



**AN BILLE UM OIBRITHE TALMHAIOCHTA (LAETHANTA
SAOIRE AGUS PA), 1968**

**AGRICULTURAL WORKERS (HOLIDAYS AND WAGES)
BILL, 1968**

*Mar a tugadh isteach
As introduced*

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AN BILLE UM OIBRITHE TALMHAIOCHTA (LAETHANTA
SAOIRE AGUS PA), 1968

AGRICULTURAL WORKERS (HOLIDAYS AND WAGES)
BILL, 1968

BILL

5

entitled

AN ACT TO AMEND AND EXTEND THE AGRICULTURAL
WAGES ACTS, 1936 AND 1945, AND TO AMEND AND
EXTEND THE AGRICULTURAL WORKERS (HOLIDAYS)
ACTS, 1950 TO 1961.

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BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

Short title,
construction,
collective citation
and commencement
(*Part II*).

1.—(1) This Act may be cited as the Agricultural Workers (Holidays
and Wages) Act, 1968.

15

(2) This Act in so far as it amends and extends the Agricultural
Wages Acts, 1936 and 1945, shall be construed as one therewith and
may be cited together therewith as the Agricultural Wages Acts, 1936
to 1968.

(3) This Act in so far as it amends and extends the Agricultural
Workers (Holidays) Acts, 1950 to 1961, shall, subject to *section 4* of
this Act, be construed as one therewith and may be cited together
therewith as the Agricultural Workers Holidays Acts, 1950 to 1968.

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(4) *Part II* of this Act shall come into operation on such day as the
Minister for Agriculture and Fisheries may by order appoint.

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Interpretation.
1936, No. 53.
1950, No. 21.

2.—(1) In this Act—

“the Act of 1936” means the Agricultural Wages Act, 1936;

“the Act of 1950” means the Agricultural Workers (Holidays) Act,
1950;

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

30

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

35

“week” means any period of seven consecutive days;

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

(a) is a week-day, and

(b) is not—

40

(i) a public holiday,

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

(iii) a non-working day, or

45

(iv) a short day.

(2) An agricultural employer shall be deemed, for the purposes of this Act, to allow an agricultural 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.

- 5 3.—All expenses incurred in carrying this Act into effect shall, to Expenses.
such extent as may be sanctioned by the Minister for Finance, be
paid out of moneys provided by the Oireachtas.

PART II

AGRICULTURAL WORKERS' HOLIDAYS

- 10 4.—(1) Subject to the provisions of this section, each of the follow- Public holidays.
ing days shall be a public holiday for the purposes of this Act :

- (a) Christmas Day when it falls on a weekday or, when it falls on a Sunday, the 27th day of December,
- 15 (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.

- 20 (2) Whenever in any year a day is appointed under the Public 1924, No. 56.
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.

- 25 (3) The employer of any worker may substitute for any public holiday (other than Christmas Day or St. Patrick's Day) either—

- 30 (a) the Church holiday falling in the same 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
- 35 (b) the Church holiday falling in the same 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 6th 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,

- 40 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 :

- 45 (i) the 6th 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,
- 50 (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 for Agriculture and Fisheries may, with respect to any day mentioned in *subsection (1)* of this section, by regulations substitute therefor any other day and, whenever any such regulations are in force, the other day shall be a public holiday for the purposes of this Act instead of the day for which it is substituted. 5

(6) (a) The Minister for Agriculture and Fisheries may, with respect to any day mentioned in *subsection (4)* of this section, by regulations substitute therefor any other day and, whenever any such regulations are in force, the other day shall be a Church holiday for the purposes of *subsection (3)* of this section instead of the day for which it is substituted. 10

(b) The Minister for Agriculture and Fisheries may, by regulations appoint a day to be an additional Church holiday for the purposes of *subsection (3)* of this section and, whenever any such regulations are in force, the day appointed shall be an additional Church holiday for the purposes of that subsection. 15

(7) In this Act "public holiday" shall be construed in accordance with the foregoing provisions of this section.

Rights of
agricultural
workers in
respect of
public holidays.

