

THE SHOPS AND OFFICES ACT

[15th May, 1961.]

Law
27 of 1957.
Acts
41 of 1966,
11 of 2004
6th Sch.,
15 of 2014
Sch.

1. This Act may be cited as the Shops and Offices Act. Short title.
2. In this Act— Interpreta-
tion.
- “child” means a person who is under the age of eighteen years; 11/2004
Sixth
Schedule.
- “employed” means engaged in work of any description, whether gratuitously or for reward;
- “Minister” means the Minister responsible for labour relations;
- “occupier”—
- (a) in relation to any shop, means the owner of the business of that shop, and includes any person having the charge or the general management and control of that shop; and
- (b) in relation to any office, means the person carrying on, or for the time being responsible for the management of, the business for the purposes of which the office is maintained;
- “office” means any establishment, being an establishment maintained for the purposes of any profession or trade or business, and of a class declared under section 3 to be an office for the purposes of this Act;
- “prescribed” means prescribed by regulations made under section 5;
- “shop” means—

- (a) any premises in which any person conducts or manages or carries on any business in which dry goods, hardware, jewellery, books or stationery are sold, whether by retail or wholesale, and whether or not such business is conducted, managed or carried on to the exclusion of, or in addition to, any other business, and includes any place used for storage of, receipt of orders for, or the despatch or delivery of, any goods dealt with in such business; and
- (b) such other premises, being premises in which any trade or business is conducted or carried on, and of a class declared under section 3 to be a shop for the purposes of this Act;

41/1966
S. 2.

“tourist ship” means any vessel declared by the Minister to be a tourist ship in a notice published at least four days prior to the arrival of such vessel at a port in Jamaica in a daily newspaper printed and circulating in Jamaica;

Power to
extend appli-
cation of this
Act.

3. The Minister may from time to time by order declare such classes of premises or establishments as may be specified in the order, to be shops or offices, as the case may be, for the purposes of this Act.

Payment of
remuneration.

4. The remuneration of every person employed in or about the business of a shop or office for reward shall be paid in the currency of this Island as described in the Bank of Jamaica Act, without any deduction other than—

- (a) deductions authorized or required to be made from such remuneration by any enactment;
- (b) deductions made in pursuance of, or in compliance with, any judgment or order of any court in this Island;

- (c) deductions made in pursuance of any authority in writing signed by the person to whom such remuneration is payable.

5.—(1) The Minister may make regulations for all or any of the following purposes— Regulations.

- (a) prescribing the hours during which shops and offices may be or remain open for the transaction of business;
- (b) prescribing the hours during which persons may be employed in or about the business of any shop or office;
- (c) [*Deleted by 15 of 2014, Schedule*]; 15/2014
Sch.
- (d) prescribing the records to be kept by the occupiers of shops and offices;
- (e) specifying the circumstances in which persons employed in or about the business of shops and offices shall be entitled to be paid overtime wages under this Act, and prescribing the rates of such overtime wages, so, however, that in no case shall the hourly equivalent of the overtime rates so prescribed exceed twice the hourly equivalent of the wages usually paid to the persons concerned;
- (f) requiring, subject to such exemptions as may be specified, suitable sanitary conveniences to be provided and maintained for the use of persons employed in or about the business of shops and offices;
- (g) requiring suitable means of ventilation to be provided and maintained in any shop or office in which persons are employed in or about the business of the shop or office, as the case may be;

- (h) prescribing, subject to such exemptions as may be specified, the facilities for the taking of meals which shall be provided and maintained for the use of persons employed in or about the business of shops and offices;
- (i) prescribing the following matters in connection with the provisions of seats for the use of persons employed in shops and offices—
 - (i) the classes of shops or offices in which seats shall be provided;
 - (ii) the number of seats in relation to the number of persons employed;
 - (iii) the notices which shall be exhibited in shops and offices in which the regulations require seats to be provided;
- (j) prescribing the intervals for meals and rest to be allowed to persons employed in or about the business of shops and offices and specifying the hours during which such intervals shall be allowed;
- (k) amending or varying the Schedule.

41/1966
S. 3(a).
Schedule.

