

No. 13 of 1953.

ORDER IN COUNCIL

MADE UNDER

THE HOLIDAYS WITH PAY ORDINANCE, 1952
(No. 3 of 1952).

UNDER SECTION 3 OF THE HOLIDAYS WITH PAY ORDINANCE, 1952, IT IS HEREBY ORDERED BY THE GOVERNOR IN COUNCIL AS FOLLOWS:—

1. This Order may be cited as the Holidays with Pay (Watchmen) Order, 1953.

2. In this Order —

“Christmas period” means the fifteen working days immediately preceding Christmas day;

“earnings” means the regular amounts paid by an employer to an employee in respect of the employee’s services and includes the value of any meals supplied to such employee under or by virtue of his contract of employment, but does not include any amount paid in respect of overtime work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

“employee” means any watchman employed on a weekly, fortnightly or monthly basis;

“medical practitioner” means a person registered as a medical practitioner under the Colonial Medical Service (Consolidation) Ordinance, Chapter 186.

“watchman” means any person employed to watch or guard any premises other than private dwelling places, but includes a person employed otherwise than by the resident to watch or guard a private dwelling place provided as a condition of employment.

3. (1) Every employee being in employment at the date of the commencement of this Order shall be allowed a period of holidays with pay of not less than one day for each completed month of employment computed as though his employment commenced on the date of the commencement of this Order.

(2) Every employee not being in employment at the date of the commencement of this Order but thereafter being in employment shall be allowed a period of holidays with pay of not less than one day for each completed month of employment computed from the date of engagement.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employer shall require his employer to allow him holidays with pay prior to the completion of six consecutive months’ service or during the Christmas period:

Provided that any of the days which are public holidays under the provisions of the Public Holidays Ordinance for the time being in force may, by agreement between the employer and the employee, be allowed as a period of holidays with pay.

(2) The holidays with pay shall be given by the employer and shall be taken by the employee before the expiration of three months after the date upon which the right to such holiday accrues.

(3) The employer shall determine the date on which the holiday shall commence and shall give to the employee not less than seven days' notice of such date.

5. In respect of a period of holidays with pay the employer shall pay to the employee for each day of such period remuneration at the rate of one-sixth of the average weekly earnings of the employee during the previous six months or during the period of his employment with the employer whichever is the lesser period.

6. When the employment of an employee is terminated, either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under the provisions of this Order and in respect of which no payment has been made, a sum equal to the remuneration which would have been paid for a like period of holidays with pay if taken at that date.

7. For the purposes of this Order a period of employment shall be deemed to be continuous if it has not been interrupted by absence from work without the permission of the employer for a period not exceeding two consecutive days:

Provided that periods of illness certified by a medical practitioner not exceeding fourteen days shall not be deemed to be a break in employment for the purposes of this Order.

8. This Order shall be deemed to have come into operation on the first day of January, nineteen hundred and fifty-three.

Made in Council this 16th day of January, 1953.

JOHN C. MALONE,
Clerk to the Executive Council.