

Statutory Holidays – Know The Laws Of Your Province



Stat holiday pay rules vary by jurisdiction.

Employment standards laws entitle employees to about 10 holidays off per year with full pay. Employees who are required to work on those holidays are also entitled to premium pay—either wages at the overtime rate for the hours they work on the holiday and/or another paid day off. However, while those are the basic rules, there are also significant differences from jurisdiction to jurisdiction in terms of:

- Which holidays are recognized as stat holidays;
- Which employees qualify for stat holiday pay;
- Whether and under which conditions, employers or employees may agree to substitute another day for the stat holiday;
- How much pay employees who don't work the stat holiday are entitled to receive; and
- How much employers must pay employees who do work on a stat holiday.

Here's a summary of the rules in each part of Canada.

Statutory Holiday Pay Requirements By Jurisdiction

FEDERAL

General Holidays: New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day

Eligibility:

1. All employees entitled to holiday with pay on general holidays;
2. If holiday falls on day off, employees gets off another day that's mutually convenient to employer and employee; and
3. If holiday falls on a Saturday or Sunday, employee gets the preceding Friday or subsequent Monday off

Substitution: OK if employee affected provides written approval or, where many employees are affected, 70% agree to substitution and notice is posted

Holiday Pay:

1. Employees who don't work holiday get at least 1/20 of wages, excluding overtime, earned in 4-week period immediately before the holiday;
2. Employees on commission get at least 1/60 of wages, excluding overtime, earned in the 12-week period immediately before the week in which the general holiday occurs;
3. Employees required to work on a general holiday get, in addition to the holiday pay for that day, time and one-half wages for the time they work on the holiday

(*Canada Labour Code*, Division V)

ALBERTA

General Holidays: New Year's Day, Alberta Family Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day (*Employment Standards Code* (ESC), Sec. 25)

Eligibility:

1. Employees get general holiday pay if they've worked for the same employer for 30 work days or more in the 12 months before the holiday;
2. Employees not entitled to general holiday pay if they: (a) don't work on a general holiday when required or scheduled to do so, or (b) are absent from without consent on their last regular work day before, or first regular work day after the general holiday (ESC, Sec. 26)

Substitution: Not expressly permitted

Holiday Pay:

1. Employees who don't work holiday get at least their average daily wage, calculated by averaging total wages in whichever of the following periods the employer chooses over the number of days worked by the employee in the period: (a) the 4 week period immediately before the general holiday; or (b) the 4 week period ending on the last day of the pay period immediately before the general holiday;
2. Employees that work on a general holiday that would have been a work day get either: A. General holiday pay of at least average daily wage or $1.5 \times$ wage rate for each hour the employee works on that day; or B. at least wage rate \times each hour worked on the day + one day's holiday, no later than the employee's next annual vacation paid at employee's average daily wage (using the formula for calculating average daily wage specified in subsection 1) (ESC, Secs. 28 and 29);
3. Employees that work on a general holiday that falls on a day that's not normally a work day for them get time-and-a-half for each hour they work on that day (ESC, Sec. 30); and
4. Employees get average daily wage (calculated in accordance with the formula listed in subsection 1) for a general holiday that falls during their annual vacation (ESC, Sec. 31)

BRITISH COLUMBIA

Statutory Holidays: New Year's Day, Good Friday, Victoria Day, Canada Day, British Columbia Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day and Christmas Day

Eligibility: Employees eligible for stat holiday pay if they've been employed by the employer for at least 30 calendar days before the stat holiday and have: (a) worked or earned wages for 15 of the 30 calendar days before the stat holiday, or (b) worked under an averaging agreement at any time within that 30 calendar day period

Substitution: OK to substitute another day for stat holiday if employee agrees or where the substitution affects many employees, a majority agrees

Holiday Pay:

