

- ❖ Holiday pay is to be paid for any part of holiday 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.

Prepared by the Industrial Relations Section

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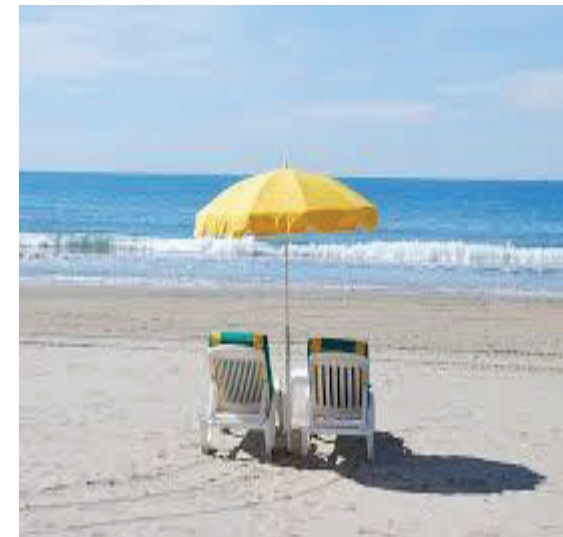
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FACT SHEET

HOLIDAYS WITH PAY ACT 2017-3



Who is An Employee	Employee means an individual who has entered into or works under, or where the employment has ended, worked under, a contract of employment. (ERA 2012-9)
An Employer	An employer means the person by whom the employee is, or in a case where the employment has ended, was employed. (ERA 2012-9)
Holiday With Pay	The period of vacation of three weeks or four weeks and payment for such, to which an employee becomes entitled after working for one year or twelve months.
Average Pay	The sum that an employer pays an employee for the annual holiday or part thereof. It is calculated as follows: <ul style="list-style-type: none"> (a) 3/52 of total remuneration for completion of 48 days in three consecutive months (b) 3/52 of total remuneration of the year of employment for less than 5 years (c) 4/52 of total remuneration of the year of employment for a period of 5 years or more.
Year of employment	A period of twelve months during which a weekly, fortnightly or monthly paid person must work a minimum of 208 days, while persons paid on an hourly, daily or other basis must work 150 days.
Basic Wages	The sum of money paid to an employee for the standard work period provided for in a contract of employment, whether the employee is paid monthly, weekly, fortnightly, daily, on an hourly basis, or by work done, as the case may be, but does not include any additional payment made to the employee as a bonus, commission or overtime.
Total remuneration	The total gross earnings for the outstanding period under consideration for the calculation of holiday pay. This includes basic wages, payment for work done on Sundays or Public Holidays, commission, incentive pay and cash value of boarding or lodging and meals.

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 an '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 his 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.
- ❖ An employee is only entitled to his/her holiday after the completion of one year.
- ❖ Where a public holiday falls within a period of holiday an additional day is to be given for each such public holiday.
- ❖ Notice of termination during or immediately prior to holiday is null and void.