# Vacations – Know The Laws of Your Province




**ALBERTA**

In Alberta, **employer** responsibilities and obligations regarding vacations are regulated under the **Employment Standards Code (ESC).** **Section 34(1) to 44**.

**Basic vacation entitlement**

An **employer** must provide an annual vacation to an **employee** of at least:

(a) 2 weeks after each of the first 4 years of employment, and

(b) 3 weeks after 5 consecutive years of employment and each year of employment after that, unless **Section 35** applies.

**(2)** For greater certainty, a period during which an **employee** is on leave under Divisions 7 to 7.6 is included when calculating the **employee's** years of employment for the purposes of subsection (1). **Section 34.**

**Vacation pay for employees paid monthly**

For each week of vacation, the **employer** must pay an **employee** paid by the month vacation pay of an amount at least equal to the **employee's** wages for the **employee's** normal hours of work in a work month divided by 4 1/3. **Section 34.1.**

**Vacation pay for employees paid other than monthly**

The **employer** must pay an **employee** who is not paid by the month vacation pay of an amount at least equal to:

(a) for an **employee** entitled to 2 weeks' vacation or any lesser amount, 4% of the **employee's** wages for the year of employment for which vacation is given, or

(b) for an **employee** entitled to 3 weeks' vacation, 6% of the **employee's** wages for the year of employment for which vacation is given. **Section 34.2.**

**Computing 5 or more years of employment**

When it is necessary to determine whether an **employee** has been employed by an

**employer** for 5 years of employment, or to determine whether the 6th common anniversary date has occurred, any break in the **employee's** employment with the **employer** of less than 90 days is to be counted as a period of continuous employment. **Section 36.**

**For more information:**

- Vacation entitlements with a common anniversary date. **Section 35(1).**
- How vacation day is to be given. **Section 37.**
- When vacation pay is to be paid. **Section 41.**
- Vacation day in termination of employment. **Section 42.**
- When vacation day is considered to be wages. **Section 43.**
- Reductions in vacation and vacation pay. **Section 44.**

**Further details on the Employment Standards Code can be found at Canlii.org.**

## BRITISH COLUMBIA

In British Columbia, **employers** must adhere to the **Employment Standards Act** for vacation entitlements which pertain to **Sections 57 to 60**.

**Part 7 – Annual Vacation**

**Entitlement to annual vacation**

1) An **employer** must give an **employee** an annual vacation of:

(a) at least 2 weeks, after 12 consecutive months of employment, or

(b) at least 3 weeks, after 5 consecutive years of employment.

(2) An **employer** must ensure an **employee** takes an annual vacation within 12 months after completing the year of employment entitling the **employee** to the vacation.

(3) An **employer** must allow an **employee** who is entitled to an annual vacation to take it in periods of one or more weeks.

(4) An annual vacation is exclusive of statutory holidays that an **employee** is entitled. **Section 57.**

**Vacation pay**

(1) An **employer** must pay an **employee** the following amount of vacation pay:

(a) after 5 calendar days of employment, at least 4% of the **employee's** total wages during the year of employment entitling the **employee** to the vacation pay;

(b) after 5 consecutive years of employment, at least 6% of the **employee's** total wages during the year of employment entitling the **employee** to the vacation pay.

(2) Vacation pay must be paid to an **employee:**

(a) at least 7 days before the beginning of the **employee's** annual vacation, or

(b) on the **employee's** scheduled paydays, if

(i) agreed in writing by the **employer** and the **employee**, or

(ii) provided by the collective agreement.

(3) Any vacation pay an **employee** is entitled to when the employment terminates must be paid to the **employee** at the time set by section 18 for paying wages. **Section 58.**

**Common date for calculating vacation entitlement**

An **employer** may use a common date for calculating the annual vacation entitlement of all **employees** under **sections 57 and 58**, so long as this does not result in a reduction of any **employee's** rights under those sections. **Section 58.**

**For more information:**

- Other payments or benefits do not affect vacation rights. **Section 59.**

**Further details on the Employment Standards Act can be found at BClaws.gov.bc.ca.**

## MANITOBA

In Manitoba, **employers** must follow the **Employment Standards Code** for vacation entitlements. **Sections 34(1) to 44(2).**

