Act, the following provisions shall have effect: 55

(a) the employer shall be guilty of an offence;

(b) the employer shall (whether proceedings have or have not been taken under *paragraph (a)* of this section) pay to the worker a sum equivalent to the amount which,

under *subsection (3) of section 13* of this Act, he would have been liable to pay to the worker if he had in fact allowed the worker the annual leave and it had been allowed during the last fourteen days of the employment year.

5

15.—(1) Where—

Payment in lieu of board and lodgings during leave.

(a) a worker is allowed by his employer annual leave or semi-annual leave, and

10 (b) the worker was, immediately before such annual leave or semi-annual leave, entitled as part of his remuneration to accommodation,

the employer shall, in addition to any sum payable to the worker under this Act in respect of the annual leave or semi-annual leave, pay to the worker, in respect of any day falling within the annual  
15 leave or semi-annual leave during which he does not receive accommodation, in case the worker is employed in a county borough or the borough of Dun Laoghaire, the sum of three shillings or, in any other case, the sum of two shillings.

20 (2) The Minister may, whenever and so often as he thinks proper, make regulations varying the sum which an employer shall pay to a worker under *subsection (1)* of this section by substituting for the sum mentioned in that subsection in respect of that worker such other sum as the Minister thinks proper, and whenever any such regulations are in force, the provisions of the said *subsection*  
25 (1) shall have effect, in relation to the worker to whom the regulations apply, as if the sum mentioned therein in respect of that worker was varied as stated in the regulations.

(3) In this section "accommodation" means—

30 (a) in relation to a worker who is entitled to board only, board;

(b) in relation to a worker who is entitled to lodgings only, lodgings;

(c) in relation to a worker who is entitled to board and lodgings, board and lodgings.

35 16.—The Minister may, after consultation with such Ministers of State or employers' organisations and with such workers' organisations as he considers appropriate to be consulted, make regulations providing that all or any particular class or classes  
40 (defined in such manner and by reference to such things as the Minister thinks proper) of non-domestic workers may be allowed their annual leave in more than one period of consecutive days specified in the regulations, and the regulations may modify any of the provisions of this Act for the purposes of the regulations.

Annual leave of non-domestic workers in one or more than one period of consecutive days.

45 17.—(1) Where, immediately before the commencement of this Act, it was the practice of an employer to allow to any worker employed by him days off with pay in addition to public holidays and annual leave, and that practice is continued after the commencement of this Act in respect of a worker whether so  
50 employed before and after, or after such commencement, such days off with pay may, for the purposes of this Act, be reckoned as days of annual leave in respect of not more than seven days of such annual leave.

Reckoning of days off with pay as annual leave.

(2) For the purposes of *subsection (1)* of this section an employer shall be deemed to have allowed a worker a day off  
55 with pay if he allows to the worker a whole holiday (otherwise than in respect of sick leave) for which he pays the worker a full day's pay as defined in *subsection (13) of Section 9* of this Act.

(3) The Minister may, after consultation with such Ministers of State or employers' organisations and with such workers' organisations as he considers appropriate to be consulted, make regulations providing that the practice mentioned in *subsection (1)* of this section may be applied either wholly or in part as between any employer and any worker (or any class or description of workers defined in such manner and by reference to such things as the Minister thinks proper) referred to in the regulations who consent to the application of such practice to the extent specified in the regulations, and upon the regulations being made and such consent being given, the provisions of *subsection (1)* of this section shall apply to them as they do to those referred to in the said *subsection (1)*, but wholly or in part (as may be appropriate).

(4) The Minister may by regulations modify any of the provisions of this Act for the purpose of enabling the provisions of *subsection (1)* of this section or those provisions as applied by *subsection (3)* of this section to have effect.

#### PART IV.

##### MISCELLANEOUS.

Recovery by workers of moneys due by employers.

**18.**—(1) If the employer of any worker fails to pay to the worker any moneys which become payable by the employer to the worker under any provision contained in this Act—

(a) the employer shall be guilty of an offence;

(b) the worker may (whether proceedings have or have not been taken under *paragraph (a)* of this subsection) recover from the employer such moneys as a simple contract debt in a court of competent jurisdiction.

(2) If and whenever the employer of any worker is convicted of an offence under any section of this Act in relation to the worker, the court by which the employer is convicted may order him to pay to the worker any moneys which were due to him under any of the provisions of this Act by the employer at the time of the conviction.

Offences by bodies corporate.

**19.**—Where an offence under any section of this Act was committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer shall also be deemed to have been guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Prosecution of offences.

**20.**—(1) An offence under any section of this Act may be prosecuted by the Minister.

(2) An offence under any section of this Act committed by the employer of a worker may be prosecuted by the worker or by any official of a registered trade union of which the worker is a member.

(3) A prosecution for an offence under any section of this Act may be instituted within twelve months after the commission of the offence.

