

LAWS OF GUYANA

LEAVE WITH PAY ACT

CHAPTER 99:02

Act

6 of 1995

Amended by

21 of 2009

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 63 ...	1/2012

**Index
of
Subsidiary Legislation**

	Page
Holidays with Pay (Drug Store Employees) Order (O. in C. 7/1953, 4 of 1972)	11
Holidays with Pay (Grocery Store Employees) Order (O. in C. 9/1953, 4 of 1972)	13
Holidays with Pay (Hardware Store Employees) Order (O. in C. 10/ 1953, 4 of 1972)	16
Holidays with Pay (Dry Goods Store Employees) Order (O. in C. 11/ 1953, 4 of 1972)	18
Holidays with Pay (Watchmen) Order (O. in C. 13/1953, 4 of 1972, O. 40/1975)	21
Holidays with Pay (Laundry Employees) Order (O. in C. 31/1953, 38/1962)	24
Holidays with Pay (Hotel, Restaurant, Cookshop and Parlour Employees) Order (O. in C. 32/ 1953)	27
Holidays with Pay (Saw Mill Workers) Order (O. 61/ 1953, 19/ 1966 B)	30
Holidays with Pay (Quarry Workers) Order (O. 45/1957)	33
Holidays with Pay (Timber Grant Employees) Order (O. 50/ 1957)	35
Holidays with Pay (Bakery Employees) Order (O. 51/ 1958, 4 of 1972)	37

Holidays with Pay (Shirt and Garment Factory Workers) Order	40
Holidays with Pay (Clerical Employees) Order (O. 15/ 1959)	43
Holidays with Pay (Printery Employees) Order	46
Holidays with Pay (Domestic Servants) Order (O. 72/1959)	49
Holidays with Pay (Chauffeurs) Order (O. 96/1959)	52
Holidays with Pay (Stone Crushing Plant Employees) Order (O. 96/ 1960)	54
Holidays with Pay (Employees at Petrol Filling Station) Order (O.96/ 1977)	57
Holidays with Pay (Register of Holidays) Regulations (Reg. 10/ 1953)	60
Holidays with Pay (Advisory Committees and Enquiry)(Procedure) Regulations (Reg. 51/ 1958, 4 of 1972)	61

**Note
on
Repeal**

This Act repealed the Holidays with Pay Act 3 of 1952.

**Note
on
Revision**

In the subsidiary legislation, wherever the word "holiday" appears, it shall be substituted by the word "leave" unless the context otherwise requires.

CHAPTER 99:02

LEAVE WITH PAY ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Grant and method of computing holidays with pay.
4. Periods of holidays with pay.
5. Remuneration for holidays with pay.
6. Payment for holidays with pay upon termination of employment.
7. No power to contract out of Act.
8. Records.
9. Offences.
10. Offence by agent, penalties, and court order.
11. Institution of prosecutions by Chief Labour Officer.
12. Regulations.
13. Savings.

6 of 1995
[21 of 2009]

An Act to repeal and re-enact the Leave with Pay Act, to provide for the grant and regulation of annual leave with pay for all categories of workers and for matters connected therewith and incidental thereto.

[23rd MARCH, 1995]

Short title.

1. This Act may be cited as the Leave with Pay Act.

Interpretation.
[21 of 2009]

2. In this Act

“employer” means –

- (a) 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;

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

“wages” means the regular amounts paid by an employer to a worker in respect of the worker’s services and includes the value of any allowance in kind 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; and for the purposes of this definition the cash value of any allowance in kind shall be deemed to be the amount fixed as such by or under the terms of the worker’s employment, or if it is not so fixed, shall be as determined by the Chief Labour Officer;

“worker” means a worker employed in any occupation.

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

Grant and
method of
computing
leave with pay.

3. (1) Every worker being in employment shall be allowed a period of leave with pay of not less than one day for each completed month of employment computed from the date of engagement.

(2) Every worker who is employed on a half-day basis shall have the half day counted as a day in the computation of periods of employment and leave with pay.

(3) Every worker who is employed on a daily or hourly basis, shall be allowed a period of leave with pay of not less than one day for every period of twenty days or one hundred and sixty hours worked as the case may be.

Periods of leave with pay.
[21 of 2009]

4. (1) No employer shall require a worker to take his leave with pay in periods of less than six consecutive days:

Provided that any of the days which are Sundays or Public Holidays shall not be computed as leave with pay under this Act.

(2) The leave with pay shall be given by the employer and shall be taken by the worker before the expiration of three months, or such other period therefrom mutually agreed upon between the employer and the worker, after the date upon which the right to such leave accrues.

(3) The employer shall determine the date on which the leave shall commence taking into account any special request by the worker.

Remuneration for leave with pay.

5. (1) In respect of a period of leave with pay, the employer shall pay to the worker for each day of such period his current daily wage.

(2) If the worker so requests, the wages payable in the course of the leave shall be paid to him before such leave commences.

Payment for leave with pay upon termination of employment.

6. When the employment of a worker is terminated, either by such worker or by the employer, the employer shall pay to such worker in lieu of such period of leave with pay as shall have accrued under this Act and in respect of which no payment has been made, a sum equal to the wages which would have been paid for a like period of leave with pay if taken at that date.