**Employee entitlement to annual vacation**

An **employee** is entitled to an annual vacation of at least:

(a) two weeks after each of the first four years of employment; and

(b) three weeks after five consecutive years of employment and each year of employment after that. **Section 34(1).**

**Annual vacation does not include general holidays**

The annual vacation referred to in subsection (1) does not include a general holiday that falls on a day during the **employee's** vacation and that the **employee** is entitled. **Section 34(2).**

**When annual vacation is to be given**

An **employer shall** give an **employee** an annual vacation not later than 10 months after the **employee** becomes entitled. **Section 35.**

**Setting dates for annual vacation**

If an **employer** and an **employee** are unable to agree on when the **employee** will take the annual vacation, the **employer shall** give the **employee** at least 15 days' notice of the date on which the vacation is to begin, and the **employee** must take the vacation at that time. **Section 36.**

**Period of vacation not to be less than a week**

An **employer shall** not require an **employee** who is entitled to an annual vacation to take less than a week at a time. **Section 37.**

**Meaning of "wages"**

In clause (2)(a), **“wages”** does not include:

(a) overtime wages;

(b) a wage in lieu of notice payable under clause 61(1)(b); or

(c) any vacation allowance. **Section 39(1).**

**Amount of vacation allowance**

An **employer shall** pay to an **employee** who is entitled to an annual vacation, for each week of the vacation, a vacation allowance consisting of:

(a) 2% of the wages that the **employee** earned in the year of employment in respect of which the **employee** is entitled to the annual vacation; and

(b) if the **employer** provides board and lodging, or pays an allowance in lieu of board and lodging, as part of the usual remuneration of the **employee**, an amount equal to 2% of the cash value of the board and lodging or allowance that the **employee** received in the year of employment in respect of his or her regular hours of work. **Section 39(2).**

**Time of payment of vacation allowance**

Unless the **employee** otherwise agrees, the **employer shall** pay the vacation allowance to the **employee** not later than the last working day before the **employee’s** annual vacation begins. **Section 39(3).**

**For more information:**

- Vacation may be required during annual shutdowns. **Section 38.**
- Determining the cash value of board and lodging. **Section 39(4).**
- Certain payments do not affect vacation entitlement. **Section 40.**
- Effect of previous year or vacation taken in advance. **Section 41.**
- **Employer** may use common anniversary date. **Section 42(1).**
- Effect of notice of termination. **Section 43.**
- Payment of vacation allowance on termination. **Section 44(2).**

**Further details on the Employment Standards Code can be found at Canlii.org.**

## NEW BRUNSWICK

In New Brunswick, **employers** must comply with the **Employment Standards Act** for vacation entitlements.

**Vacation and public holiday benefits**

An **employee** is not entitled to a vacation with pay or a public holiday with pay under this Act if under a collective agreement or contract of employment the **employee** receives vacation and holiday benefits which together equal or exceed the combined vacation and public holiday benefits provided under this Act. **Section 22(1).**

For the purpose of subsection (1) a payment of 4% of wages is equivalent to the public holiday benefits as prescribed by this Act. **Section 22(2).**

Notwithstanding subsection (1), an **employer shall** pay to an **employee** who works on a public holiday for time worked not less than one and one-half times the **employee’s**

regular rate of wages in accordance with subsection 19(1). **Section 22(3).**

**Annual vacation**

An **employer**, not later than four months after the vacation pay year ends, **shall** give to an **employee** who has less than eight years of continuous employment with the **employer** a vacation that as a minimum is equal to two regular work weeks or one day for each calendar month during the vacation pay year in which the **employee** worked, whichever is less. **Section 24(1).**

An **employer,** not later than four months after the vacation pay year ends, **shall** give to an **employee** who has eight or more years of continuous employment with the **employer** a vacation that as a minimum is equal to three regular work weeks or one and one-quarter days for each calendar month during the vacation pay year in which the **employee** worked, whichever is less. **Section 24(1.1).**

For the purposes of this section and **sections 25 and 26**, "vacation pay year" means the period from the first day of July to the last day of June then following. **Section 24 (2).**

**Qualifying employees**

If an **employee** qualifies for a vacation under section 24, the **employer shall:**

