

THE HOLIDAYS WITH PAY ACT

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## THE HOLIDAYS WITH PAY ACT

[27th March, 1947.]

Cap. 149.  
Law  
42 of 1954.  
Acts  
5 of 1963,  
23 of 1969,  
14 of 2009.

Short title.

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

2.—(1) In this Act unless the context otherwise requires—

Interpreta-  
tion.  
14/2009  
S. 2.  
42/1954  
S. 3(a).

“casual worker” means any worker who is employed—

(a) from day to day; or

(b) for the performance of a particular task which normally cannot be performed in less than one working day;

“holiday remuneration” means the amount of remuneration payable to a worker during any holidays with pay to which he may be entitled under any order; 42/1954 S. 9.

“Labour Officer” means a Labour Officer as defined in the Labour Officers (Powers) Act;

“occupation” means—

23/1969  
S. 2.

(a) any trade, industry, undertaking or business; or

(b) any other activity, whether of a commercial nature or not;

“order” means an order made under section 3;

42/1954  
S. 3 (b).

“worker’s 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 any payments by way of bonus form part of such regular amounts.

Power to  
provide for  
holidays  
with pay,  
sick leave,  
gratuities  
and sick  
benefit in  
any occupa-  
tion.  
42/1954  
S. 4.

3. Subject to the provisions of this Act, the Minister may by order direct that workers, including casual workers, in any occupation shall be entitled to be allowed such holidays with pay, such sick leave with pay, such gratuities and such sick benefit as may be determined in such order.

Provisions  
relating to  
workers  
other than  
casual  
workers.  
42/1954  
S. 4.

4.—(1) Any order relating to workers other than casual workers may make provision for the conditions on which, and the time at or the periods within which, any holiday with pay to which the worker is entitled shall be allowed and for the conditions on which and the period for which the worker shall be entitled to sick leave with pay, and shall make provision for the duration of, and the minimum holiday remuneration payable during, any such holiday, and shall make provision for the duration of, and the minimum remuneration payable during, any period of sick leave.

(2) The provision in any order in respect of—

- (a) the duration of the holiday with pay and the duration of the sick leave with pay, shall be related to the duration of the period for which the worker has been employed or is engaged to be employed;
- (b) the minimum holiday remuneration and the minimum remuneration payable during sick leave, shall be related to the worker's earnings during such period prior to the date of the commencement of the holiday with pay or sick leave with pay, as the case may be, as may be specified in the order.

(3) An order may specify and define the occupation to which it applies, and may be applicable either

generally to all such occupations or specially to such occupations as may be within a specified area.

(4) The holidays and the sick leave to which a worker is entitled to be allowed under any order shall, unless such order otherwise provides, be in addition to any holidays or half-holidays to which the worker may be entitled under any other law.

5.—(1) An order may provide that casual workers or any category of casual workers specified in such order in the occupation to which such order relates, shall be entitled to be paid such gratuities as may be determined in such order.

Provisions  
relating to  
casual  
workers.  
42/1954  
S. 4.

(2) Any provision under subsection (1) in any order may specify the conditions on which and the time at or the period in respect of which any gratuity to which any casual worker is entitled shall be paid and shall specify the minimum gratuity payable under such order to any casual worker in the occupation to which the order applies.

(3) Any provision under this section in any order in respect of the amount of the gratuity payable to any casual worker shall be related—

- (a) to the earnings paid to the worker in the capacity of a casual worker by the employer by whom the gratuity is payable during such period prior to the date of the payment of the gratuity as may be specified in the order; and
- (b) to the number of days on which such worker has been employed in the capacity of a casual worker by such employer during such period.

(4) Any gratuity payable to any worker by virtue of any provision under this section in any order shall, unless