(2) Regulations made under this section may—

- (a) apply to all shops and offices, or to such classes of shops or offices as the regulations may specify, whether throughout the Island or in any parish, district, village or town in the Island;
- (b) prescribe, in respect of paragraphs (a), (b) and (j) of subsection (1)—
 - (i) the same hours for all shops and offices;
 - (ii) different hours for different classes of shops or offices;

- (iii) different hours for different days of the week;
- (iv) different hours for different periods of the year;
- (v) different hours for different parishes, districts, villages or towns;
- (c) authorize the transaction of business and employment of persons in shops and offices outside the prescribed hours—^{41/1966 S. 3 (b).}
 - (i) in cases of emergency and in such other circumstances as may be prescribed; or
 - (ii) in accordance with a scheme prepared by the occupier of a shop or office and in relation to which the provisions of the Schedule shall have effect, ^{Schedule.}
and subject to such restrictions and conditions as may be specified in the regulations;
- (d) include provisions for cases where more than one trade, business or profession are conducted, carried on or practised in the same shop or office;
- (e) define, for the purposes of this Act, the limits of any district, village or town. ^{41/1966 S. 3 (c).}

(3) Notwithstanding anything contained in the Holidays (Public General) Act, or in any other enactment, regulations made under this section may provide in respect of shops in any district, village or town in which there is a port that during such hours and subject to such conditions as may be specified in the regulations—^{41/1966 S. 3 (d).}

- (a) such shops may be open for the transaction of business; and

(b) persons may be employed therein,
on any Public General Holiday on which a tourist ship is
in the port of such district, village or town.

(4) All regulations made under this section shall be
subject to negative resolution.

Copies of
Act, orders
and regula-
tions to be
exhibited.

6. Every occupier of a shop or office shall exhibit and
keep exhibited in a conspicuous place in his shop or office,
as the case may be, a copy of this Act and copies of all
orders and regulations made thereunder which apply to
such shop or office.

No con-
tracting out.

7. Any agreement between an occupier of a shop or
office whereby any person employed in or about the
business of such shop or office purports to contract himself
out of the provisions of this Act or of any regulations
made thereunder shall be of no effect.

Powers of
Labour
Officers and
the Police.

8.—(1) A Labour Officer as defined in the Labour
Officers (Powers) Act may at all reasonable times—

- (a) enter and examine the premises on which the
business of any shop or office is being conducted;
- (b) request the occupier to produce for examination
any prescribed records, or, in the absence of the
occupier, request any person employed in or
about the business of the shop or office to
produce any prescribed records in his custody;
- (c) make copies of and extracts from, any records
produced during the course of inspection.

(2) Any constable may, either alone or with such
other constables or persons as he may call to his assistance,
enter at any time, either by day or by night, into any shop
or office for the purpose of ensuring the observance of the
provisions of any regulations made under this Act which

relate to the hours of business of such shop or office, or to the hours of employment of persons employed in or about the business thereof.

9.—(1) Every person who assaults or obstructs any Labour Officer, or any constable, or any person called to the assistance of a constable while such Labour Officer or constable is acting pursuant to any power vested in him by this Act, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months. Penalties.

(2) Every occupier of a shop or office who without reasonable cause or excuse fails to comply with the provisions of section 6, or fails to exhibit in his shop or office any prescribed notice, or fails to keep any prescribed records, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten dollars and in the case of a continuing offence to a fine not exceeding twenty dollars in respect of each day on which the offence continues after conviction.

(3) Every person who—

- (a) being the occupier of a shop or office, without lawful authority transacts or causes to be transacted, any business in his shop or office in contravention of the provisions of any regulations made under this Act; or
- (b) without lawful authority employs or causes to be employed, any person in or about the business of a shop or office in contravention of the provisions of any regulations made under this Act; or
- (c) being the occupier of a shop or office, without reasonable cause or excuse fails to pay to any

person employed in or about the business of his shop or office overtime wages at not less than the prescribed rates; or

- (d) without reasonable cause or excuse fails to comply with any request made by a Labour Officer under paragraph (b) of subsection (1) of section 8,

shall, on summary conviction before a Resident Magistrate, be liable, in the case of a first offence, to a fine not exceeding one hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding four months; in the case of a second offence, to a fine not exceeding two hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding six months; and in the case of a third or subsequent offence, to a fine not exceeding four hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

(4) Every person who contravenes or fails to comply with any of the provisions of this Act or of any regulations made thereunder, for which no penalty is expressly provided by this Act, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding six months.