1. Employees who don't work on a stat holiday or get a substitute day off, regardless of whether or not the stat holiday falls on the employee's regularly scheduled day off, get average day's pay of

$$\text{amount paid} \div \text{days worked},$$

where: (a) **amount paid** = the amount paid or payable to the employee for work done during and wages earned within the 30 calendar day period before the stat holiday, including vacation pay paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime; and (b)

days worked = the number of days the employee worked or earned wages within that 30 calendar day period;

2. Employees required to work on a stat holiday get: (a) 1 1/2 times regular wages for the time worked up to 12 hours, (b) double regular wage for any time worked over 12 hours, and (c) an average day's pay, as determined using the formula in subsection 1 above

(Employment Standards Act, Part 5)

MANITOBA

General Holidays: New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Christmas Day

Eligibility: Employees eligible for holiday pay for a general holiday unless: (a) they're absent on their first scheduled workday before or after the holiday without the employer's consent (employer deemed to have given consent if the employee is ill or on entitled leave); or (b) the holiday falls on a day that would normally be a workday for the employee, and the employee (i) is required or scheduled to work on the holiday, and (ii) is absent on that day without the employer's consent

Substitution: Employer may substitute another day for a general holiday if the substituted day is within 12 months of the general holiday, AND the substitution is made: (a) in accordance with a collective agreement; or (b) with the agreement of the bargaining agent for the employees or, where the employees don't have a bargaining agent, with the written agreement of a majority of the employees

Holiday Pay:

1. Eligible employees get at least wage for regular hours of work on a normal workday in the pay period: (a) in which the employee receives a day off in relation to the holiday; or (b) in which the holiday occurs, if the employee doesn't get a day off.
2. Employees who work on a general holiday get: (a) overtime for the hours worked at the overtime rate; and (b) holiday pay for the day; Exceptions apply to certain industries
3. If the general holiday falls on a day that wouldn't normally be a workday for the employee, the employee gets: (a) a day off, with holiday pay, on a day that would normally be a workday for the employee, either before the employee's next annual vacation, or at a later time agreed to by the employee; and (b) if the general holiday falls on a Saturday or Sunday, employee gets a day off, with holiday pay, on first workday after the holiday

(Employment Standards Code, Division 4)

NEW BRUNSWICK

General Holidays: New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Christmas Day

Eligibility: Employees eligible for holiday pay for a general holiday unless: (a) they're absent on their first scheduled workday before or after the holiday without the employer's consent (employer deemed to have given consent if the employee is ill or on entitled leave); or (b) the holiday falls on a day that would normally be a workday for the employee, and the employee (i) is required or scheduled to work on the holiday, and (ii) is absent on that day without the employer's consent

Substitution: Employer may substitute another day for a general holiday if the substituted day is within 12 months of the general holiday, AND the substitution is made: (a) in accordance with a collective agreement; or (b) with the agreement of the bargaining agent for the employees or, where the employees don't have a bargaining agent, with the written agreement of a majority of the employees

Holiday Pay:

1. Eligible employees get at least wage for regular hours of work on a normal workday in the pay period: (a) in which the employee receives a day off in relation to the holiday; or (b) in which the holiday occurs, if the employee doesn't get a day off.
2. Employees who work on a general holiday get: (a) overtime for the hours worked at the overtime rate; and (b) holiday pay for the day; Exceptions apply to certain industries
3. If the general holiday falls on a day that wouldn't normally be a workday for the employee, the employee gets: (a) a day off, with holiday pay, on a day that would normally be a workday for the employee, either before the employee's next annual vacation, or at a later time agreed to by the employee; and (b) if the general holiday falls on a Saturday or Sunday, employee gets a day off, with holiday pay, on first workday after the holiday

(Employment Standards Code, Division 4)

NEWFOUNDLAND

Public Holidays: New Year's Day, Good Friday, Remembrance Day, Memorial Day, Labour Day and Christmas Day

Eligibility: Employees eligible for holiday pay for a public holiday unless: (a) the public holiday occurs within 30 days following the beginning of their employment with the employer; (b) they fail, without just cause or the employer's consent, to comply with the contract of service on the regular work day immediately before and/or immediately after the public holiday