> (a) at least one week in advance, notify the **employee** of the date the vacation is to begin, and
>
> (b) at least one day before the vacation begins,
>
> > (i) if subsection **24(1)** applies, pay the **employee** an amount equal to four percent of the **employee's** wages for the vacation pay year, or
> > (ii) if subsection **24(1.1)** applies, pay the **employee** an amount equal to six percent of the **employee's** wages for the vacation pay year. **Section 25(1).**

**Cessation of employment**

If an **employee's** employment with an **employer** ceases before the end of the vacation pay year, the **employer shall** pay the **employee**, not later than at the same time as the **employee's** final pay is given:

> (a) an amount equal to four percent of the **employee's** wages for the vacation pay year if the **employee** has less than eight years of continuous employment with the **employer**, or
>
> (b) an amount equal to six percent of the **employee's** wages for the vacation pay year if the **employee** has eight or more years of continuous employment with the **employer**. **Section 26(1).**

**For more information:**

- Other vacation provisions. **Section 27.**

**Further details on the Employment Standards Act can be found at Laws.gNB.ca.**

## NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers** must follow the **Labour Standards Act**

regarding vacation entitlements. **Section 7 to 13.**

**Annual vacation with pay**

(1) Where:

(a) an **employee** works for an **employer** at least 90% of the normal working hours in a continuous 12 month period, beginning on the date of the start of employment or upon termination of a preceding 12 month period; and

(b) the employment by that **employee** does not stop before the end of that 12 month period, the **employer shall** permit the **employee**, within 10 months after the end of the continuous 12 month period, to take an annual vacation of not less than 2 weeks, and **shall** pay to the **employee** at the time provided in section 10 wages amounting to 4% of the total wages earned by that **employee** during the 12 month period.

(1.1) Notwithstanding subsection (1), where an **employee** meets the requirements of subsection (1) and has completed 15 years of continuous employment with the same **employer**, the **employer shall** permit the **employee** within 10 months after the end of the 15 year period to take an annual vacation of not less than 3 weeks and **shall** pay to the **employee** at the time provided in section 10 wages amounting to 6% of the total wages earned by that **employee** during the 12 month period.

(2) Where a public holiday occurs during the period of an annual vacation, the period of the annual vacation **shall** be lengthened by 1 working day for each public holiday.

(2.1) The **employer shall**, unless the **employer** and **employee** agree upon shorter periods, permit the **employee** to take the annual vacation:

(a) in one unbroken period of 2 weeks; or

(b) in 2 unbroken periods of one week each,

If the **employee**, not later than the date on which the **employee** becomes entitled to the annual vacation, gives the **employer** written notice of the intention to take the vacation by either of the methods specified in paragraphs (a) and (b).

(3) The **employer shall**, unless the **employer** and **employee** agree upon shorter periods, permit the **employee** to take the annual vacation:

(a) in one unbroken period of 3 weeks;

(b) in 2 unbroken periods of 2 weeks and one week respectively; or

(c) in 3 unbroken periods of one week each,

If the **employee**, not later than the date on which the **employee** becomes entitled to the annual vacation, gives the **employer** written notice of the intention to take the vacation by either of the methods specified in paragraph (a), (b), or (c).

(4) Unless the **employer** and **employee** otherwise agree in writing, the **employer shall** give to the **employee** not less than 2 weeks written notice of the dates of the annual vacation, and upon the notice being given, the **employee shall** take the annual vacation during the period specified in the notice.

(5) Where an **employer** cancels, or changes the dates of the **employee's** annual vacation after having given the notice to the **employee** required by subsection (4), the **employer shall** reimburse the **employee** for reasonable expenses incurred by the

**employee** with respect to the cancelled or changed vacation that are not otherwise recoverable by the **employee**. **Section 8(1) to (5).**

**For more information:**

- **Section 7.**
- Time of Payment. **Section 10.**
- Express Vacation. **Section 11.**
- Where Notice of Termination given. **Section 12.**
- **Section 13.**

**Further details on the Labour Standards Act can be found at Assembly.NL.ca.**

## NOVA SCOTIA

In Nova Scotia, **employers** must follow the **Labour Standards Code** for vacation entitlements. **Section 32 to 36.**