No power to contract out of Act.

7. Any provision in any agreement between any employer and a worker whereby the worker purports to contract himself out of the provisions of this Act, or whereby the worker undertakes to receive any less benefit than he is

entitled to under this Act shall be of no effect.

Records.

8. Every employer shall keep such records as may be prescribed to show that the provisions of this Act are being complied with in respect of persons in his employment.

Offences
penalties and
court order.
[21 of 2009]

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 any of the provisions of any regulations 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.

Offences by
agent.
[21 of 2009]

10. (1) Where an offence for which an employer is, by virtue of this Act, 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 to which the employer is liable.

(2) Where an employer charged with an offence under this Act proves to the satisfaction of the court that he has used due diligence to secure the compliance by his agent with this Act, 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 leave with pay 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 Act, be deemed to be an employer of the worker jointly with the immediate employer.

Institution of
prosecutions by
Chief Labour
Officer.
[21 of 2009]

11. (1) The Chief Labour Officer may institute or cause to be instituted any prosecution for the purpose of enforcing this Act.

(2) Any officer of the Department of Labour may prosecute or conduct before any court having jurisdiction any information, complaint or other proceeding arising under this Act.

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

c. 10:02

(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).

Regulations.

12. The Minister may make regulations generally for giving effect to the purposes of this Act and for the better carrying out of any of the provisions of this Act.

Savings.

13. (1) Notwithstanding the repeal of the Holidays with Pay Act, the Holidays with Pay (Register of Holidays) Regulations made under section 11 of the said Act, shall with

any necessary modification and subject to the power of the Minister to amend or revoke them, continue in force as if they were made under section 12 of this Act.

(2) Any accrued right in relation to holidays with pay of any worker being in employment on a date prior to the commencement of this Act shall be taken into consideration in computing his entitlement to leave with pay under this Act.

SUBSIDIARY LEGISLATION

O. in C.
7/1953
4 of 1972

HOLIDAYS WITH PAY (DRUG STORE EMPLOYEES) ORDER

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Drug Store Employees) Order and shall come into operation on 1st February, 1953.

Interpretation.
[4 of 1972]

2. In this Order—

"Christmas period" means the eight working days immediately preceding Christmas day; "drug store" means any place or premises required to take out a licence under section 24 or 25 of the Tax Act; ;

c.80:01

"earnings" means 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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

"employee" means any person employed in a drug store ;

c.134
1953 Ed.

"medical practitioner" means a person registered as a medical practitioner under the Medical Service Ordinance.

Method of
computing
holidays with
pay.

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

LAWS OF GUYANA

12

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Drug Store Employees) Order

completed month of employment computed as though his employment commenced on the date of the commencement of this Order.

(2) Every employee 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.

Periods of holidays with pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period;

Provided that any of the days which are public holidays may, by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

Remuneration for holiday with pay.

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 the employee during the previous six months or during the period of his employment with the employer whichever is the lesser period.'

Payment for holidays with pay upon

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

[Subsidiary]

Holidays with Pay (Drug Store Employees) Order
Holidays with Pay (Grocery Employees) Order

termination of
employment.

employer shall pay to the employee 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.

Computing
continuous
employment
for holidays
with pay.

7. For the purposes 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 purposes of this Order.

O. in C.
9/1953
4 of 1972

**HOLIDAYS WITH PAY (GROCERY
EMPLOYEES) ORDER**

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Grocery Employees) Order and shall come into operation on 1st February 1953.

Interpretation.
[4 of 1972]

2. In this Order—

"Christmas period" means the eight working days immediately preceding Christmas day;

'earnings' means 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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

"employee" means any person employed in a grocery; "grocery" means any place or premises used solely or mainly for the sale of groceries, either by way of wholesale or retail trade;

"medical practitioner" means a person registered as a medical practitioner under the Medical Services Ordinance.

c.134
1953 Ed.

Method of
computing
holidays with
pay.

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.

(2) Every employee 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.

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

Provided that any of the days which are public holidays may, by agreement between the employer and the employee, be allowed as a period of holidays with pay.

[Subsidiary]

Holidays with Pay (Grocery Employees) 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 holiday 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.

Remuneration
for holiday
with pay.

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 of one-sixth of the average weekly earnings of the employee during the previous six months or during the period of his employment with the employer whichever is the lesser period.

Payment for
holidays with
pay upon
termination of
employment.

6. When the employment of an employee is terminated, either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

Computing
continuous
employment for
holidays with
pay.

7. For the purposes 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 purposes of this Order.

**HOLIDAYS WITH PAY (HARDWARE STORE
EMPLOYEES) ORDER**

O. in C.
10/1953
4 of 1972

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Hardware Store Employees) Order and shall come into operation on 1st February, 1953.

Interpretation.
[4 of 1972]

2. In this Order—

"Christmas period" means the eight working days immediately

preceding Christmas day;

"earnings" means 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 work or by way of bonus, unless such payments by way of bonus form part of such amounts;

"employee" means any person employed in a hardware store;
"hardware store" means any place or premises used solely or mainly for the sale of furniture, hardware or ironmongery either by way of wholesale or retail trade;

c.134
1953 Ed.