Substitution: If a public holiday falls on a day that an employee isn't required to work, the employee gets the next working day immediately after the holiday off unless the employer and employee mutually agree to substitute another working day for that day; Substitution not expressly permitted for public holidays that fall on working days, except under a collective agreement

Holiday Pay:

1. Employees get regular wages for a public holiday they don't work calculated by multiplying their hourly rate of pay by the average number of hours worked in a day by the employee in the 3 weeks immediately before the holiday
2. Employees that agree to work on a public holiday get: (a) twice the wages properly earned by the employee for that day as if that day were a normal working day; (b) 1 full day's holiday within 30 days after the public holiday with pay at the rate listed in subsection 1 above; (c) 1 extra day of annual vacation with pay
3. An employer that requires an employee to work on a public holiday for a number of hours that's less than the number of hours that the employee would work on a normal working day must pay the employee normal wages for the number of hours worked + the wages the employee would have earned if the day were a normal working day

(*Labour Standards Act, Part II*)

NOVA SCOTIA

General Holidays: New Year's Day, Heritage Day, Good Friday, Canada Day, Labour Day and Christmas Day

Eligibility: Employees eligible for paid general holiday if: (a) they've received or are entitled to receive pay for at least 15 days during the 30 calendar days immediately before the general holiday; and

(b) they worked on the scheduled working day immediately before and immediately after the holiday—unless the employer directed them not to work on either day

Substitution: Employer may substitute any other holiday for a general holiday if: (a) it's agreed to in a collective agreement and the Director is notified in writing of the substitution; or (b) if employees aren't in a union, the employer applies to the Director for permission to substitute, which the Director will grant if it believes a majority of the employees are in favour of the substitution

Holiday Pay:

1. Employees who don't work on a general holiday get the wages at their regular rate for a normal work day
2. Employees who are required to work on a general holiday get regular pay for the

day + time and a half for the hours they actually work during the day (different rules apply to general holidays worked by employees in a continuous operation)

(*Labour Standards Code*, Secs. 37 to 43)

ONTARIO

Public Holidays: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing

Eligibility: Employees eligible for public holidays off with pay unless: (a) they fail, without reasonable cause, to work all of their last regularly scheduled day of work before the public holiday or all of their first regularly scheduled day of work after the public holiday.

Substitution: Employers and employees may agree to substitute another day for a public holiday; holiday pay rules set out below apply to the substitute holiday

Holiday Pay:

1. An employee's public holiday pay for a given public holiday equals the total amount of regular wages earned and vacation pay payable to the employee in the 4 work weeks before the work week in which the public holiday occurred, divided by 20, unless a specific formula required by the ESA in that situation applies
2. Employees who agree to work on a public holiday get either: (a) public holiday pay + premium pay at time and a half for all hours worked on the public holiday, or (b) regular wages for all hours worked on the public holiday + another substitute holiday for which they must be paid public holiday pay

(*Employment Standards Act*, Part X)

PRINCE EDWARD ISLAND

Paid Holidays: New Year's Day, Islander Day, Good Friday, Canada Day, Labour Day, National Day for Truth and Reconciliation, Remembrance Day and Christmas Day

Eligibility: Employees entitled to paid holidays unless they: (a) have been employed by their present employer for less than 30 calendar days before the paid holiday; (b) haven't received pay for at least 15 of the 30 calendar days immediately before the paid holiday; (c) fail, without reasonable cause, to work on **both** their last scheduled work day before the paid holiday and their first scheduled work day after the paid holiday (unless the employer directed them not to work on either day); (d) agreed to work on the paid holiday and, without reasonable cause, failed to report for and perform work on the paid holiday; or (e) are employed under a contract of service under which they may elect to work or not when requested to do so

Substitution: Not expressly permitted

Holiday Pay:

