

GUYANA

No. 86 of 1977

ORDER

Made Under

THE HOLIDAYS WITH PAY ACT

(Chapter 99:02)

UNDER SECTION 3 OF THE HOLIDAYS WITH PAY ACT, I HEREBY  
MAKE THE FOLLOWING ORDER:—

Citation  
and commencement.

1. This Order may be cited as the Holidays with Pay (Employees at Petrol Filling Stations) Order 1977 and shall come into operation on 25th November, 1977.

Interpretation.

2. In this Order —

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

“earnings” mean 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;

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“employee” means any person employed at a petrol filling station;

“medical practitioner” means a person duly registered as a medical practitioner in Guyana;

“petrol filling station” means any place or premises in respect of which a licence is required to be taken out under section 61 of the Tax Act and includes any such place or premises where petroleum, and lubric-

parts and accessories required for the repair of, or use in, motor vehicles, are sold, or any such place or premises where motor vehicles are kept temporarily for the purpose of being cleaned or washed or for the purpose of carrying out running repairs or, making minor adjustments to them.

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.

Method of computing holidays with pay—

(2) Every employee not being in employment at the date of the commencement of this Order, but thereafter 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 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:

Period of holidays with pay—

Provided that any of the days which are public holidays shall not be computed as holidays with pay under this Order.

(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 holidays 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 such employee during the previous six months or during the period of his employment with the employer, whichever is the lesser period.

Remuneration for holidays with pay—

6. When the employment of an employee is terminated either by the 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

Payment for holidays with pay upon termination of employment—

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.

Computing  
continuous  
employment  
for holidays  
with pay.

7. For the purpose 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 not exceeding fourteen days certified by a medical practitioner shall not be deemed to be a break in employment for the purposes of this Order.

Made this 17th day of October, 1977.

*Hamilton Green,*  
Minister of Health, Housing and Labour.

#### EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport).

This Order prescribes holidays with pay for persons employed in petrol filling stations on the same terms as have been prescribed with respect to workers employed in certain other occupations.