5.—(1) Where— 20

- (a) an agricultural worker is in the employment of an agricultural employer on a public holiday,
- (b) the worker has worked for the employer for the qualifying period of work defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding the public holiday, and 25
- (c) either—
 - (i) the worker has been allowed by the employer a whole holiday on the public holiday, or
 - (ii) the public holiday occurs on a non-working day or on a short day and the worker does not work for the employer on the public holiday, 30

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

(2) Where— 35

- (a) an agricultural worker is in the employment of an agricultural employer on a public holiday,
- (b) the worker has worked for the employer for the qualifying period of work defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding the public holiday, and 40
- (c) the worker has worked on the public holiday for the employer,

the employer shall—

- (i) allow to the worker a compensatory holiday in lieu of the public holiday, or 45
- (ii) pay to the worker in respect of the public holiday a sum equivalent to twice the amount of a full day's pay.

(3) For the purposes of *subsection (2)* of this section the employer shall be deemed to have allowed the worker a compensatory holiday in lieu of a public holiday if, but only if, he allows the worker a whole holiday in lieu of a public holiday on a working day before either the expiration of one month after the public holiday or the expiration of the year in which the public holiday occurs (whichever last occurs) and pays to the worker in respect thereof a sum equivalent to the amount of a full day's pay. 55

(4) Where—

- (a) an agricultural worker is in the employment of an agricultural employer on a public holiday,
 - 5 (b) the worker has worked for the employer for the qualifying period of work defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding the public holiday,
 - (c) the worker has worked on the public holiday for the employer,
 - 10 (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 public holiday,
- 15 the employer 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—

- 20 (a) an agricultural worker in the employment of an agricultural employer is allowed by the employer a compensatory holiday in lieu of a public holiday, and
- (b) the worker ceases to be in the employment of the employer before the public holiday occurs,

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

25 (6) Where—

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

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

- 35 (i) a sum equivalent to a full day's pay, or
- (ii) if the 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 Day.

(7) Where—

- 40 (a) an agricultural worker in the employment of an agricultural employer has worked for the employer for the qualifying period of work defined in *subsection (8)* of this section at any time during the period of five weeks immediately preceding an appointed holiday,
- 45 (b) a day (in this subsection referred to as the substituted day) is substituted under *section 4* of this Act for the appointed holiday,
- (c) the substituted day occurs after the appointed holiday, and
- 50 (d) the services of the worker with the employer are terminated by the employer before the substituted day,

the employer shall, upon such termination, pay to the worker, in 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 4* of this Act.

(8) The qualifying period of work for the purposes of *subsections (1), (2), (4), (6) and (7)* of this section shall be one hundred and twenty-five hours. 5

In the calculation of the qualifying period of work defined in this subsection holidays allowed under the Act of 1950 shall be included and an agricultural worker shall be deemed to have worked on each such day allowed to him the normal number of hours which he would have worked on that day under his contract of service. 10

(9) The Minister for Agriculture and Fisheries may, by regulations vary the qualifying period of work defined in *subsection (8)* of this section by substituting therefor such other number of hours as he thinks proper, and whenever any such regulations are in force, the provisions of *subsection (8)* of this section shall have effect as if the qualifying period defined in that subsection was varied in the manner stated in the regulations. 15

(10) Where—

(a) a payment is made to an agricultural worker under this section by an agricultural employer in respect of a public holiday, and 20

(b) the services of the worker are terminated before the public holiday,

1952, No. 11.

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 the employer on the public holiday. 25

(11) In this section "a full day's pay" means a sum equivalent to one-sixth of the worker's normal weekly wages. 30

Offences.

6.—(1) If any agricultural employer fails to comply with any of the provisions of *section 5* of this Act relating to—

(a) the rights of an agricultural worker in his employment who works for the employer on a public holiday, or

(b) the payment to an agricultural 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, 35

the employer shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Where proceedings are brought against an employer under this section— 40

(a) if there is a conviction, the Court may order the employer to pay to the worker a sum equal to the amount not paid in relation to the public holiday with respect to which the offence was charged or, where appropriate, equal to the sum improperly deducted from wages, and 45

(b) whether there is or is not a conviction, the Court may, if satisfied that the employer has, in relation to the worker and in relation to a public holiday within the twenty-four months immediately preceding the date on which the proceedings were brought, failed to comply with any of the provisions of *section 5* of this Act relating to— 50

(i) the right of an agricultural worker in his employment who works for the employer on a public holiday, or

- (ii) the payment to an agricultural 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,

5 order the employer to pay to the worker a sum equal to the amount not paid in relation to such public holiday or, where appropriate, equal to the sum improperly deducted from wages.