1. If paid holiday falls on employee's non-working day, employee gets a holiday with pay on either: (a) the working day immediately after the paid holiday; (b) the day immediately after the employee's vacation; or (c) another day agreed upon by the employee and employer before the date of the employee's next annual vacation

2. Employees whose wages are calculated on a daily or hourly basis who don't work on a paid holiday get at least the equivalent of the wages they'd have received at their regular rate the employee's normal hours of work
3. Employees whose wages are calculated on anything other than a daily or hourly basis who don't work on a paid holiday get at least the equivalent of the wages they'd have received at their regular rate for their normal working day
4. Employees required to work on a paid holiday get: (a) a day's pay at their normal rate of pay + time and a half for the time they work on that day; or (b) pay at their normal rate for the hours they work on that day + a paid holiday on another day before the employee's next annual vacation agreed to by the employer and employee

(Employment Standards Act, Secs. 6 to 10)

QUÉBEC

Statutory General Holidays: January 1, Good Friday or Easter Monday (at employer's option), the Monday before May 25, July 1 or July 2 when July 1 is a Sunday, first Monday in September, Second Monday in October, December 25

Eligibility: Employees entitled to paid stat general holidays unless they were absent from work without the employer's authorization or without valid cause on the working day before or after the holiday

Substitution: Not expressly permitted

Holiday Pay:

1. Eligible employees who don't work on a stat general holiday get 1/20 of the wages earned during the 4 complete weeks of pay before the week of the holiday, excluding overtime; employees paid in whole or in part by commission get 1/60 of the wages earned during the 12 complete weeks of pay before the week of the holiday
2. Employees required to work on a stat general holiday get wages for the work they perform on the holiday + either: (a) the 1/20 of the wages earned in the previous 4 weeks or 1/60 of the wages earned in the 12 previous weeks specified in subsection 1 above, or (b) a compensatory holiday of one day that must be taken within 3 weeks before or after the stat general holiday, unless a collective agreement or a decree provides for a longer period

(Labour Standards Act, Division III)

SASKATCHEWAN

Paid Holidays: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day

Eligibility: All employees

Substitution: Employer may substitute another day for a public holiday: (a) in workplaces where a union is the bargaining agent, if the union agrees in writing to substitute another specified day for the public holiday; or (b) in workplaces where no union is the bargaining agent, if the day that is substituted: (i) meets the director's prescribed conditions; or (ii) is approved by the director of employment

standards subject to any terms and conditions set by the director

Holiday Pay:

1. Employees who don't work on a public holiday get 5% of employee's wages, not including overtime, earned in the 4 weeks before the public holiday (unless the regulations specify a different formula for calculating public holiday pay for employees of that category)
2. Employees who work on a public holiday get: (a) 5% of employee's wages, not including overtime, earned in the 4 weeks before the public holiday unless the regulations specify a different formula for calculating public holiday pay for employees of that category + (b) time and a half for each hour worked during the day (unless a different premium formula applies to that category of employee)

(*Sask. Employment Act, Division 2, Subdivision 7*)

NORTHWEST TERRITORIES

Statutory Holidays: New Year's Day, Good Friday, Victoria Day, National Indigenous Peoples Day, Canada Day, first Monday in August, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day and Christmas Day

Eligibility: Employees entitled to holiday pay for stat holidays unless they: (a) haven't worked for their employer for at least 30 days during the preceding 12 months; (b) were required to work that day but didn't report to work; or (c) without the consent of the employer, didn't report for work on their last regular working day before or after the stat holiday

Substitution: OK under a collective agreement if the parties to the agreement notify the Employment Standards Officer in writing of the day to be substituted; employer may apply to the Employment Standards Officer for the approval of the substitution for a stat holiday for employees not represented by a trade union, or not provided for under a collective agreement, as long as a majority of those employees consent

Holiday Pay:

1. Employees who don't work on stat holiday get at least: (a) the wages they would have earned at the regular rate of wages for their normal hours of work, if their wages are calculated on the basis of time; or b) daily wages, based on the average of their daily wages for the 4 weeks they employee worked immediately before the week in which the statutory holiday occurs, if their wages are calculated on another basis
2. Employees required to work on a stat holiday get holiday pay + either: (a) overtime pay for the time worked on that day; or (b) a substitute holiday at some other time, convenient to the employee and employer, that's not later than the employee's next annual vacation or termination of their employment, whichever occurs first
3. Employees not required to work on a stat holiday may not be required to work on another day that would otherwise be a non-working day in the week in which that holiday occurs, unless they get at least double wages for the time they work on that day

(*Employment Standards Act, Secs. 22 & 23*)

NUNAVUT

General Holidays: New Year's Day, Good Friday, Canada Day, Nunavut Day, first Monday in August, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day and Christmas Day

Eligibility: Employees entitled to holiday pay for general holidays unless they: (a) haven't worked for their employer for at least 30 days during the preceding 12 months; (b) were required to work that day but didn't report to work; (c) without the consent of the employer, didn't report for work on their last regular working day before or after the general holiday; or (d) are on pregnancy or parental leave

Substitution: OK under a collective agreement if the parties to the agreement notify the Labour Standards Officer in writing of the day to be substituted; employer may apply to the Labour Standards Officer for the approval of the substitution for a general holiday for employees not represented by a trade union, or not provided for under a collective agreement, as long as a majority of those employees consent

Holiday Pay:

1. Employees who don't work on a general holiday get at least: (a) the wages they would have earned at the regular rate of wages for their normal hours of work, if their wages are calculated on the basis of time; or b) daily wages, based on the average of their daily wages for the 4 weeks they employee worked immediately before the week in which the general holiday occurs, if their wages are calculated on another basis
2. Employees required to work on a general holiday get holiday pay + either: (a) time and a half for the time worked on that day; or (b) a substitute holiday at some other time, convenient to the employee and employer, that's not later than the employee's next annual vacation or termination of their employment, whichever occurs first
3. Employees not required to work on a stat holiday may not be required to work on another day that would otherwise be a non-working day in the week in which that holiday occurs, unless they get at least double wages for the time they work on that day

(Labour Standards Act, Part IV)

YUKON

General Holidays: New Year's Day, Good Friday, Victoria Day, National Indigenous Peoples Day, Canada Day, Discovery Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day and Christmas Day

Eligibility: Employees entitled to paid general holidays unless: (a) the general holiday occurs during the first 30 calendar days of their employment with the employer; (b) they didn't report to work on the

general holiday after having been called in to work on that day; (c) the general holiday falls on a day when the employee had already been absent for 14 consecutive days immediately before the holiday on a leave of absence without pay requested by the employee; or; (d) without the consent of their employer, they didn't report for work on either the last scheduled working day before or the first scheduled working day after the general holiday, except when the employee's absence was permitted by the ESA

Substitution: OK to observe a general holiday on a different working day via written agreement between union employees and the union or, if employees aren't unionized, in a written agreement signed by a majority of the employees

Holiday Pay:

1. Employees whose wages are calculated on a daily or hourly basis who don't work on a general holiday get at least the wages they'd have earned at their regular rate of wages for their normal hours of work
2. Employee whose wages are calculated on any other basis who don't work on a general holiday get at least their daily wages, based on the average of their daily wages, exclusive of overtime or bonus, for the week in which the general holiday occurs
3. Employees who works less than standard hours of work or irregular hours who don't work on a general holiday get at least 10% of their wages, excluding vacation pay, for the hours worked in the 2-week period immediately before the week in which the general holiday falls
4. Employees required to work on a general holiday get the pay to which they're entitled for a general holiday they don't work in accordance with subsections 1 thru 3 above AND either: (a) overtime for all hours worked on that day; or (b) their regular rate of pay for the hours worked on that day + a day off at a time convenient to the employer and employee

(Employment Standards Act, Part 5)