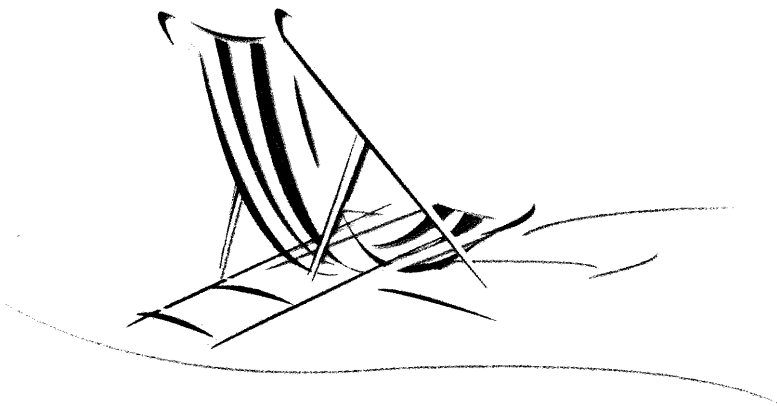


FACT SHEET

HOLIDAYS WITH PAY ACT



LABOUR DEPARTMENT

2nd Floor East, Warrens Office Complex
Warrens, St. Michael
Tel.: 310-1506 -1512/1533
Fax: 424-2589
Email: labour@labour.gov.bb

WHO IS:

An Employee – A person who is employed by another to provide services under a contract of service.

An Employer – A person who employs another under a contract of service, whether written, verbal or implied.

WHAT IS:

Holiday With Pay

– The period of vacation of three weeks and payment for such, to which an employee becomes entitled after working for one year or twelve months.

Average Pay – A pro-rated calculation of holiday pay for persons who worked less than one year but more than three months.

A year of employment

– A period of twelve months during which a weekly, fortnightly or monthly paid person **must** work 208 days to be eligible for the full three weeks holiday. Persons paid on an hourly, daily or other basis must work 150 days to be eligible to the three weeks.

Total

remuneration – The total gross earnings for the outstanding period under consideration for the calculation of holiday pay. This is only concerned with the basic wages and does not include allowances, bonuses and overtime payments. Commissions are not included unless this forms the only basic salary.

BASIC FACTS

- An employee who completes one year of employment is entitled to three weeks holiday with pay for each year up to their fourth year of employment with a particular employer.
- On completion of the fifth year of employment that employee is entitled to four weeks holiday with pay.
- In cases where persons have contractual arrangements which better this Act those persons would be entitled to such holiday with pay as is stipulated in that contract.
- In cases where an employment contract is terminated by either party then that employee is entitled to 'average pay' in proportion to the amount of holiday that person is entitled to for the outstanding period.
- Holiday is to be given in one period, but if both parties agree it can be split into no more than two periods.
- Where there is mutual agreement the holiday may be granted before the employee becomes entitled to it.
- An employer may postpone an employee's holiday for no more than six months after the employee becomes entitled to their annual holiday. Further postponement can only be facilitated by written consent by the Chief Labour Officer.
- The employer has the right to roster the holiday but must give no less than fourteen days notice of such holiday.

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- An employee is only entitled to his/her holiday after the completion of the year that the holiday is for.
 - Where a public holiday falls **within** a period of holiday an additional day is given for each such public holiday.
 - Notice of termination during or immediately prior to holiday is null and void.
 - Holiday pay is to be paid for any part of holiday being taken, not later than the day before the holiday starts.
 - The employer is entitled to a refund of any monies that he paid in excess of what the employee is due.

It is a criminal offence for an employer to withhold holiday or holiday pay from an employee to which he has become entitled.

LABOUR DEPARTMENT

MISSION

To promote and maintain a stable and harmonious industrial relations climate and provide employment services to the community.

GOAL

The overall goal of the Labour Department is to provide quality service to employers, trade unions, individual employees and members of the community in the promotion of social and economic justice in the working environment.