

ANTIGUA AND BARBUDA



PUBLIC HOLIDAYS (AMENDMENT) BILL, 2019

NO. OF 2019

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PUBLIC HOLIDAYS (AMENDMENT) BILL, 2019

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ARRANGEMENT OF CLAUSES

Clause

1. Short title and Commencement
2. Interpretation
3. Repeal and replacement of Schedule to the Act

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PUBLIC HOLIDAYS (AMENDMENT) BILL, 2019
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AN ACT to amend the Public Holidays Act, Cap 354

ENACTED by the Parliament of Antigua and Barbuda as follows-

1. Short title

This Act may be cited as the Public Holidays (Amendment) Act 2019.

2. Interpretation

In this Act –

the “principal Act” means the Public Holidays Act , Cap 354

3. Repeal and replacement of the Schedule to the Act

The Schedule to the principal Act is repealed and replaced as follows –

“SCHEDULE

1. NEW YEARS DAY

The First day of January in each year

When the First day of January falls on a Sunday the following Monday shall be a public holiday.

2. INDEPENDENCE DAY

The first day of November in each year

When the first day of November falls on a Saturday or Sunday the following Monday shall be a public holiday and on that day shall be held all the official acts and activities in celebration of the anniversary of Independence.

3. **CHRISTMAS DAY**

The Twenty-fifth day of December in each year

When Christmas falls on a Saturday or Sunday, the following Monday and Tuesday shall be public holidays.

4. **BOXING DAY**

The Twenty-sixth day of December in each year

When Boxing Day falls on a Sunday, the following Monday and Tuesday shall be public holidays.

5. **GOOD FRIDAY**

6. **EASTER MONDAY**

7. **LABOUR DAY**

The First Monday in May

8. **WHIT MONDAY**

9. **CARNIVAL HOLIDAY**

The First Monday in August

The Tuesday following the First Monday in August

10. SIR VERE CORNWALL BIRD SNR. DAY

The 9th day of December in each year

When Sir Vere Cornwall Bird Snr Day falls on a Saturday or Sunday, the following Monday shall be a public holiday.

11. THE DAY FOLLOWING A GENERAL ELECTION IN ANTIGUA AND BARBUDA

12. SUNDAYS

For the purposes of calculating compensation for work done on a public holiday, Sundays are exempt from the requirements of Section C15 (2) of the Antigua and Barbuda Labour Code.

Passed the House of Representatives
this the day of 2019.

Passed the Senate
this day of 2019

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

This amendment seeks to address the issue of compensation for work done on Sundays. In accordance with the current Public Holidays Act, Cap 354, Sundays (meaning ALL Sundays) are observed as Common Law holidays in Antigua and Barbuda; so too are Good Friday and Christmas Day. In practice, many laws respect Sundays as a “sacred day”. However, for the purpose of compensation for work done on Sundays, it is not the practice that employees are paid for working on Sundays in the way that they would be compensated for working on Good Friday or Christmas. Whereas on Good Friday and Christmas Day, employees who are required to work are compensated at the rate of pay set aside under the Labour Code for working on a Public Holiday, this rate pay is not given to employees working on Sundays. Further, where in Collective Bargaining Agreements, employees are compensated for work done on Sundays in excess of their basic rate of pay, this is generally done because the nature of the industry regards working on a Sunday as working overtime, and not because Sundays are been recognised as a Public Holiday.

Following several consultations with various stakeholders, to include from the Unions, Employer’s Federation, Nurses Association, Public Service Association, Employers and employees across several industries, and Members of the Clergy, it was agreed that Sundays are to remain, in law, as a Public Holiday, however, it should be exempted from the requirement to under the Labour Code that workers be paid a premium pay for working on a public holiday.

As a result of the consultations, the Public Holidays Act, Cap. 354 is amended by repealing and replacing the Schedule as seen in Clause 3. The Schedule was amended to include within the list of public holidays –

Christmas Day #3

Good Friday #5; and

Sundays #12

The following notations in respect of the observance of these holidays has been added:

Where Christmas Day falls on a Saturday or a Sunday, the following Monday and Tuesday shall be public holidays. This is a departure from the current practice where only the Monday was being observed as a public holiday. A similar notation was made in respect of Sir Vere Cornwall Bird Snr Day – listed at #10.

The note to Sundays (#12) reflects the agreement of the Stakeholders and reads thus:

“For the purposes of calculating compensation for work done on a public holiday, Sundays are exempt from the requirements of Section C15 (2) of the Antigua and Barbuda Labour Code.”

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Hon. Steadroy C. O. Benjamin
Attorney General
And Minister for Labour