"medical practitioner" means a person registered as a medical practitioner under the Medical Service Ordinance.

Method of
computing
holidays with
pay.

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

[Subsidiary]

Holidays with Pay (Hardware Store Employee) Order

employment commenced on the date of the commencement of this Order.

(2) Every employee 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 his engagement.

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

Provided that any of the days which are public holidays may, by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

Remuneration
for holiday
with pay.

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

Payment for
holidays with

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

LAWS OF GUYANA

18

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Dry Goods Store Employees) Order

pay upon

Holidays with Pay (Dry Goods Store Employees) Order

termination of employment.

employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

O. in C.
11/1953
4 of 1972

HOLIDAYS WITH PAY (DRY GOODS STORE EMPLOYEES) ORDER

made under section 3

Citation and commencement.

1. This Order may be cited as the Holidays with Pay (Dry Goods Store Employees) Order and shall come into operation on 1st February, 1953.

Interpretation.
[4 of 1972]

2. In this Order—
"Christmas period" means the eight working days immediately

[Subsidiary]

Holidays with Pay (Dry Goods Store Employees) Order

preceding Christmas day;

"dry goods store" means any place or premises used solely or mainly for the sale of dry goods either by way of wholesale or retail trade;

"earnings" means 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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

"employee" means any person employed in a dry goods store;

c.134
1953 Ed.

"medical practitioner" means a person registered as a medical practitioner under the Medical Service Ordinance.

Method of
computing
holidays with
pay.

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.

(2) Every employee 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.

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

LAWS OF GUYANA

20

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Dry Goods Store Employees)

Provided that any of the days which are public holidays may, by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

Remuneration for holiday with pay.

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

Payment for holidays with pay upon termination of employment.

6. When the employment of an employee is terminated, either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

[Subsidiary]

Holidays with Pay (Watchmen) Order

O. in C.
13/1953
4 of 1972
O.40/1975

HOLIDAYS WITH PAY (WATCHMEN) ORDER*made under section 3*

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Watchmen) Order and shall be deemed to have come into operation on 1st January, 1953.

Interpretation.
[4 of 1972
O. 84/1981]

2. In this Order—

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

“earnings” means the regular amounts paid by an employer to an employee in respect of the employer'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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

“employee” means any person employed as a watchman;

c.32:02

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

“watchman” means any person wholly or mainly employed to watch over any specific property:

Provided that employment only to operate or superintend the use of a gate, shall not be deemed to constitute employment to watch over property for the purposes of this definition.

LAWS OF GUYANA

22

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Watchmen) Order

Method of
computing
holidays with
pay.
[O. 40/1975]

3. (1) Every employee employed on a weekly, fortnightly, or monthly basis 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 employee employed on a weekly, fortnightly, or monthly basis 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.

(3) Every employee employed on a daily or hourly basis, being in employment at the date of the commencement of the Holidays with Pay (Watchmen) (Amendment) Order, 1975,* shall be allowed a period of holidays with pay of not less than one day for every period of twenty days or 160 hours, as the case may be, worked by him computed as though his employment commenced on the said date.

(4) Every employee employed on a daily or hourly basis, not being in employment at the date mentioned in paragraph (3), shall be allowed a period of holidays with pay of not less than one day for every period of twenty days or 160 hours, as the case may be, worked by him computed from the date of engagement.

Periods of
holidays with
pay.

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

* 3rd May, 1975

[Subsidiary]

Holidays with Pay (Watchmen) Order

consecutive months' service or during the Christmas period:

Provided that any of the days which are public holidays may, by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

Remuneration for holiday with pay.

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

Payment for holidays with pay upon termination of employment.

6. When the employment of an employee is terminated, either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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 period of holidays with pay if taken at that date.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

O in C.
31/1953
38/1962

**HOLIDAYS WITH PAY
(LAUNDRY EMPLOYEES) ORDER**

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Laundry Employees) Order and shall come into operation on 1st May, 1953.

Interpretation.
[O.38/1962]

2. In this Order—

"Christmas period" means the eight working days immediately preceding Christmas Day;

"earnings" means 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;

"employee" means any person employed in a laundry;

"laundry" means any place where persons are employed by way of trade or business or for purposes of gain in washing, ironing, pressing or dry cleaning of clothing, bed-linen or table-linen and on all duties incidental thereto; and also where any such persons are employed

[Subsidiary]

Holidays with Pay (Laundry Employees) Order

on any of the aforementioned duties incidental to any other trade or business;

c. 32:02 “medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

Method of computing holidays with pay.
[O. 40/1975]

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.

(2) Every employee 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 his engagement.

Periods of holidays with pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

Provided that any of the days which are public holidays may by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

[Subsidiary]

Holidays with Pay (Laundry Employees) Order

Remuneration for holiday with pay.

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 the employee during the previous six months or during the period of his employment with the employer whichever is the lesser period

Payment for holidays with pay upon termination of employment.

6. When the employment of an employee is terminated, either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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

Computing continuous employment for holidays with pay.