7.—(1) Where there has been a failure in compliance such as is referred to in *subsection (1) of section 6* of this Act, then, whether
10 proceedings have or have not been brought under that section—

Civil proceedings.

(a) the worker may recover from the employer a sum equal to the amount not paid in relation to the public holiday or, where appropriate, equal to the sum improperly deducted from wages, and

15 (b) such recovery may also be effected by an officer of the Board by proceedings taken by him in the name and on behalf of the worker.

(2) Notwithstanding anything in any enactment proceedings under this section shall not be commenced to recover any sum unless—

20 (a) if the worker has at the date of the commencement of the proceedings ceased to be in the employment of the employer—

(i) the proceedings are commenced within twenty-four months of the date of such cesser, and

25 (ii) the failure in compliance occurred within the twenty-four months immediately preceding the date of such cesser, or

30 (b) if the worker is in the employment of the employer at the date of the commencement of the proceedings—the failure in compliance occurred within the twenty-four months immediately preceding the date of the commencement of the proceedings.

(3) Nothing in this or the immediately preceding section shall be construed as enabling any sum to be recovered more than once.

35 8.—Section 20 of the Act of 1936 shall have effect for the purposes of this Act in like manner as it has effect for the purposes of that Act.

Powers of officers of the Board.

9.—The annual report which the Board are required by section 21 of the Act of 1936 to make to the Minister for Agriculture and Fisheries shall include a report of their proceedings under this Act.

Annual reports.

40 10.—Holidays under this Act shall not be reckoned as holidays for the purposes of the Act of 1950.

Exclusion from Act of 1950.

11.—(1) Section 6 of the Agricultural Workers (Weekly Half-Holidays) Act, 1952, is hereby amended by the addition of the following paragraph:

Amendment of Agricultural Workers (Weekly Half-holidays) Act, 1952. 1952, No. 26.

45 "The Minister for Agriculture and Fisheries may by regulations vary, either generally or with respect to specified periods, the numbers of hours stated in the foregoing paragraph by substituting therefor such other numbers of hours as he thinks proper, and whenever any such regulations are in force,
50 the provisions of that paragraph shall have effect as if the numbers of hours stated in that paragraph were varied in the manner stated in the regulations".

(2) The references in sections 6 and 7 of the Agricultural Workers (Weekly Half-Holidays) Act, 1952, to a holiday allowed to an agricultural worker under the Act of 1950 shall each be construed as including a reference to a holiday allowed to him under this Act.

PART III

5

AGRICULTURAL WAGES

Amendment of
section 17
of Act of
1936.

12.—Paragraphs (b), (c), (d) and (e) of subsection (6) of section 17 of the Act of 1936, and paragraphs (b), (c), (d) and (e) of subsection (7) of that section, are, with respect to orders made under that section after the passing of this Act, each hereby amended by the substitution 10 of “one month” for “two months”.

Amendment of
section 18
of Act of
1936.

13.—Section 18 of the Act of 1936 is hereby amended by the addition of the following paragraph:

“If, on application, the Board are satisfied that the holder of a permit under this section has ceased to be affected by the injury, deficiency or infirmity with respect to which the permit was 15 granted, the Board shall revoke the permit.”

BILLE

(mar a tugadh isteach)

dá ngairtear

Acht do leasú agus do leathnú na nAcht Páighe Talmhaíochta, 1936 agus 1945, agus do leasú agus do leathnú na nAchtanna um Oibrithe Talmhaíochta (Laethanta Saoire), 1950 go 1961.

An tAire Talmhaíochta agus Iascaigh a thug isteach

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
24 Deireadh Fómhair, 1968*

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.

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BILL

(as introduced)

entitled

An Act to amend and extend the Agricultural Wages Acts, 1936 and 1945, and to amend and extend the Agricultural Workers (Holidays) Acts, 1950 to 1961.

Introduced by the Minister for Agriculture and Fisheries

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