

CHAPTER 99:02

HOLIDAYS WITH PAY ACT

ARRANGEMENT OF SECTIONS

SECTION

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**AN ACT to repeal and re-enact the Holidays with Pay Act, to provide for the grant and regulation of annual holidays with pay for all categories of workers and for matters connected therewith and incidental thereto.**

[23RD MARCH 1995]

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

2. In this Act--- Interpretation.

“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

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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.

Grant and method of computing holidays with pay.

**3.** (1) Every worker 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.

(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 holidays with pay.

(3) Every worker who is employed on a daily or hourly basis, shall be allowed a period of holidays 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 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:

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

(2) The holidays 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 holidays accrues.

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

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

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

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 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 holidays with pay if taken at that date. Payment for holidays with pay upon termination of employment.

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. No power to contract out of Act.

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. Records.

9. Any employer who— Offences.

(a) fails to allow a worker any holidays with pay to which such worker is entitled under this Act;

(b) enters into any contract, any of the provisions of which is of no effect under section 7;

(c) fails to keep any records as may be prescribed under section 8, or knowingly makes or causes or permits to be made any false entry in such records; or

(d) contravenes any of the provisions of any regulations made under section 12,

shall be liable on summary conviction to a fine of not less than twenty thousand dollars nor more than twenty five thousand dollars.

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Offences by  
agent

**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 holidays 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.

**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.

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.

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