7. For the purposes 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 holidays 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 purposes of this order.

[Subsidiary] *Holidays with Pay (Restaurant, Cookshop and Parlour Employees) Order*

O. in C. 32/1953

**HOLIDAYS WITH PAY (HOTEL,
RESTAURANT, COOKSHOP AND PARLOUR
EMPLOYEES) ORDER**

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Hotel, Restaurant, Cook-shop and Parlour Employees) Order and shall be deemed to have come into operation on 1st May, 1953.

Interpretation.

2. In this Order—

“earnings” means 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.

For the purposes of this definition, the cash value of any meals shall be deemed to be the amount fixed as such by or under the terms of the employee's employment, or if it is not so fixed, shall be as determined by the Chief Labour Officer;

“employee” means any of the persons specified in the Schedule and employed in any hotel, restaurant, cookshop or parlour, but does not include any member of the family of the occupier of such premises;

c. 32:02

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

[Subsidiary] *Holidays with Pay (Hotel, Restaurant, Cookshop and Parlour Employees) Order*

Method of
computing
holidays with
pay.

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.

(2) Every employee 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.

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee 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 may, by agreement between the employer and the employee, 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 employee before the expiration of three months after the date upon which the right to such holiday 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.

Remuneration
for holiday
with pay.

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 the employee during the previous six months or during the period of his employment with the

[Subsidiary] *Holidays with Pay (Restaurant, Cookshop and Parlour Employees) Order*

employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

6. When the employment of an employee is terminated, either by employee or by the employer, the employer shall pay to the termination of employee in lieu of such period of holidays with pay as shall have employment, accrued under the provision 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.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

Application of order.

8. This Order shall apply—

- (a) to the City of Georgetown and within three miles of the boundaries thereof;
- (b) to the town of New Amsterdam; and
- (c) to the village of Bartica.

SCHEDULE

<i>Hotels</i>	Restaurants and Cookshops	<i>Parlours</i>
Head Cook Assistant Cook	Cook Head Waitress	Assistant Waitress

Kitchen Maid	Waitress	Boy
Pantry Maid	Order Girl	
Head Waiter	Boy	
Waiter	Dish Washer	
Maid		
Maid-Waitress		
Bellboy		

O.61/1953
19/1966B

**HOLIDAYS WITH PAY
(SAW MILL WORKERS) ORDER**

made under section 3

Citation.

1. This Order may be cited as the Holidays with Pay (Saw Mill Workers) Order and shall come into operation on 26th September, 1953.

Interpretation.
[O. 19/1966B]

2. In this Order —

"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;

c. 32:02

"medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners Act.

"sawmill" means any place where wood is prepared by mechanical process for building purposes, but does not include a place where the work carried on there consists essentially of cabinet-making or the manufacture of sash

[Subsidiary]

Holidays with Pay (Saw Mill Workers) Order

windows or ornamental work in wood.

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

"sawmill" means any place where wood is prepared by mechanical process for building purposes, but does not include a place where the work carried on there consists essentially of cabinet-making or the manufacture of sash windows or ornamental work in wood.

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

"worker" means a saw mill worker.

Method of computing holidays with pay.

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.

Periods of holidays with pay.

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 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.

(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.

Remuneration for holiday with pay.

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.

Payment for holidays with pay upon termination of employment.

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.

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 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.

[Subsidiary]

Holidays with Pay (Quarry Workers) Order

O.45/1957

HOLIDAYS WITH PAY (QUARRY WORKERS) ORDER

made under section 3

Citation and
commencement

1. This Order may be cited as the Holidays with Pay (Quarry Workers) Order and shall come into operation on 1st November, 1957.

Interpretation.

2. In this Order—

"earnings" means 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;

"employee" means any person employed to perform manual labour in connection with the operation of a quarry;

"medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners Act;

c. 32:02

"quarry" means any open work, pit or excavation from which stone or rock is obtained by means of cutting, blasting or other methods, but shall not include any place where any manufacturing process, other than a process ancillary to the getting, dressing or preparation for sale of stone or rock is carried on.

Method of
computing
holidays with
pay.

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.

(2) Every employee not being in employment at the 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 as though his employment commenced on the date of the commenced of this Order.

Periods of holidays with pay.

4. Any day which is a public holiday may, by agreement between the employer and an employee, be allowed as a period of holidays with pay.

Remuneration for holiday with pay.

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-thirtieth of the average monthly earnings of such employee during the previous six months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

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

Computing continuous employment for holidays with pay.

7. For the purposes 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

[Subsidiary]

Holidays with Pay (Timber Grant Employees) Order

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

O. 50/1957

HOLIDAYS WITH PAY (TIMBER GRANT EMPLOYEES) ORDER

made under section 3

Citation and commencement

1. This Order may be cited as the Holidays with Pay (Timber - Grant Employees) Order and shall come into operation on 1st November, 1957.

Interpretation.

2. In this Order—

"earnings" means 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;

"employee" means any person employed on a timber grant;

c.32:02

"medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners Act

"timber" includes any tree or any ligneous part of a tree whether standing, fallen or felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned;

LAWS OF GUYANA

36

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Timber Grant Employees) Order

"timber grant" means any portion of land which is the subject of a lease under the provisions of the Forests Act or any other Act for the purpose of obtaining timber therefrom.

c.67:01

Method of computing holidays with pay.