**Vacation pay**

Where an **employee** works for an **employer** at any time during a continuous twelve-month period, the **employer:**

> (a) not later than ten months after the twelve-month period ends, **shall** give the **employee** an unbroken vacation of at least two weeks or, where the **employee** has been in the employment of the **employer** for more than eight years, an unbroken vacation of at least three weeks;
>
> (b) at least one week in advance, **shall** notify the **employee** of the date his vacation begins; and
>
> (c) at least one day before his vacation begins, **shall** pay the **employee** an amount at least equal to four percent or, where the **employee** has been in the employ of the **employer** for more than eight years, an amount at least equal to six percent, of the **employee's** wages for the twelve-month period during which the **employee** established his right to a vacation.

(2) Notwithstanding clause (a) of subsection (1), the **employer** and the **employee** may by agreement provide for two or more vacation periods if:

> (a) the periods are in total equal to at least the length of vacation to which the **employee** is entitled under that clause; and
>
> (b) include an unbroken period of at least one week prior to which the **employer** gives notice as required by clause (b) of subsection (1) and pays the **employee** the full amount as required by clause (c) of subsection (1). **Section 32 (1).**

**Waiver of entitlement under subsection 32 (1)**

(1) An **employee** who works for an **employer** for less than ninety percent of the regular working hours during a continuous twelve-month period may waive the entitlement set out in subsection (1) of Section 32 to a period of vacation leave.

(2) Where the **employee** notifies the **employer** in writing that the **employee** is exercising the option specified in subsection (1), Section 32 does not apply and the **employer shall** pay to the **employee**, not later than one month after the twelve-month period ends, an amount at least equal to four percent or, where the **employee** has been

in the employ of the **employer** for more than eight years, an amount at least equal to six percent, of the wages of the **employee** for the twelvemonth period. **Section 33 (1) and (2).**

**Vacation pay on termination**

Where an **employee** works for an **employer** and is not entitled to a vacation with pay or pay in lieu of a vacation as provided for in **Sections 32 and 33**, and his employment with that **employer** terminates, the **employer shall** pay to the **employee** within ten days after his employment terminates an amount at least equal to four percent or, where the **employee** has been in the employ of the **employer** for more than eight years, an amount at least equal to six percent, of the wages of the **employee** during the time he was employed. **Section 34.**

**Calculation of vacation pay**

**(1)** For the purpose of calculating vacation pay or pay in lieu of vacation as provided for in **Sections 32, 33 and 34**, the wages of the **employee** include the cash value of board or lodging provided by the **employer**, which is the greater of:

(a) the amount agreed upon between the **employer** and the **employee** as being its cash value; and

(b) the amount specified in any order issued under the authority of this Act.

(2) Subsection (1) does not apply to the construction industry.

(3) For the purpose of calculating vacation pay or pay in lieu of vacation pay as provided for in **Sections 32, 33 and 34**, the twelve-month period or any other period of employment **shall** commence on the first day the **employee** is employed. **Section 35.**

**For more information:**

- Vacation pay in trust and deemed secure debt due **Section 36(1) to (3).**

**Further details on the Labour Standards Code can be found at *NSlegislature.ca*.**

## NORTHWEST TERRITORIES AND NUNAVUT

**Employers** in the Northwest Territories and Nunavut must comply with regulations regarding vacation entitlements and vacation pay as outlined. **Section 24. (1) in the NT Employment Standards Act,** and **sections 15 to 21** in the **NU Labour Standards Act.**

**Annual Vacations – Definitions**

“Vacation pay” means 4% of the wages of an **employee** during a year of employment in respect of which the **employee** is entitled to a vacation of two weeks duration, and 6% of the wages of an **employee** during a year of employment in respect of which the **employee** is entitled to a vacation of three weeks duration;

“Year of employment” means continuous employment of an **employee** by one **employer** for a period of 12 consecutive months beginning on the date the employment began or any subsequent anniversary date after that. **Section 15 of NU Labour Standards Act.**

**Annual vacation with pay**

(1) Subject to this Part, every **employee** is entitled, after each year of employment

with any one **employer**:

(a) for the first five years of employment, to an annual vacation with vacation pay of two weeks; and

