

Minimum Vacation Requirements Under Employment Standards Laws Across Canada



Vacation entitlement, pay, notice, periods and waiver rules across Canada.

Dealing with employee vacation requests and rights is tricky business, especially for organizations facing staff shortages and uncertainty. The starting point is to ensure you know the minimum vacation requirements under the employment standards laws of each jurisdiction in which you operate. Specifically, there are 6 crucial things you need to keep track of:

1. The vacation entitlement, i.e., how much vacation time employees in that jurisdiction get;
2. The vacation pay rate;
3. How the vacation is taken, i.e., by when it must begin or end;
4. How much vacation notice you must provide the employee;
5. The number of periods in which employees can take their annual vacation; and
6. Whether employees are allowed to waive their vacation entitlement in exchange for additional pay.

Here's a Summary you can use to track this crucial information no matter where in Canada you are.

EMPLOYMENT STANDARDS VACATION REQUIREMENTS ACROSS CANADA

FEDERAL

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 5 years; 4 weeks after 10 years

Vacation Pay: 4% after 1 year; 6% after 5 years; 8% after 10 years

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: If employer and employee can't agree on a mutually satisfactory start date, employer must give employee at least 2 weeks' written notice of start date and employee must take the vacation at that time

Periods: Must be taken in 1 period unless employer approves employee's written request for 2 or more periods

Must Be Paid: 1 to 14 days before start of any vacation time; or on regular pay day during or immediately after vacation time

Waiver/Postponement: Employee may postpone or waive vacation *time* with employer's written agreement but not vacation *pay*

ALBERTA

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 5 years

Vacation Pay: 4% after 4 years; 6% after 5 years

How Taken: Must start no later than 12 months after completion of employment year for which employee became entitled to vacation

Required Notice: If employer and employee can't agree on a mutually satisfactory start date, employer must give employee at least 2 weeks' written notice of start date and employee must take the vacation at that time

Periods: Must be taken in 1 period unless employer agrees to 2 or more

Must Be Paid: No later than first regularly scheduled pay day after vacation time start; or if employee requests, at least 1 day before the vacation time start

Waiver/Postponement: Vacation pay can't be waived; not specified whether vacation time can be waived or postponed

BC

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 5 years

Vacation Pay: 4% after 4 years; 6% after 5 years

How Taken: Must end no later than 12 months after completion of employment year for which employee became entitled to vacation

Required Notice: Not specified

Periods: Must be taken in periods of 1 or more weeks

Must Be Paid: At least 7 days before vacation starts unless parties agree in writing or collective agreement requires payment on employee's scheduled payday

Waiver/Postponement: Vacation pay can't be waived; not specified whether vacation time can be waived or postponed

MANITOBA

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 5 years

Vacation Pay: 4% for first 5 years; 6% after 5 years

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: If employer and employee can't agree on timing, employer must give employee at least 15 days' notice of date on which the vacation is to begin and employee must take vacation at that time

Periods: Must be taken in periods of 1 or more weeks

Must Be Paid: At least 1 working day before vacation starts

Waiver/Postponement: Vacation pay can't be waived; not specified whether vacation time can be waived or postponed

NEW BRUNSWICK

Vacation Entitlement: 2 regular weeks or 1 calendar day for each month worked (whichever is less) in first 8 years; 3 weeks or 1.25 calendar days for each month worked (whichever is less) after 8 years

Vacation Pay: 4% for first 8 years; 6% after 8 years

How Taken: Must start no later than 4 months after completion of employment year for which employee became entitled to vacation

Required Notice: Employer must give employee at least 1 week notice of when vacation is to begin

Periods: Not specified

Must Be Paid: At least 1 day before vacation starts

Waiver/Postponement: Vacation pay can't be waived; not specified whether vacation time can be waived or postponed

NEWFOUNDLAND

Vacation Entitlement: 2 weeks after 1 year and up to 15 years; 3 weeks after 15 years

Vacation Pay: 4% for first 15 years; 6% after 15 years

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: Unless sides agree otherwise in writing, employer must give employee at least 2 weeks written notice of vacation dates and employee must take the vacation on those dates

Periods: 2-week vacation can be taken in 1 period or 2 periods of 1 week, or sides can agree on shorter periods; 3-week vacation can be taken in 1 period or in 1-week or 2-week increments, or sides can agree on shorter periods

Must Be Paid: At least 1 working day before vacation starts

Waiver/Postponement: Vacation pay can't be waived; not specified whether

vacation time can be waived or postponed

NOVA SCOTIA

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 5 years

Vacation Pay: 4% for first 8 years; 6% after 8 years

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: Employer must notify employee at least 1 week in advance of when the vacation will begin