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 with pay employment computed as though his employment commenced on the date of the commencement of this Order.

(2) Every employee 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 his engagement.

Periods of holidays with pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no such employee 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 may, by agreement between the employer and such employee, 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 such employee before the expiration of six 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 such employee not less than seven days' notice of such date.

Remuneration for holiday

5. In respect of a period of holidays with pay the

[Subsidiary]

Holidays with Pay (Timber Grant Employees) Order

with pay. 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.

Payment for holidays with pay upon termination of employment. 6. When the employment of an employee is terminated, either by such 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 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.

Computing continuous employment for holidays with pay. 7. For the purposes 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 purposes of this Order.

O.51/1958
4 of 1972

HOLIDAYS WITH PAY (BAKERY EMPLOYEES) ORDER

made under section 3

Citation and commencement

1. This Order may be cited as the Holidays with Pay (Bakery Employees) Order and shall come into operation on 1st September 1958.

Interpretation.

[4 of 1972]

2. In this Order—

“bakery” means any premises in which a person otherwise than in pursuance of a contract of service, engages by way of trade or for purposes of gain in the manufacture of bread or flour confectionery or in any other work incidental thereto;

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

“earnings” means the regular amount paid by an employer to an employee in respect of the employees 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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

“employee” means any person employed in a bakery;

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

c.32:02.

Method of
computing
holidays with
pay.

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.

(2) Every employee 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 his engagement.

[Subsidiary]

Holidays with Pay (Bakery Employees) Order

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no such employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

Provided that any of the days which are public holidays may, by agreement between the employer and such employee, 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 such employee before the expiration of six 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 such employee not less than seven days' notice of such date.

Remuneration
for holiday
with pay.

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.

Payment for
holidays with
pay upon
termination of
employment.

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

Computing
continuous
employment
for holidays

7. For the purposes 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

[Subsidiary] *Holidays with Pay (Shirt and Garment Factory Workers) Order*
Holidays with Pay (Shirt and Garment Factory Workers) Order

with pay. 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 purposes of this Order.

c.99:07 8. This Order shall be the subject to the provisions of section 11 of the Bakeries (Hours of Work) Act.

HOLIDAYS WITH PAY (SHIRT AND GARMENT FACTORY WORKERS) ORDER

made under section 3

Citation. 1. This Order may be cited as the Holidays with Pay (Shirt and Garment Factory Workers) Order and shall come into operation on 3rd April, 1959.

Interpretation. 2. In this Order—

"Christmas period" means the eight working days immediately preceding Christmas Day;

"earnings" means the regular amounts paid by an employer to a worker in respect of the worker's services, including the value of any meals supplied to such worker under and 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;

[Subsidiary]

Holidays with Pay (Shirt and Garment Factory Workers) Order

c. 32:02 "medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners Act.

"worker" means a person employed in a shirt or garment factory.

Period of computing holidays with pay.

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 at the date of the commencement of this Order.

(2) Every worker not being in employment at the date of commencement of this Order and 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 day of his engagement.

Periods of holidays with pay.

4. (1) No employer shall require a worker to take his holidays with pay in periods of less than twelve consecutive days, and no such worker shall require his employer to allow him holidays with pay prior to the completion of twelve consecutive months' service or during the Christmas period:

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 such worker before the expiration of ten 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 such worker not less than seven days' notice of such date.

LAWS OF GUYANA

42

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Shirt and Garment Factory Workers) Order

Remuneration for holiday with pay.

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 such worker during the previous twelve months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

6. When the employment of a worker is terminated either by such worker or by the employer, the employer shall pay to such worker in lieu of such period of holidays with pay as shall have accrued under 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.

Computing continuous employment for holidays with pay.

7. For the purposes of this Order a period of employment shall be deemed to be continuous if it has not been interrupted by absence enjoyment from work without the permission of the employer for a period not exceeding two consecutive days:

Provided that absence from work due to the non-operation of the shirt or garment factory, or periods of illness, certified by a medical practitioner not exceeding 14 days shall not be deemed to be a break in employment for the purpose of this Order.

Varying of periods of holidays with pay.

8. Notwithstanding clause 4(1), an employer and worker may agree that such worker shall take his holidays with pay in periods of not less than six consecutive months' service in which case such holidays shall be given by the employer and taken by the worker before the expiration of three months after each period of such completed service:

Provided that such holidays may not be taken during the Christmas period.

[Subsidiary]

Holidays with Pay (Clerical Employees) Order

O.15/1959

HOLIDAYS WITH PAY (CLERICAL EMPLOYEES) ORDER

made under section 3

Citation and
commence-
ment.

1. This Order may be cited as the Holidays with Pay (Clerical Citation and Employees) Order and shall come into operation on 9th May, 1959.

Interpretation.

