

DECLARATION OF APRIL 24, 2017 AS AN ADDITIONAL PUBLIC HOLIDAYS FOR SABAH

In concordance with the Federal Government's decision, the State Government of Sabah by notification in the State Gazette No. 78 of 2017 has declared 24th April 2017 as an additional public holiday in the State in conjunction with the coronation of the 15th Yang di-Pertuan Agong, Sultan Muhammad V.

Consequently, it becomes an additional public holiday that shall be granted to private sector employees who are covered under the Labour Ordinance (Sabah Cap 67) ("the Ordinance") in line with the provisions of section 103(1)(b) of the Ordinance. Nevertheless, the employer may grant any other day as a paid public holiday in substitution for such day ("substituted paid holiday") (section 103(2) of the Ordinance).

Employee who is required by the employer to work on that day, or, if substituted, substituted paid holiday, shall be entitled to the following payments in addition to the holiday pay:

- (a) In the case of employees employed on a monthly, weekly, daily or hourly or other similar rate:
 - (i) 2 days wages at the ordinary rate of pay (section 103(6)(a) of the Ordinance); and
 - (ii) Not less than 3 times the hourly rate of pay if working overtime (section 103(7) of the Ordinance)
- (b) In the case of employees employed on piece rate:
 - (i) twice the ordinary rate per piece (section 103(6)(b) of the Ordinance); and
 - (ii) not less than 3 times the ordinary rate per piece if working overtime (section 103(8) of the Ordinance).

Employee who works on that day shall also be entitled to a travelling allowance for that day if payable to him under the terms of his contract of service (section 103(9) of the Ordinance).

If the additional public holiday or the substituted paid holiday falls on sick leave or annual leave or during temporary disablement under the Workmen's Compensation Act 1952 or under the Employees' Social Security Act 1969, the employer shall grant another day as a paid holiday in substitution for such additional public holiday or the substituted paid holiday (section 103(3) of the Ordinance). This is to allow the employee to enjoy the additional public holiday granted by the Government.

Section 130K (3) of the Ordinance provides that any employer who fails to pay wages as provided under section 103 of the Ordinance shall be guilty of an offence, and shall on conviction, be ordered by the court before which he is convicted to pay to the employee concerned the wages due for any work done on such holiday at the rate provided under section 103 of the Ordinance.

Sabah Labour Department
April 6, 2017