Periods: All at once unless sides agree to split the vacation into 2 or more periods

Must Be Paid: At least 1 working day before vacation starts

Waiver/Postponement: Employee that worked less than 90% of regular hours during a continuous 12-month period may waive vacation time by written agreement but can't waive vacation pay

ONTARIO

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 8 years

Vacation Pay: 4% for first 5 years; 6% after 5 years

How Taken: Must end no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: Employer gets to set vacation time but notice requirements not specified

Periods: 2-week vacation can be taken in 1 period or 2 periods of 1 week, or sides can agree on shorter periods; 3-week vacation can be taken in 1 period or in 1-week or 2-week increments, or sides can agree on shorter periods

Must Be Paid: In a lump sum before the vacation pay start; For employees paid by direct deposit or where vacation time is taken in less than complete weeks, on the regular pay day for vacation time taken; On every pay cheque; or At a time agreed to by the employee

Waiver/Postponement: Employee may waive vacation time with Director of Employment Standards approval but can't waive vacation pay

PRINCE EDWARD ISLAND

Vacation Entitlement: 2 weeks after 1 year and up to 8 years; 3 weeks after 8 years

Vacation Pay: 4% for first 8 years; 6% after 8 years

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: Employer must notify employee at least 1 week in advance of when the vacation will begin **Periods:** 1 unbroken period

Must Be Paid: At least 1 day before vacation starts

Waiver/Postponement: Employee that works for an employer for a continuous 12-month period but who worked less than 90% of the normal working hours during that period may give employer written notice of wish to waive his/her vacation time for pay (at 4% if employee has less than 8 years' continuous employment or 6% if the employee has 8 or more years of continuous service)

QUÉBEC

Vacation Entitlement: 1 day per month in first year; 2 weeks after 1 year and up to 5 years; 3 weeks after 5 years

Vacation Pay: 4% for first 5 years; 6% after 5 years

How Taken: Must end no later than 12 months after completion of employment year for which employee became entitled to vacation, aka, "annual leave"

Required Notice: Employer must notify employee at least 4 weeks in advance of when the annual leave will begin

Periods: 1 unbroken period but employee can request 2 periods, which employer can deny if it closes the establishment for a period equal to or greater than the employee's total annual leave entitlement

Must Be Paid: Unless parties agree otherwise, in a lump sum before the vacation pay start, unless wages, including vacation pay, are paid on a daily basis

Waiver/Postponement: No waiver of vacation pay or trading vacation time for pay unless trade is under a special provision contained in a collective agreement or decree. Exception: Employees with 3 weeks' vacation if the establishment closes for 2 weeks on occasion of the annual leave

SASKATCHEWAN

Vacation Entitlement: 3 weeks after 1 year; 4 weeks after 10 years

Vacation Pay: 5.77% for first 10 years; 7.69% after 10 years

How Taken: Must end no later than 12 months after completion of employment year for which employee became entitled to vacation

Required Notice: If side can't agree on timing, employer must notify employee in writing at least 4 weeks in advance of when vacation will start

Periods: In 1 period unless: i. the vacation periods are longer than 1 week; ii. the employee gives the employer written notice of the proposed lengths of the vacation periods; and iii. the notice is provided no later than the employee's vacation entitlement date. Employer may require all employees, or all employees in part of a workplace, to take their vacation at a time when employer closes all or part of the workplace as long as those vacation periods are at least 1 week long

Must Be Paid: On the employee's normal payday unless employee requests receiving the pay before vacation begins; employer must also reimburse employee if it prevents him from taking a scheduled vacation

Waiver/Postponement: Vacation pay can't be waived; not specified whether vacation time can be waived or postponed

NORTHWEST TERRITORIES & NUNAVUT

Vacation Entitlement: 2 weeks after 1 year; 3 weeks after 6 years

Vacation Pay: 4% for first 5 years; 6% after 5 years

How Taken: NWT: Must start no later than 6 months after completion of employment year for which employee became entitled to vacation; NU: Must start no later than 6 months after completion of employment year for which employee became entitled to vacation

Required Notice: Not specified

Periods: Not specified

Must Be Paid: At least 1 day before vacation begins

Waiver/Postponement: Vacation entitlement can be waived by agreement for "exceptional circumstances" if Employment Standards Officer approves; vacation pay can't be waived

YUKON

Vacation Entitlement: 2 weeks after 1 year

Vacation Pay: 4%

How Taken: Must start no later than 10 months after completion of employment year for which employee became entitled to vacation

Required Notice: Not specified

Periods: Not specified

Must Be Paid: At least 1 day before vacation begins

Waiver/Postponement: Vacation entitlement can be waived by written agreement for "exceptional circumstances" if Employment Standards Officer approves; vacation pay can't be waived