2. In this Order—

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

“clerical employee” means an employee engaged wholly or mainly on clerical work which includes the responsibility for maintaining ledgers or wages books or for preparing financial accounts relating to the business of the employer, and shall include a messenger employed in an office;

“earnings” means the regular amounts paid by an employer to a clerical 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 work or by way of bonus; unless such payments by way of bonus form part of such regular amounts;

c. 32:02

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act;

“messenger” means a person employed to receive and deliver messages and undertake portering duties, and shall include a delivery.

LAWS OF GUYANA

44

Cap. 99:02

Leave with Pay

[Subsidiary]

Holidays with Pay (Clerical Employees) Order

Period of computing holidays with pay.

3. (1) Every clerical 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.

(2) Every clerical employee 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 from the date of his engagement

Periods of holidays with pay.

4. (1) No employer shall require a clerical employee to take his holidays with pay in periods of less than twelve consecutive days, and no such employee shall require his employer to allow him holidays with pay prior to the completion of twelve consecutive months' service or during the Christmas period:

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 such employee before the expiration of ten months after the date upon which the right to such holiday accrues.

(3) The employer shall determine the date on which the holiday shall commence and shall give such employee not less than seven days' notice of such date.

Remuneration for holiday

5. In respect of a period of holidays with pay the employer shall Remuneration pay to the clerical employee for

* 9th May, 1959

[Subsidiary]

Holidays with Pay (Clerical Employees) Order

with pay. each day of such period remuneration at the rate of one-sixth of the average weekly earnings of such employee during the previous twelve months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

6. When the employment of a clerical employee is terminated, either by such 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 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.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

Varying of periods of holidays with pay.

8. Notwithstanding clause 4 (1), an employer and employee may agree that such employee shall take his holidays with pay in periods of not less than six consecutive days upon the completion of six consecutive months' service in which case such holidays shall be given by the employer and taken by the employee before the expiration of three months after each period of such completed service:

Provided that such holidays may not be taken during the Christmas period.

**HOLIDAYS WITH PAY
(PRINTERY EMPLOYEES) ORDER**

made under section 3

Citation.

1. This Order may be cited as the Holidays with Pay (Printery Employees) Order and shall come into operation on 1st November, 1959,

Interpretation.

2. In this Order-

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

“earnings” means the regular amounts paid by an employer to an employee in respect of the employee’s services and include 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 work or by way of bonus unless such payments by way of bonus form part of such regular amounts;

“employee” means any person employed in a printery;

c. 32:02

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act;

“printer” means any place or premises in which printing by letter-press, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidental to another business so carried on but shall not include copying by office typewriter or office duplicating machine.

[Subsidiary]

Holidays with Pay (Printery Employees) Order

Period of
computing
holidays with
pay.

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.

(2) Every employee 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 from the date of his engagement.

Periods of
holidays with
pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than twelve consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of twelve consecutive months' service or during the Christmas period:

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 ten months after the date upon which the right to such holiday 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.

Remuneration
for holiday
with pay.

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 the employee during the previous twelve

months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

6. When the employment of an employee is terminated either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

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

Varying of periods of holidays with pay.

8. Notwithstanding clause 4 (1) an employer and employee may agree that the employee shall take his holidays with pay in periods of not less than six consecutive days upon the completion of six with pay. consecutive months' service in which case such holidays shall be given by the employer and taken by the employee before the expiration of three months after each period of such completed service:

Provided that such holidays may not be taken during the Christmas period.

[Subsidiary]

Holidays with Pay (Domestic Servants) Order

O.72/1959

HOLIDAYS WITH PAY (DOMESTIC SERVANTS) ORDER

made under section 3

Citation and commencement

1. This Order may be cited as the Holidays with Pay (Domestic Servants) Order and shall come into operation on 1st November, 1959.

Interpretation.

2. In this Order—

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

“domestic servant” means any person employed as a domestic servant in any private residence, and includes children's nurses;

“earnings” means the regular amounts paid by an employer to a domestic servant in respect of the domestic servant's services, and includes the value of any meals supplied to such domestic servant 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. For the purposes of this definition, the cash value of any meals shall be deemed to be the amount fixed as such by or under the terms of the domestic servant's employment, or if it is not so fixed, shall be determined by the Chief Labour Officer;

c. 32:02

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

Method of computing holidays with pay.

3. (1) Every domestic servant 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 domestic servant 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 from the date of his engagement.

Periods of
holidays with
pay.

4. (1) No employer shall require a domestic servant to take his holidays with pay in periods of less than twelve consecutive days, and no domestic servant shall require his employer to allow him holidays with pay prior to the completion of twelve consecutive months' service or during the Christmas period:

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 domestic servant before the expiration of ten months after the date upon which the right to such holiday accrues.

(3) The employer shall determine the date on which the holiday shall commence and shall give to the domestic servant not less than seven days' notice of such date.

Remuneration
for holiday
with pay.

5. In respect of a period of holidays with pay the employer shall pay to the domestic servant for each day of such period remuneration at the rate of one-sixth of the average weekly earnings of the domestic servant during the previous twelve months or during the period of his employment with the employer whichever is the lesser period.

[Subsidiary]

Holidays with Pay (Domestic Servants) Order

Payment for holidays with pay upon termination of employment.

