



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Employment Rights Ordinance, 2010, to introduce new provisions relating to work performed on a Sunday or public holiday; to repeal the Sunday (Observance) Ordinance, Cap. 161; to amend the Liquor Ordinance to remove the prohibition on the sale of liquor by liquor license holders on certain holidays; and to amend the Public Holidays Ordinance, Cap. 158, to further regulate the provisions relating to public holidays; and for purposes connected and incidental to it.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Citation

1. This Ordinance may be cited as the Employment Rights (Amendment) Ordinance, 2017, and shall come into force on the date of publication.

Working hours and leave periods

- 2.** Section 27 of the Employment Rights Ordinance, 2010, is amended—
- (a) by inserting the following subsection and renumbering the existing text as subsection (2):
 - “(1) Except for the provision of emergency services and essential public services, no person shall be compelled to perform any work on a Sunday or on any public holiday.”;
 - (b) by adding the following paragraphs to the renumbered subsection (2):
 - “(j) categories of persons to whom the provisions of subsection (1) shall not apply;
 - (c) by adding the following subsection:
 - “(3) For the purposes of subsection (1)—
 - “**emergency services**” means police, fire and ambulance services and any other such service that may be required in an emergency to deal with the preservation of life and property;
 - “**essential public services**” means services that are essential to ensure the health, safety and welfare of the public; and

“public holiday” means any day which is observed as a holiday under the Public Holidays Ordinance, Cap. 158.”.

Repeal and amendment of legislation

2. (1) The Sunday (Observance) Ordinance, Cap. 161, is repealed.
- (2) The Liquor Ordinance, Cap. 56, is amended by repealing subsection (3) of section 6.
- (3) The Public Holidays Ordinance, Cap. 158, is amended—
 - (a) by deleting the words “by certain undertakings” in the heading to section 2;
 - (b) by repealing section 2(1) and substituting the following therefor:

“(1) The several days specified in the First Schedule shall be public holidays.”;
 - (c) by deleting the words “permitted to open in the manner hereinbefore set out” in section 4(2) and substituting “which is open” therefor.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance amends the Employment Rights Ordinance, 2010, to restate an employee’s right not to be required to work on a Sunday or public holiday and repeals the Sunday (Observance) Ordinance, Cap. 161. The repeal of that Ordinance also lifts the restriction on opening hours for shops on Sundays. The Ordinance also amends the Liquor Ordinance, Cap. 56, to remove the prohibition on the sale of liquor by liquor license holders on Christmas Day and Good Friday.