

STATUTORY HOLIDAYS

Statutory holidays (also referred to as “general” or “public” holidays in many statutes) are days of special significance that have been established by governments to commemorate or celebrate certain events, usually of a religious or historical nature. Every jurisdiction in Canada provides for a number of statutory holidays, of national or regional importance, through its employment or labour standards legislation. Employees who meet qualifying requirements are entitled to a paid holiday or, if they are required or agree to work, to the payment of wages at a premium rate for work performed.

HISTORICAL BACKGROUND

Originally, the payment of wages on public holidays in Canada was mainly regulated through collective bargaining. The first legislated paid public holiday provisions appeared in Saskatchewan’s *Minimum Wage Act*, in 1947. Under these provisions, eligible full-time employees not working on any of eight designated public holidays were entitled to their regular pay, while those working on these days had to be paid at a premium rate. In 1960, the legislation was amended to give more flexibility, allowing employers and unions representing a majority of employees in an appropriate bargaining unit to agree to substitute another working day for any public holiday.¹

The Saskatchewan legislation provided the model for contemporary paid statutory holiday provisions in Canada. Indeed, similar legislation was enacted in Manitoba in 1951, followed by Alberta (1965) and the federal jurisdiction (1966). By 1972, two additional jurisdictions, British Columbia and Nova Scotia, provided for paid statutory holidays in their legislation. Prince Edward Island, the last Canadian jurisdiction to enact general holidays with pay provisions, did so in 1987.

Other legislation, such as factories acts and shops closing acts, often preceded and evolved in parallel with legislated employment standards concerning statutory holidays. These acts typically required businesses, with some exceptions, to close on specified holidays. However, they did not impose on employers the obligation to pay employees who did not work on those days.

The primary purpose of statutory holidays is to provide employees some workdays off to enjoy as leisure time or to engage in other activities, while ensuring, through holiday pay, that they are not penalized financially during that period. Even though employers in most jurisdictions may require employees to work during statutory holidays, the obligation to pay premium wages for all hours worked serves as a disincentive to do so. Another argument sometimes used in favour of statutory holidays is that they can help create employment opportunities, by reducing the working time of employed workers.²

¹ Canada, Department of Labour, Legislation Branch, *Labour Legislation of the Past Decade: A Review of Developments in Canadian Labour Legislation in 1951-1960 Period*, 1960, pp. 17-18

² A discussion on the rationale of statutory holiday provisions can be found in: Geoffrey England, Innis Christie and Merran Christie, *Employment Law in Canada*, 3rd ed., v.1, (Toronto: Butterworths, 1998), pp. 8.121-8.123

THE PRESENT SITUATION

Designated Statutory Holidays

The number of statutory holidays to which an employee is entitled varies from one jurisdiction to another. Employees who qualify are entitled to nine paid holidays in the federal jurisdiction, Alberta, British Columbia, Saskatchewan and the three territories. Eight statutory holidays with pay are provided in Ontario and Quebec, seven in Manitoba, six in New Brunswick, and five in Newfoundland, Nova Scotia and Prince Edward Island. The following statutory holidays are recognized in the labour or employment standards legislation of the various Canadian jurisdictions:

- *New Year's Day, Good Friday (or Easter Monday in Quebec), Canada Day (Memorial Day in Newfoundland), Labour Day, Christmas Day* : all jurisdictions;
- *Victoria Day (Dollard Day in Quebec), Thanksgiving Day* : all jurisdictions, except the Atlantic provinces (New Brunswick, Newfoundland, Nova Scotia and Prince Edward Island);
- *First Monday in August* : British Columbia (*British Columbia Day*), New Brunswick (*New Brunswick Day*), Saskatchewan (*Saskatchewan Day*), Northwest Territories, Nunavut;
- *Remembrance Day* : federal jurisdiction, Alberta, British Columbia, Northwest Territories, Nunavut, Saskatchewan, Yukon;
- *Boxing Day* : federal jurisdiction, Ontario.
- Other statutory holidays include *Family Day* in Alberta (3rd Monday of February); *National Aboriginal Day* in the Northwest Territories (June 21); *St. John the Baptist's Day* in Quebec (National Holiday, June 24); and *Discovery Day* in the Yukon (3rd Monday in August).

Special provisions apply to Remembrance Day in some provinces. Although it is not recognized as a general holiday in either the *Labour Standards Code* of Nova Scotia or the *Employment Standards Code* of Manitoba, employees required to work on that day—and who meet eligibility requirements—are entitled to holiday pay and wages equivalent to no less than ½ their normal working hours in Manitoba and to another day off with pay in Nova Scotia.

