



GUIDANCE NOTE ON TREATMENT OF PUBLIC HOLIDAYS

As we prepare to observe our next public holiday, National Independence Day on Wednesday November 30, 2022, we wish to share some legislative reminders with you.

PAYMENT FOR WORK ON PUBLIC HOLIDAYS

November 30th should be treated in the same manner as other public holidays, for example, Errol Barrow Day and Heroes' Day.

If a shop assistant works on a public holiday or day off, the Shops Act, 2015-30 notes that he or she is entitled to be **paid twice (double) his or her ordinary rate of pay.**

The Shops Act makes specific provisions for Shop Assistants only. For all other categories of workers, the provisions stated in Collective Agreements, Company Policies and Contracts of Employment should be followed to determine overtime eligibility and applicable rates.

Supervisory and Managerial personnel are NOT considered Shop Assistants and therefore the related provisions under the Shops Act do not apply.

Please be reminded that if your company is operating under the provisions of the Shops Act-2015, Independence Day is considered a Closed Day. Should a Shop wish to operate on a Closed Day then an application should be made to the Chief Labour Officer.

WHO IS SHOP ASSISTANT?

The Shops Act, 2015 defines a Shop Assistant as follows:

“Shop assistant” means any person, except a number of the occupier’s family directly or indirectly,

(a) employed in operations carried on for the purpose of the sale or hire of articles; or

(b) employed in connection with the trade or business of a shop, including clerical or other office work.

PUBLIC HOLIDAYS AND ANNUAL VACATION

For every public holiday that falls within a period of annual holiday a day must be added to the annual holiday. Persons must be paid for each additional day of holiday.

Public holidays are not treated as part of employee’s annual holiday and therefore the terms of the employment as it relates to payment for public holidays shall apply.

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