Emergency as defence.

**21.**—Where a person is charged with an offence under any section of this Act, it shall be a good defence to the charge if he proves to the satisfaction of the court before which the offence is

tried that the alleged contravention of the section was rendered necessary or reasonably proper by the actual occurrence or the threat or reasonable anticipation of fire, flood, storm, violence, a breakdown of plant or machinery, or any other emergency.

5   **22.**—Every person who is guilty of an offence under any section of this Act shall be liable on summary conviction thereof, in the case of a first offence under that section, to a fine not exceeding twenty-five pounds and, in the case of any subsequent offence under that section, to a fine not exceeding fifty pounds.

Penalties for offences.

10   **23.**—Every order and regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order or regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after  
15 the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the order or regulation.

Laying of orders and regulations before Houses of the Oireachtas.

20   **24.**—(1) In this section “ inspector ” means a person appointed by the Minister to be an inspector for the purposes of this section.

Powers of inspectors.

25   (2) An inspector may for the purposes of enforcing the provisions of this Act do all or any of the following things:

30   (a) subject to the provisions of this section, enter at all reasonable times any premises or place where he has reasonable grounds for supposing that any worker is employed,

35   (b) make such examination or enquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in respect of any worker employed in any such premises or place,

40   (c) require the employer of any worker or the representative of such employer to produce to him any records which such employer is required by a records order to keep and inspect and take copies of entries in such records,

45   (d) examine with regard to any matters under this Act any person whom he has reasonable cause to believe to be or to have been a worker or the employer of any worker and require such person to answer such questions (other than questions tending to incriminate such person) as the inspector may put touching such matters and to sign a declaration of the truth of the answers to such questions.

50   (3) The powers conferred on an inspector by *paragraph (a)* of *subsection (1)* of this section shall not be exercisable in respect of any private dwelling house unless the Minister or an officer of the Minister appointed by the Minister for the purpose certifies that he has reasonable grounds for believing that an offence under this section in relation to any worker employed in the house has been committed by the employer of the worker, and the inspector on applying for admission to the house produces the certificate.

(4) If any person—

55   (a) obstructs or impedes an inspector in the exercise of any of the powers conferred on the inspector by this section,

- (b) refuses to produce any record which an inspector lawfully requires him to produce,
- (c) produces, or causes to be produced or knowingly allows to be produced, to an inspector any record which is false in any material respect knowing it to be false, 5
- (d) prevents, or attempts to prevent, any person from appearing before or being questioned by an inspector, or
- (e) wilfully fails or refuses to comply with any lawful requirement of an inspector under *paragraph (d) of subsection (1) of this section,* 10

such person shall be guilty of an offence.

(5) Every inspector shall be furnished with a certificate of his appointment and, on applying for admission to any premises or place for the purposes of this Act, shall, if so required, produce the certificate to the occupier and to any person being examined by him. 15

**Records.**

25.—(1) The Minister may whenever and so often as he thinks fit by order (in this Act referred to as a records order) require records to be kept by employers of workers or any class of employers of workers of any matter or thing a record of which is in the opinion of the Minister necessary for the enforcement of this Act and, if he so thinks fit, prescribe the form of any such records. 20

(2) The Minister may under this section make different records orders in respect of different classes of employers of workers. 25

(3) The Minister may by order under this section amend or revoke any order made under this section or subsection. 30

(4) The Minister may, if he so thinks fit, by any order made under this section specify the place or places where the records required by the order shall be kept and make such provisions as to the production and inspection of the records as he may think fit. 30

(5) If whenever a records order is in force any employer fails, neglects or refuses to comply with the requirements of the order, or makes in any record which he is required by the order to keep any entry which is false in any material respect knowing it to be false, the employer shall be guilty of an offence. 35

...

BILL

...

Passed by both Houses of the British Parliament, 1907.

...

Printed by James & Co., London.

[Price: One Shilling and Sixpence Net.]

...

BILLE

...

Bill as amended in Committee, 1907.

...

Printed by James & Co., London.

[Price: One Shilling and Sixpence Net.]

---

**BILLE**

*dá ngairtear*

Acht do dhéanamh socrú breise chun laethanta saoire a thabhairt do dhaoine fostaithe agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis an ní réamhráite.

---

**BILL**

*entitled*

An Act to make better provision for the allowance of holidays to employed persons and to provide for other matters connected with the matters aforesaid.

---

*Rite ag dhá Theach an Oireachtais,  
2 Lúnasa, 1961.*

---

*Passed by both Houses of the Oireachtas,  
2nd August, 1961.*

---

BAILE ATHA CLIATH :  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Luach : Scilling agus Réal Glan.*]

Wt. E30909/G/8.—675. 8/61. C.&Co. (4775). G.16.

---

DUBLIN :  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD.

[*Price : One Shilling and Sixpence Net.*]