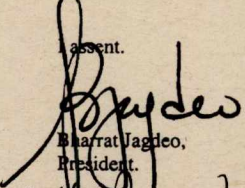




GUYANA

ACT No. 21 of 2009

HOLIDAYS WITH PAY (AMENDMENT) ACT 2009

assent.  
  
Bharrat Jagdeo,  
President.  
14<sup>th</sup> August, 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the long title to the Principal Act.

3. Amendment of section 1 of the Principal Act.
4. Amendment of section 2 of the Principal Act.
5. Amendment of section 3 of the Principal Act.
6. Amendment of section 4 of the Principal Act.
7. Amendment of section 5 of the Principal Act.
8. Amendment of section 6 of the Principal Act.
9. Repeal and re-enactment section 9 of the Principal Act.
10. Amendment of section 10 of the Principal Act.
11. Amendment of section 11 of the Principal Act.

ACT No. 51 of 2009

HOLIDAYS WITH PAY (AMENDMENT) ACT 2009

*[Faint signature and text]*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title

5. Amendment of the long title to the Principal Act

PRINTED BY GUYANA NATIONAL PRINTERS LIMITED

AN ACT to amend the Holidays with Pay Act 1995.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.  
Act No. 6 of  
1995.

1. This Act, which amends the Holidays with Pay Act 1995, may be cited as the Holidays with Pay (Amendment) Act 2009.

Amendment of  
the long title to  
the Principal Act.

2. The long title to the Principal Act is amended by the substitution for the words "annual holidays", of the words "annual leave",

Amendment of  
section 1 of the  
Principal Act.

3. Section 1 of the Principal Act is amended by the substitution for the word "Holidays" of the word "Leave".

Amendment of  
section 2 of the  
Principal Act.

4. Section 2 of the Principal Act is amended in the following respects -

(i) by the re-lettering of paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d) respectively and before paragraph (b) as so re-lettered, by the insertion of the following paragraph -

'(a) "employer" means -

(i) any person that has entered into a contract to employ any other person; and

(ii) includes any agent, attorney, manager, clerk or other person who is placed in authority over the person employed;'

(ii) by the insertion after paragraph (d) as so re-lettered, of the following paragraph -

'(e) "workplace" means any establishment, place, or premises where a worker needs to be or to go by reason of his work.'

Amendment of  
section 3 of the  
Principal Act.

5. Section 3 of the Principal Act is amended by the substitution for the word "holidays", wherever it occurs, of the word "leave".

Amendment of  
section 4 of the  
Principal Act.

6. Section 4 of the Principal Act is amended by the substitution for the word "holidays", wherever it occurs (except in the words "Public Holidays"), of the word "leave".

Amendment of  
section 5 of the  
Principal Act.

7. Section 5 of the Principal Act is amended by substitution for the word "holidays", wherever it occurs, of the word "leave".

Amendment of  
section 6 of the  
Principal Act.

8. Section 6 of the Principal Act is amended by the substitution for the word "holidays", wherever it occurs, of the word "leave".

Repeal and re-enactment of section 9 of the Principal Act.

9. Section 9 of the Principal Act is repealed and re-enacted by the following section -

"Offences penalties and court order.

9. (1) Any employer who -

- (a) fails to allow any worker leave with pay in accordance with this Act;
- (b) fails to pay any worker the wages required under section 5 or the sum required under section 6;
- (c) enters into any contract, any of the provisions of which is of no effect under section 7;
- (d) fails to keep any records prescribed under section 8, or knowingly makes or permits or causes to be made any false entry in such records; or
- (e) contravenes or fails to comply with any regulation made under section 12,

commits an offence and shall be liable on summary conviction to a fine of not less than twenty-five thousand dollars nor more than thirty thousand dollars.

(2) A court convicting any person of an offence against subsection (1)(a) shall, in addition to imposing a fine, order the person to pay the worker concerned such sum as in the opinion of the court represents the wages due to that worker as payment for all outstanding leave with pay.

(3) A court convicting any person of an offence against subsection (1)(b) shall, in addition to imposing a fine, order the person to pay the worker concerned such sum as in the opinion of the Court represents all wages or sums due to that worker under section 5 or 6, as the case may be.

(4) In making an order under subsection (2) or (3), the court shall take into account the outstanding leave or, as the case may be, the wages or sums due to that worker in respect of any period of employment after the commencement of the Holidays with Pay (Amendment) Act 2009, regardless whether the conviction relates to that period of employment."

Amendment of section 10 of the Principal Act.

10. Section 10 (3) of the Principal Act is amended by the substitution for the word "holidays", of the word "leave".

A.D. 2009]

HOLIDAYS WITH PAY (AMENDMENT)

[No. 21

Amendment of  
section 11 of the  
Principal Act.

11. Section 11 of the Principal Act is amended by the insertion, after subsection (2), of the following subsection as subsection (3) -

"(3) A summons for any proceedings arising under this Act may be served -

(a) in the manner provided by section 12 of the Summary Jurisdiction (Procedure) Act; or

(b) by leaving the summons with any person who -

(i) is found on the workplace of the worker in relation to whom those proceedings arise; and

(ii) appears to be employed by the defendant; or

(c) if no person referred to in paragraph (b) can, with reasonable diligence be found, by affixing the summons in a conspicuous manner to the door or outer wall of the workplace referred to in paragraph (b)."

Cap. 10:02.

*Passed by the National Assembly on 28<sup>th</sup> May, 2009.*

*S.E. Isaacs,*  
Clerk of the National Assembly.

**(Bill No. 19/2009)**