(b) for the years of employment following the first five years of employment, whether that period of employment is made up of continuous years of employment or of years of employment accumulated within the past 10 years, to an annual vacation with vacation pay of three weeks. **Section 16 of NU Labour Standards Act.**

**Granting vacation with pay**

The **employer** of an **employee** who, under this Part, has become entitled to a vacation with vacation pay, **shall:**

(a) Grant to the **employee** the vacation to which the **employee** is entitled, which **shall** begin not later than 10 months immediately following the completion of the year of employment for which the **employee** became entitled to the vacation; and

(b) At least one day before the beginning of the vacation or at an earlier prescribed time, pay to the **employee** the vacation pay to which the **employee** is entitled in respect of that vacation. **Section 17 of NU Labour Standards Act.**

**Vacation pay – deemed wages**

Vacation pay **shall** for all purposes be deemed to be wages. **Section 18 of NU Labour Standards Act.**

**Holiday pay on termination of employment**

Where the employment of an **employee** ceases for any reason before the completion of the **employee's** year of employment, the **employer shall** without delay pay to the **employee:**

(a) any vacation pay then owing to the **employee** by the **employer** in respect of any prior completed years of employment; and

(b) 4% of the wages of the **employee** during the completed portion of his or her year of employment where the **employee** is entitled to two weeks vacation, and 6% of the wages of the **employee** during the completed portion of his or her year of employment where the **employee** is entitled to three weeks vacation. **Section 19 of NU Labour Standards Act.**

**For more information:**

- Transfer of industrial establishment. **Section 20.**
- Regulations respecting annual vacation. **Section**
- **Section 24 of NT Employment Standards Act.**

**Further details on the Employment Standards Act and Labour Standards Act can be found at Justice.gov.NT.ca and Canlii.org.**

## ONTARIO

In Ontario, **employers** must comply with the **Employment Standards Act (ESA)** regarding vacation entitlements. **Sections 33 to 41** pertain to **Vacation with Pay.**

**Vacation with pay**

**Right to vacation**

(1) An **employer shall** give an **employee** a vacation of:

(a) at least two weeks after each vacation entitlement year that the **employee** completes, if the **employee's** period of employment is less than five years; or

(b) at least three weeks after each vacation entitlement year that the **employee** completes, if the **employee's** period of employment is five years or more.

**Active and inactive employment**

(2) Both active employment and inactive employment **shall** be included for the purposes of subsection (1). **Section 33(1) and (2).**

**Alternative vacation entitlement year — Application**

(1) This section applies if the **employer** establishes an alternative vacation entitlement year for an **employee**. **Section 34(1).**

**Vacation for stub period, less than five years of employment**

(2) If the **employee's** period of employment is less than five years, the **employer shall** do the following with respect to the stub period:

1. The **employer shall** calculate the ratio between the stub period and 12 months.
2. If the **employee** has a regular work week, the **employer shall** give the **employee** a vacation for the stub period that is equal to two weeks multiplied by the ratio calculated under paragraph 1.
3. If the **employee** does not have a regular work week, the **employer shall** give the **employee** a vacation for the stub period that is equal to:

2 × A × the ratio calculated under paragraph 1 where:

A = the average number of days the **employee** worked per work week in the stub period.

**Vacation for stub period, five years or more of employment**

(3) If the **employee's** period of employment is five years or more, the **employer shall** do the following with respect to the stub period:

1. The **employer shall** calculate the ratio between the stub period and 12 months.
2. If the **employee** has a regular work week, the **employer shall** give the **employee** a vacation for the stub period that is equal to three weeks multiplied by the ratio calculated under paragraph 1.
3. If the **employee** does not have a regular work week, the **employer shall** give the **employee** a vacation for the stub period that is equal to:

3 × A × the ratio calculated under paragraph 1 where:

A = the average number of days the **employee** worked per work week in the stub period. **Section 34 (1) to (3).**

**Timing of vacation**

The **employer shall** determine when an **employee shall** take vacation for a vacation entitlement year, subject to the following rules:

1. The vacation must be completed no later than 10 months after the end of the vacation entitlement year for which it is given.
2. If the **employee's** period of employment is less than five years, the vacation must be a two-week period or two periods of one week each, unless the **employee** requests in writing that the vacation be taken in shorter periods and the **employer** agrees to that request.
3. If the **employee's** period of employment is five years or more, the vacation must be a three-week period or a two-week period and a one-week period or three periods of one week each, unless the **employee** requests in writing that the vacation be taken in shorter periods and the **employer** agrees to that request. **Section 35.**