6. When the employment of a domestic servant is terminated, either by the domestic servant or by the employer, the employer shall pay to the domestic servant in lieu of such period of holidays with pay as shall have accrued under 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.

Computing continuous employment for holidays with pay.

7. For the purposes 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 purposes of this Order.

Varying of periods of holidays with pay.

8. Notwithstanding clause 4 (1), an employer and domestic servant may agree that the domestic servant shall take his holidays with pay in periods of not less than six consecutive days upon the completion of six consecutive months' service in which case such holidays shall be given by the employer and taken by the domestic servant before the expiration of three months after each period of such completed service:

Provided that such holidays may not be taken during the Christmas period.

Computation of holiday with pay for employment on half-day basis

9. In the case of a domestic servant employed on a half-day basis, a half-day shall be counted as a day in the computation of periods of employment and holidays with pay.

O.96/1959

**HOLIDAYS WITH PAY
(CHAUFFEURS) ORDER**

made under section 3

Citation and commencement

1. This Order may be cited as the Holidays with Pay (Chauffeurs) Order and shall come into operation on 21st November, 1959.

Interpretation.

2. In this Order —

“chauffeur” means a person employed to drive a hire car;

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

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

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act.

c.32:02

Period of computing holidays with pay.

3. (1) Every chauffeur 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

[Subsidiary]

Holidays with Pay (Chauffeurs) Order

(2) Every chauffeur 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.

Periods of holidays with pay.

4. (1) No employer shall require a chauffeur to take his holidays with pay in periods of less than twelve consecutive days, and no chauffeur shall require his employer to allow his holidays with pay prior to the completion of twelve consecutive months' service or during the Christmas period:

c.19:07

Provided that any of the days which are public holidays under the provisions of the Public Holidays Act for the time being in force 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 chauffeur before the expiration of ten months after the date upon which the right to such holiday accrues.

(3) The employer shall determine the date on which the holiday shall commence and shall give the chauffeur not less than seven days' notice of such date.

Remuneration for holiday with pay.

5. In respect of a period of holidays with pay the employer shall pay to the chauffeur for each day of such period remuneration at the rate of one-sixth of the average weekly earnings of the chauffeur during the previous twelve months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

6. When the employment of a chauffeur is terminated, either by the chauffeur or by the employer, the employer shall pay to chauffeur in lieu of such period of holidays with pay as shall have accrued under this Order and in respect of which

[Subsidiary]

Holidays with Pay (Chauffeurs) Order

Holidays with Pay (Stone Crushing Plant Employees) Order

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 purposes 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 exceeded fourteen days shall not be deemed to be a break in employment for the purposes of this Order.

Varying of periods of holidays with pay.

8. Notwithstanding clause 4 (1), an employer and chauffeur may agree that such chauffeur shall take his holidays with pay in periods of not less than six consecutive days upon the completion of six consecutive months' service in which case such holidays shall be given by the employer and taken by the chauffeur before the expiration of three months after each period of such completed service:

Provided that such holidays may not be taken during the Christmas period.

O.96/1960

HOLIDAYS WITH PAY (STONE CRUSHING PLANT EMPLOYEES) ORDER

made under section 3

Citation and commencement.

1. This Order may be cited as the Holidays with Pay (Stone Crushing Plant Employees) Order.

Interpretation.

2. In this Order—

[Subsidiary] *Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations*

“earnings” means 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 work or by way of bonus, unless such payments by way of bonus form part of such regular amounts;

“employee” means a person employed in a stone crushing plant;

c. 32:02 “medical practitioner” means a person registered as a medical practitioner under the Medical Practitioner’s Act;

“stone crushing plant” means any place where any process is carried on in connection with the dressing and preparation of stone or rock.

Period of computing holidays with pay.

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.

(2) Every employee 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. No day that is a public holiday shall be computed as holidays with pay under this Order.

* 10th December 1960

Periods of holidays with pay.

5. (1) No employer shall require an employee to take his holidays with pay in periods of less than twelve consecutive days and no employer shall require his employer to allow his holidays with pay prior to the completion of twelve consecutive months' service:

Provided that an employer and employee may agree that such employee shall take his holidays with pay in periods of not less than six consecutive days upon the completion of six consecutive months' service in which case such holidays shall be given by the employer and taken by the employee before the expiration of three months after each period of such completed service.

(2) The holidays with pay shall be given by the employer and shall be taken by the employee before the expiration of ten months after the date upon which the right to such holiday accrues.

(3) The employer shall determine the date on which the holiday shall commence and shall give the employee not less than seven days' notice of such date.

Remuneration for holiday with pay.

6. 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 the employee during the previous twelve months or during the period of his employment with the employer whichever is the lesser period.

Payment for holidays with pay upon termination of employment.

7. When the employment of an employee is terminated, either by the employer or the employee, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

[Subsidiary] *Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations*
Holidays with Pay (Employees at Petrol Filling Station) Order

Computing continuous employment for holidays with pay.

8. For the purposes 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 absence from work due to the non-operation of the stone crushing plant or 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.

O. 96/1977

HOLIDAY WITH PAY (EMPLOYEES AT PETROL FILLING STATION ORDER

made under section 3

Citation and commencement.

