

Title: Holiday Pay

December 2011

As we come to the end of another year we will look at the issue of holiday pay, a topic that generally occupies the mind of many workers at this time and one which we get numerous queries about throughout the year at the Department of Labour.

When we talk about holiday pay what exactly do we mean? The term “holiday with pay” is not defined in the legislation in St. Vincent and the Grenadines. However it must be noted that the terms “holiday”, “annual holiday” and vacation are generally used interchangeably to refer to the same event.

The purpose of legislation relating to vacation is to:

1. Ensure that a worker is given an annual vacation for which he/she ought to receive payment after a specified period of continuous employment with an employer and;
2. To provide for additional payment for public holidays and other specified days as prescribed by legislation.

Let’s look at holiday entitlement under the current minimum wage regulations. Workers who fall under the under the Security Guard, Domestic workers, Hotel workers, Workers in offices of Professionals (e.g lawyers and doctors) and shop Assistants regulations must complete one year before they become eligible for holidays with pay. Workers who fall under the Industrial and Agricultural workers regulations become eligible for vacation after working for at least one hundred days in any year.

In other establishments the policy is that a worker must complete one year service to become entitled to holiday with pay

The minimum number of days leave to be granted to each worker is outlined in the various wages regulations, which we will now highlight:

Security Workers are entitled to vacation with pay as follows:

1 to 2 years service	14 working days
3 to 5 years service	18 working days
5 years and over	21 working days

Domestic workers, except those employed on a day-to –day basis is eligible for 14 calendar days vacation leave between 1 and 5 years of service and 6 to 10 years service 21 calendar days.

Workers in the Hotel and Offices of Professionals are as follows:

1 to 2 years service	14 working days
3 to 5 years	18 working days
6 to 10 years	21 working days

Workers covered under the Shop Assistants regulations are entitled to vacation as follows:

After 1 year's service	14 working days
After 2 years up to 5 years	18 working days
6 years and over	21 working days

Under the Industrial workers regulations the vacation entitlement is as follows:

100 – 125 days	8 working days
126 – 150 days	10 working days
151 – 175 days	12 working days
176 – 200 days	14 working days
201 days and over (up to 4 years)	16 working days
201 days and over (5 years and over)	21 working days

In the Agricultural sector the vacation schedule states that on working

100 – 125 days per year	5 working days
126 – 200 days per year	10 working days
201 days and over per year	14 working days

Over 5 years (where a worker has worked for 201 days per year) 16 working days

A number of workers are of the view that their employers should pay them up front when they are going on holiday; however this is not necessarily the case. For example if you are a monthly paid employee and your vacation leave begins November 15th, you will be away from work for the rest of November depending on the number of days leave you have accumulated, however you will be paid your normal wages at the end of November. Some employers do pay holiday pay in advance, but there is nothing in the law stating that they have to do so.

Another question that is frequently asked is whether or not an extra day pay should be given if a public holiday falls during the vacation period. The answer to this question is yes, if you do not normally work on a public holiday and on the other hand depending on which sector you are employed and you are requested to work on a public holiday then you would be paid double time.

Here are a few additional things to note about vacation:

1. It may not always be possible for an employee to get vacation as they wish. The employer has the prerogative to decide when is the most reasonable time of year for employees to take vacation, bearing in mind the number of employees who need to take vacation and the type of business being operated. Both employer and employee should seek to arrive at a reasonable compromise with respect to vacation schedule.
2. An employer may have a need (for various reasons) to recall an employee to work before the scheduled vacation is finished. The employee should be reasonable and accommodate the employer where possible bearing in mind that while on vacation you are still employed.
3. If an employee gets sick while on vacation, that employee is not entitled to additional pay for sick leave, since the employee is already off the job and receiving full payment.