**Vacation pay**

An **employer shall** pay vacation pay to an **employee** who is entitled to vacation under **section 33 or 34**, equal to at least:

(a) 4 percent of the wages, excluding vacation pay, that the **employee** earned during the period for which the vacation is given, if the **employee's** period of employment is less than five years; or

(b) 6 percent of the wages, excluding vacation pay, that the **employee** earned during the period for which the vacation is given, if the **employee's** period of employment is five years or more. **Section 35.2.**

**When to pay vacation pay**

(1) Subject to subsections (2) to (4), the **employer shall** pay vacation pay to the **employee** in a lump sum before the **employee** commences his or her vacation.

(3) The **employer** may pay the **employee** vacation pay that accrues during a pay period on the pay day for that period if the **employee** has made an agreement with the **employer** that it may be paid in that manner. **Section 36(1) and (3).**

**For more information:**

- Where vacation not taken in complete weeks. **Section 33 (3)(a)(b).**
- Payment during labour dispute. **Section 37.**
- If employment ends. **Section 38.**
- Multi-employer plans. **Section 39.**
- Vacation pay in trust. **Section 40 (1).**
- Approval to forego vacation. **Section 41.**
- Vacation statements. **Section 41.1.**
- When statement to be provided. **Section 41.2.**
- Restriction re frequency. **Section 41(4).**

**Further details on the Employment Standards Act can be found at Ontario.ca.**

## PRINCE EDWARD ISLAND

In Prince Edward Island, **employers** must comply with the **Employment Standards Act** regarding vacation entitlements. **Sections 11 to 13** which pertain to **Vacation Pay**.

**Annual vacation with pay**

(1) Where an **employee** works for an **employer** for a continuous twelve-month period, the

**employer shall**:

(a) No later than four months after the twelve-month period ends, give the **employee:**

(i) an unbroken vacation of at least two weeks, if the **employee** has less than eight years of continuous employment with the **employer**, or

(ii) an unbroken vacation of at least three weeks, if the **employee** has at least eight years of continuous employment with the **employer**;

(b) At least one week before the **employee's** vacation begins, notify the **employee** of the date the **employee's** vacation begins; and

(c) At least one day before the **employee's** vacation begins, pay the **employee**

(i) an amount at least equal to four percent of the **employee's** wages for the twelve-month period during which the **employee** established the right to a vacation, if the **employee** has less than eight years of continuous employment with the **employer**, or

(ii) an amount at least equal to six percent of the **employee's** wages for the twelve-month period during which the **employee** established the right to a vacation, if the **employee** has at least eight years of continuous employment with the **employer**.

**Vacation pay on termination of employment**

(2) Where an **employee's** employment with an **employer** ceases, the **employer shall**, not later than the last day of the next regular pay period after the **employee's** employment ceases, pay to the **employee:**

(a) an amount equal to four percent of the **employee's** wages for the period the **employee** has worked for the **employer**, if the **employee** has worked for the **employer** for a period of less than twelve continuous months from the date the employment commenced;

(b) an amount equal to four percent of the **employee's** wages for the period the **employee** has worked for the **employer** from the date the **employee** last became entitled, under subsection (1), to vacation with pay, if the **employee** has been employed continuously by the **employer** for a period of at least one year and less than eight years; or

(c) an amount equal to six percent of the **employee's** wages for the period the **employee** has worked for the **employer** from the date the **employee** last became entitled, under subsection (1), to vacation with pay, if the **employee** has been employed continuously by the **employer** for a period of at least eight years.

**Holiday occurring during vacation**

(3) Where a paid holiday as defined in subsection 6(1) occurs during the period of a vacation, the period of the vacation **shall** be lengthened by one working day.

