

## ORDER IN COUNCIL

Made Under

## THE HOLIDAYS WITH PAY ORDINANCE,

(Chapter 108).

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

1. This Order may be cited as the Holidays with Pay (Timber Grant Employees) Order, 1957.

2. In this Order —

“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, or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

“employee” means any person employed on a timber grant; Cap. 240.

“timber” includes any tree or any ligneous part of a tree whether standing, fallen or felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned;

“timber grant” means any portion of land which is the subject of a lease under the provisions of the Forests Ordinance or any other Ordinance for the purpose of obtaining timber therefrom;

“Medical practitioner” means a person registered as a medical practitioner under the Colonial Service Ordinance. Cap. 134.

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 his 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 such employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months’ service :

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 such employee, be allowed as a period of holidays with pay. Cap. 61.

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

(3) The employer shall determine the date on which the holiday shall commence and shall give such 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 such 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 such employee or by the employer, the employer shall pay to such 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 come into operation on the 1st day of November, 1957.

Made in Council this 29th day of October, 1957.

IVOR O. SMITH,  
Clerk to the Executive Council.