

**THE OFFICIAL GAZETTE 3RD APRIL, 2006
LEGAL SUPPLEMENT — C**

BILL No. 14 of 2006

Monday 3rd April, 2006

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

3rd April, 2006.

The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 14 of 2006

HOLIDAYS WITH PAY (AMENDMENT) BILL 2006

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 2 of Principal Act.
3. Repeal and re-enactment of section 9 of Principal Act.
4. Amendment of section 11 of Principal Act.

A BILL
Intituled

AN ACT to amend the Holidays with Pay Act 1995.

A.D. 2006 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Holidays with Pay Act
No. 6 of 1995 1995, may be cited as the Holidays with Pay (Amendment) Act
2006.

Amendment of section 2 of Principal Act. 2. Section 2 of the Principal Act is amended by inserting, in the correct alphabetical order, the following definitions —

"employer" —

- (a) means any person that has entered into a contract to employ any other person; and
- (b) includes any agent, attorney, manager, clerk or other person who is placed in authority over the person employed;

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

Repeal and re-enactment of section 9 of Principal Act. 3. The Principal Act is amended by repealing section 9, and enacting the following section in its place —

"Offences, penalties, and Court orders.

9. (1) Every employer commits an offence and shall be liable on summary conviction to a fine of not less than twenty thousand dollars nor more than twenty-five thousand dollars who —

- (a) fails to allow any worker holidays 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.

(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 holidays 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 holidays or (as the case may be) wages or sums due to that worker in respect of any period of employment after the commencement of this Act, regardless whether the conviction relates to that period of employment."

Amendment of
section 11 of
Principal Act.

4. Section 11 of the Principal Act is amended by inserting, after subsection (2), the following subsection —

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

Cap. 10:02

- (a) in the manner provided by section 12 of the Summary Jurisdiction (Procedure) Act; or
- (b) by leaving it 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)."

EXPLANATORY MEMORANDUM

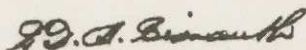
This Bill seeks to amend the Holidays with Pay Act 1995 (No.6 of 1995).

Clause 1 sets out the short title.

Clause 2 inserts definitions of "employer" and "workplace" to add clarity to the Principal Act.

Clause 3 requires any Court convicting an employer of failing to provide a worker holidays with pay, wages in payment of such holidays, or payment in lieu of such holidays, to order that employer to pay the worker due monetary compensation in respect of any period of employment after the commencement of the Principal Act.

Clause 4 provides for summons for proceedings arising under the Principal Act to be served either on another person employed by the employer and found at the workplace, or by affixing a notice at the workplace, as alternatives to the procedures specified in section 12 of the Summary Jurisdiction (Procedure) Act (Cap. 10:02).



Minister of Labour, Human Services, and Social Security

Minister of Labour and Social Security

1982

(1982 No. 105)
Proceedings in relation to the Employment (Procedures) Act
The purpose of the Act is to provide for the procedures to be followed
in connection with the termination of employment contracts and to
provide for the payment of compensation to employees in such cases.

Section 1 of the Act defines the term "employee" and "employer".
Section 2 provides for the procedures to be followed in connection
with the termination of employment contracts. Section 3 provides
for the payment of compensation to employees in such cases.

Section 4 provides for the payment of compensation to employees
in such cases.

Section 5 provides for the payment of compensation to employees
in such cases.

Section 6 provides for the payment of compensation to employees
in such cases.

EXPLANATORY MEMORANDUM