1. This Order may be cited as the Holidays with Pay (Employees at Petrol Filling Station) Order and shall come into operation on 25th November, 1959,

Interpretation.

2. In this Order –

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

“earnings” means the regular amounts paid by an employer to an employee in respect of the employee's services and include 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 work or by way of bonus unless such payments by way of bonus form part of such regular amounts;

“employee” means any person employed in 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 lubricants and accessories required for the repaired for the repair of, or use in, motor vehicles, are sold, or any such place or for the purpose of being cleaned or washed or for the purpose of carrying out running repairs or making minor adjustments to them.

Method of computing holidays with pay.

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.

(2) Every employee 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 his engagement.

Periods of holidays with pay.

4. (1) No employer shall require an employee to take his holidays with pay in periods of less than six consecutive days, and no employee shall require his employer to allow him holidays with pay prior to the completion of six consecutive months' service or during the Christmas period:

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

[Subsidiary] *Holiday Holidays with Pay (Employees at Petrol Filling Station) Order*

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 holiday 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.

Remuneration
for holiday
with pay.

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

Payment for
holidays with
pay upon
termination of
employment.

6. When the employment of an employee is terminated either by the employee or by the employer, the employer shall pay to the employee in lieu of such period of holidays with pay as shall have accrued under 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.

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

Reg.10/1953

**HOLIDAYS WITH PAY
(REGISTER OF HOLIDAYS) REGULATIONS**

made under section 11

Citation.

1. These Regulations may be cited as the Holidays with Pay (Register of Holidays) Regulations.

Interpretation.

2. In these Regulations—

“Labour Officer” means the Chief Labour Officer, and includes the Deputy Chief Labour Officer, any inspector of labour, and any assistant inspector of labour.

Record of holidays with pay.

3. (1) Each employer to whom an order made under section 3 of the Act applies shall keep a record (hereinafter referred to as the Register of Holidays) in the form set out in the Schedule.

(2) The Register of Holidays shall be kept on the premises and shall be produced on request for inspection by the Labour Officer.

(3) The Register of Holidays shall be kept up-to-date.

(4) The Labour Officer may make copies of any entries in the Register of Holidays and if he so thinks fit may remove the Register of Holidays to the Labour Department.

SCHEDULE

REGISTER OF HOLIDAYS

Record of Holidays with Pay, 20.....

[Subsidiary]

Holidays with Pay (Register of Holidays) Regulations
Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations

(1)	(2)	(3)	(4)		(5)	(6)	(7)	(8)
Name of employee.	Address of employee.	Date of engagement	Date of periods of holidays with pay		Remuneration paid in respect of holidays under col. (4)	Date of termination of engagement	No. of holidays with pay accrued but not taken at date of termination.	Amount paid in lieu of accrued holidays as per col. (7)
			Dates	No. of days				

Reg. 9/1954

HOLIDAYS WITH PAY (ADVISORY COMMITTEES AND ENQUIRY) (PROCEDURE) REGULATIONS

made under section 11

Citation.

1. These Regulations may be cited as the Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations and shall be applicable to any enquiry held under section 4 or any Advisory Committee appointed under section 5 of the Act.

Interpretation.

2. In these Regulations—

“chairman” means the person appointed as chairman of any

[Subsidiary] *Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations*

committee appointed under section 5 of the Act;

“Committee” means an Advisory Committee appointed under section 5 of the Act;

“competent person” means a person appointed by the Minister to hold any enquiry under section 4 of the Act.

Attendance of
meeting of
Advisory
Committee.

3. (1) Any person may, by notice in writing signed by the Chairman or a competent person, as the case may be, be required—

- (a) to attend any meeting of the Committee or of the competent person and give evidence before the said Committee or the said competent person; or
- (b) to attend any meeting of the Committee or of the competent person and produce any document which, in the opinion of the Committee or of the competent person is relevant to the subject-matter of the enquiry; or
- (c) to furnish in such manner as may be specified such particulars as may be required by the Committee or by the competent person.

(2) Any person who wilfully fails to comply with any notice in writing addressed to him under this regulation shall be liable on summary conviction to a fine of forty dollars.

[Subsidiary] *Holidays with Pay (Advisory Committees and Enquiry) (Procedure) Regulations*

Assessors to
assist
Committee.

4. A Committee or a competent person, as the case may be, may call in the aid of one or more assessors, specially qualified in the opinion of the Committee or of the competent person to give assistance to the Committee or to the competent person in the matter under enquiry or in any matter relevant to such enquiry.

5. (1) Each report by a Committee or by a competent person shall be in writing and shall be addressed to the Minister.

(2) Such reports shall be signed by the members of the Committee who concur therein or by the competent person, as the case may be, and shall in the former case be accompanied by any report signed by any dissenting member thereof.

(3) Such report shall be forwarded to the Minister as soon as conveniently possible after the conclusion of the enquiry or, if the Minister has requested an interim report, as soon as conveniently possible after the receipt of such request.

6. Subject to these Regulations, any Committee or competent person, as the case may be, may regulate the procedure to be followed at any enquiry in order that a report of such enquiry may be submitted to the Minister expeditiously.