

CHAPTER 108.

HOLIDAYS WITH PAY.

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CHAPTER 108.

HOLIDAYS WITH PAY.

An Ordinance to provide for Annual Holidays with pay for workers in certain occupations. ^{3 of 1952.}

[8TH MARCH, 1952.]

1. This Ordinance may be cited as the Holidays with Pay Ordinance. Short title.

2. In this Ordinance—

Interpreta-
tion.

“ holiday remuneration ” means the amount of remuneration payable to a worker during any holidays with pay to which he may be entitled under section 3 of this Ordinance ;

“ occupation ” includes any trade, industry, undertaking or business ;

“ worker’s earnings ” means the regular amounts paid by an employer to a worker in respect of the worker’s services and includes the value of any meals supplied to such worker 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.

3. (1) Subject to the provisions of this Ordinance, the Governor in Council may, by order, direct that workers in any occupation shall be allowed such holidays with pay as may be determined in such order.

Power of the
Governor
in Council
to provide for
holidays with
pay in any
occupation.

(2) An order made under this section may provide for the conditions on which, and the time at or the periods within which, any holiday with pay shall be allowed, and shall make provision for the duration of, and the minimum holiday remuneration payable during, any such holiday.

(3) The provisions of an order made under this section in respect of—

(a) the duration of the holiday with pay, shall be related to the duration of the period for which the worker has been employed or is engaged to be employed ;

(b) the minimum holiday remuneration, shall be related to the worker's earnings during such period prior to the date of the commencement of the holiday with pay as may be specified in the order.

(4) An order made under this section may specify and define the occupation to which it applies, and may be applicable either generally to all such occupations or specially to such occupations as may be within a specified area.

(5) The holidays prescribed by an order made under this section shall unless such order otherwise prescribes, be in addition to any public holiday.

(6) The Governor in Council may, by a subsequent order, revoke or vary the provisions of any previous order.

Advisory
Committees.

4. (1) The Governor in Council may, where he considers it advisable, appoint Advisory Committees to make recommendations in relation to the grant of holidays with pay to workers in any occupation.

Cap. 103.

(2) Where an Advisory Committee has been appointed under section 7 of the Labour Ordinance, such Committee shall have power to make recommendations relating to holidays with pay for workers in the occupation in relation to which such Committee has been appointed.

No power
to contract
out of
Ordinance.

5. Any provision in an agreement between any employer and a worker whereby the worker purports to contract himself out of the provisions of any order made under section 3 of this Ordinance, or whereby the worker undertakes to receive any less benefit than he is entitled to under any such order shall be of no effect.

Records.

6. Where any order has been made under section 3 of this Ordinance, whereby a worker is entitled to be allowed any holidays with pay then his employer shall keep such records as may be prescribed.

7. Any employer who—

Offences.

(a) fails to allow, under and in accordance with the terms of any order made under section 3 of this Ordinance to a worker any holiday with pay which such worker is entitled to be allowed under such order ; or

(b) enters into any contract, any of the provisions of which is of no effect under section 5 of this Ordinance ; or

(c) fails to keep any records in accordance with the provisions of section 6 of this Ordinance, or knowingly makes or causes or permits to be made any false entry in such records ; or

(d) contravenes any of the provisions of any regulations made under section 9 of this Ordinance—

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five hundred dollars.

8. (1) Where an offence for which an employer is, by virtue of this Ordinance or of any regulations made thereunder, liable to a penalty, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer and shall be liable to the same punishment as that to which the employer is liable.

Offence by agent.

(2) Where an employer charged with an offence against this Ordinance or against any regulations made thereunder proves to the satisfaction of the court that he has used due diligence to secure the compliance by his agents with the provisions of this Ordinance, and that the offence has in fact been committed by an agent or some other person without his knowledge, consent or connivance, he shall, in the event of the conviction of that agent or other person, be exempt from any penalty in respect of such offence.

(3) Where the immediate employer of any worker who is entitled to be allowed holidays with pay under any order made under section 3 of this Ordinance is himself in the employment of some other person, and that worker is employed on the premises of that other person, that other person shall, for the purposes of this Ordinance, be deemed to be an employer of the worker jointly with the immediate employer.

9. The Governor in Council may make regulations generally for giving effect to the purposes of this Ordinance and for the better carrying out of any of the provisions of this Ordinance.

Regulations.