**Sick leave**

(4) Sick leave with pay **shall** not be considered as vacation with pay or pay in lieu of vacation. **Section 11.**

**For more information:**

- Waiver of entitlement to vocation with pay. **Section 11.1.**
- Pay in lieu of vacation. **Section 11(2).**
- Vacation pay and pay in lieu of vacation, held in trust. **Section 12.**
- Value of board and lodging. **Section 13.**
- Determination of cash value. **Section 13(2).**

**Further details on the Employment Standards Act can be found at *Princeedwardisland.ca*.**

**QUÉBEC**

In **Quebec**, **employer** responsibilities and obligations regarding vacations in 2024 are governed by the **Act Respecting Labour Standards (Loi sur les normes du travail – LNT).**

1. **Vacation Entitlement:**
   - **Less than 1 year of service**: **Employees** who have worked for less than one year are entitled to one day of vacation for each full month worked, up to a maximum of two weeks.
   - **1 to 5 years of service**: After completing one year of service, **employees** are entitled to a minimum of **two weeks of vacation** with pay.
   - **5 years or more of service**: **Employees** with five or more years of service are entitled to **three weeks of vacation** with pay.
2. **Vacation Pay:**
   - **For 2 weeks of vacation**: Vacation pay must be equivalent to **4%** of the **employee's** gross wages earned during the reference year.
   - **For 3 weeks of vacation**: Vacation pay must be equivalent to **6%** of the **employee's** gross wages earned during the reference year.
3. **Reference Year:**
   - The reference year is typically a 12-month period from May 1 to April 30, unless another reference period has been agreed upon by the **employer** and **employees**.
4. **Scheduling Vacations:**
   - **Employers** have the right to determine the vacation schedule but must consult **employees** and ensure that vacations are taken at a time convenient for both parties.
   - **Employers** must notify **employees** of their vacation dates at least **four weeks** in advance.
5. **Carrying Over Vacation Days:**
   - In general, vacation must be taken within **12 months** following the end of the reference year. Carrying over unused vacation to the next year is only permitted with the **employer**'s consent, and even then, only up to the following year.
6. **Vacation During Leave:**
   - If an **employee** is on maternity, paternity, parental, or any other leave during the scheduled vacation period, they may defer their vacation to a later date. This applies if the leave overlaps with the vacation period.
7. **Payment Upon Termination:**
   - Upon termination of employment, the **employer** must pay the **employee** for any

unused vacation pay accumulated during the reference year. This includes the 4% or 6% owed based on the length of service.

**Further details on the  Act Respecting Labour Standards can be found at Legisquebec.gouv.QC.ca.**

## SASKATCHEWAN

In Saskatchewan, **employers** must comply with the **Saskatchewan Employment Act** regarding vacation entitlements.

**Annual vacation periods and common date**

Every **employee** is entitled:

(a) subject to clause (b), to an annual vacation of three weeks after the completion of each year of employment with an **employer**; and

(b) to an annual vacation of four weeks after the completion of 10 years of employment with an **employer** and after the completion of each subsequent year of employment with that **employer**.

(2) An **employer** may use a common date for calculating vacation entitlement of all **employees** but only if the common date does not result in a reduction of any **employee's** rights. **Section 2-24(1).**

**Manner of taking vacation**

If an **employee** is entitled to an annual vacation pursuant to **section 2-24**:

(a) The **employer shall** permit the **employee** to take the entire vacation within 12 months after the date on which the **employee** becomes entitled to it; or

(b) The **employer shall** permit the **employee** to take the entire vacation to which the **employee** is entitled:

(i) in one continuous and uninterrupted period; or

(ii) in a manner other than one continuous and uninterrupted period, if:

(A) the vacation periods are not less than one week in length;

(B) the **employee** provides the **employer** with written notice of the lengths of time the **employee** proposes for the vacation periods; and

(C) the notice is provided not later than the **employee's** vacation entitlement date.

(2) Subject to section 2-26, an **employer** may require all **employees**, or all **employees** in part of a workplace, to take their vacation at a time when the **employer** has closed all or part of the workplace but only if those vacation periods are not less than one week in length. **Section 2-25(1).**

**Vacation pay**

An **employee** is to be paid vacation pay in the following amounts:

(a) If the **employee** is entitled to a vacation pursuant to clause **2-24(1)(a)**, three fifty-
seconds of the **employee's** wages for the year of employment or portion of the year of employment preceding the entitlement to the vacation;

(b) If the **employee** is entitled to an annual vacation pursuant to clause **2-24(1)**

(c) Four fifty-seconds of the employee's wages for the year of employment preceding the entitlement to the vacation.

