

No. 61 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 (Saw Mill Workers) Order, 1953.

2. In this Order —

“saw mill worker” means a person employed to perform manual labour in connection with the operation of a saw mill;

“saw mill” means any place where wood is prepared by mechanical process for building purposes;

“worker” means a saw mill worker;

“earnings” means the regular amounts paid by an employer to a worker in respect of the worker’s services, 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;

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

3. (1) Every worker 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 worker 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 a worker to take his holidays with pay in periods of less than six consecutive days, and no worker 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 the worker, 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 worker before the expiration of three months after the date upon which the right to such holiday accrues.

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(3) The employer shall determine the date on which the holiday shall commence and shall give to the worker 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 worker for each day of such period remuneration at the rate of one-sixth of the average weekly earnings of the worker 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 a worker is terminated, either by the worker or by the employer, the employer shall pay to the worker 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 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 certified by a medical practitioner not exceeding fourteen days shall not be deemed to be a break in employment for the purpose of this Order.

8. This Order shall come into operation on the 26th day of September, 1953.

Made in Council this 7th day of July, 1953.

M. S. PORCHER,
Clerk to the Executive Council