(2) With respect to an **employee** who is entitled to a vacation pursuant to section 2-24 but who does not take that vacation, the **employer shall** pay the **employee's** vacation pay not later than 11 months after the day on which the **employee** becomes entitled to the vacation.

(3) The **employer shall** pay vacation pay to the **employee** in an amount calculated according to the length of vacation leave taken:

(a) At the **employee's** request, before the **employee** takes the vacation; or

(b) On the **employee's** normal payday.

(4) An **employer shall** reimburse the **employee** for any monetary loss suffered by the **employee** as a result of the cancellation or postponement of the vacation if:

(a) The **employee** has scheduled a period of vacation at a time agreed to by the **employer**; and

(b) The **employer** does not permit the **employee** to take the vacation as scheduled.

(5) A monetary loss mentioned in subsection (4) is deemed to be wages owing and this Part applies to the recovery of that monetary loss. **Section 2-27(1).**

**For more information:**

- Notice of vacation period. **Section 2-26.**
- When public holiday occurs during a vacation. **Section 2-28.**
- Payment of vacation pay on ending of employment. **Section 2-29.**

**Further details on the Saskatchewan Employment Act can be found at *Worksafesask.ca*.**

## YUKON TERRITORY

**Employers** in Yukon have specific requirements regarding vacation entitlements and vacation pay under the **Yukon** Employment Standards Act. **Section 19 to 27.**

**Annual Vacations – Interpretation**

**"Vacation pay"** means four percent of the wages of an **employee** during a year of employment in respect of which the **employee** is entitled to a vacation.

**"Year of employment"** means the continuous employment of an **employee** by one **employer** for a period of 12 consecutive months beginning with the date the employment began or any subsequent anniversary date thereafter.

(1) This Part applies to all **employees**, including **employees** who are employed on a part-time, seasonal, or temporary basis.

(2) This Part does not apply to an **employee** who is a member of the **employer**’s family. **Section 20.**

**Entitlement to vacation with pay**

(1) Subject to this Part, every **employee** is entitled to and **shall** be granted a vacation with vacation pay of at least two weeks in respect of every completed year of employment.

(2) Vacation pay **shall** be deemed to be wages. **Section 21.**

**Time for vacation and payment**

The **employer** of an **employee** who under this Part has become entitled to a vacation with vacation pay

> (a) **Shall** grant to the **employee** the vacation to which the **employee** is entitled, which **shall** begin not later than 10 months immediately following the completion of the year of employment for which the **employee** became entitled to the vacation; and
>
> (b) **Shall**, at least one day before the beginning of the vacation, or at any earlier time the regulations prescribe, pay to the **employee** the vacation pay to which the **employee** is entitled in respect of that vacation. **Section 22.**

**Vacation including general**

If a general holiday occurs during the vacation granted to an **employee** pursuant to this Part, the vacation to which the **employee** is entitled under this Part **shall** be extended by one day, and the **employer shall** pay to the **employee**, in addition to the vacation pay, the wages to which the **employee** is entitled for that general holiday. **Section 24.**

**End of employment before end of year – Termination**

(1) If the employment of an **employee** by an **employer** is terminated before the completion of the **employee’s** year of employment, the **employer shall**, within seven days from the date of termination, pay to the **employee:**

> (a) Any vacation pay then owing by the **employer** to the **employee** under this Part in respect of any prior completed year of employment; and
>
> (b) Four per cent of the wages of the **employee** during the completed portion of the **employee’s** year of employment.

(2) Despite paragraph (1)(b), an **employer** is not required to pay an **employee** any amount under that paragraph unless the **employee** has been continuously employed by the **employer** for a period of 14 days or more.

(3) For the purpose of subsection (2), if an **employee** works irregular hours or does not work at least five days in a week, it is sufficient if the **employee** has worked their usual work days and usual hours in a two week period. **Section 25(1)to(3).**

**For more information:**

- Agreement between **employer** and **Section 23.**
- Transfer of **employer**’s business. **Section 26.**
- **Section 27.**

**Further details on the Employment Standards Act can be found at Laws.Yukon.ca.**