Right to Refuse to Work on a Holiday

Very few jurisdictions specifically allow employees to refuse to work on a statutory holiday, if asked to do so by their employer. Newfoundland's *Labour Standards Act*, however, stipulates that “an employer shall not require an employee to work under a contract of service on a public holiday”, except in the case of public utilities, essential services and continuous operations. In Ontario and New Brunswick, only persons employed in a hospital, a continuous operation, a hotel, motel, tourist resort, restaurant or tavern may be required by their employer to work on a public holiday that falls on one of their regular working day. Moreover, employees in Ontario who work in retail business establishments, with some exceptions, have the express right to refuse to work on a public holiday, even if they had earlier agreed to do so—provided that they give sufficient notice to their employer. Similar provisions in Manitoba also apply to employees in retail business establishments, but only with respect to Remembrance Day. Of course, some employees may be exempted from working,

by default, where legislation requires the closing of shops and stores during a statutory holiday (e.g. New Brunswick's *Days of Rest Act*; Prince Edward Island's *Retail Business Holidays Act*).

Eligibility Requirements

With the notable exception of Saskatchewan, all jurisdictions establish certain conditions or prerequisites that an employee must meet before being entitled to a paid holiday. Although they tend to vary significantly, most eligibility requirements found in Canadian labour legislation can be grouped in five main categories.

1. *Length of Service*: Except in Manitoba, Nova Scotia, Ontario and Saskatchewan, employees must have been in the service of their employer for a period of time, ranging from 30 days to 3 months, to be entitled to holiday pay. In some jurisdictions—Alberta, New Brunswick, the Northwest Territories and Nunavut—only the days of service in the year preceding the holiday are counted when determining eligibility.
2. *Obligation to work on the holiday if required*: In five provinces¹ and all three territories, an employee who fails to report to work on the holiday when requested to do so by his or her employer is not entitled to holiday pay. In the federal jurisdiction and Nova Scotia, the same requirement applies to employees working in a continuous operation. It should be noted that legislation in some jurisdictions exempt employees from this obligation if they are absent for a reasonable cause.
3. *Obligation to work on the working day preceding/following the holiday*: In most jurisdictions, other than the federal jurisdiction, British Columbia and Saskatchewan, employers are not required to provide holiday pay to employees who fail to work on their regularly scheduled work day immediately preceding or following the holiday. However, legislation in some jurisdictions exempt employees from this obligation if they are absent for a reasonable cause or with the employer's consent.
4. *Requirement to have earned wages for a number of days in the period preceding the holiday*: To qualify for a holiday with pay, employees in Manitoba,² Nova Scotia and Prince Edward Island must have earned wages for at least 15 days in the 30-day period prior to the holiday. Provisions in Newfoundland are very similar, but they focus on the number of days *not worked*: employees must not have been absent for 15 or more of the 30 days before the holiday, unless on a leave specified in the legislation. In the Yukon, employees are not entitled to a paid day off if they have been on a leave of absence without pay for the 14 consecutive days preceding a holiday. An employer in Quebec is not required to grant a holiday with pay for *St. John the Baptist's Day* (June 24) to an employee who has not been entitled to wages, or an indemnity, for at least 10 days in the period from June 1 to June 23. No equivalent conditions apply to any of the other statutory holidays in Quebec. Finally, employees under federal jurisdiction must normally have earned wages for 15 of the preceding 30 days to be eligible for a holiday with pay. However, following amendments to the *Canada Labour Code* in 1993, this requirement has become less absolute; employees who are unable to earn wages for the requisite number of days because of the terms and conditions of their employment (e.g. part-time or occasional workers) may still receive a pro-rated amount of holiday pay.

¹ These are Alberta, Manitoba, New Brunswick, Ontario and Prince Edward Island.

² This requirement does not apply to employees earning the minimum wage if other conditions are met.

5. *Specific work arrangements, casual employment:* In three jurisdictions—New Brunswick, Ontario and Prince Edward Island—no holiday pay is owed to persons who are employed under an arrangement whereby they can choose whether or not to work when requested to do so by their employer.

Some jurisdictions have additional requirements. The legislation of the Northwest Territories and Nunavut stipulates that employees are not entitled to a holiday with pay while they are on pregnancy or parental leave. In Alberta, employees with irregular schedules must have worked, in at least five of the previous nine weeks, on the same day of the week as the one on which the holiday falls.

Different requirements may also apply to some employees. For instance, minimum wage earners in Manitoba do not necessarily need to have earned wages for 15 of the 30 days preceding the holiday to qualify for a paid day off. Instead, where a general holiday falls on a regularly scheduled workday, employees earning the minimum wage are entitled to be paid their normal wages—assuming a day off is taken—if they work all their regularly scheduled hours of work on all other work days in that week.

It should also be noted that some occupations and industries are expressly excluded from statutory holiday provisions, while others are not covered by employment or labour standards legislation. Exclusions tend to vary, depending on the jurisdiction. They often include managers, professionals, salespersons, participants in work experience programs, sitters and certain agricultural workers, to name but a few. In addition, legislated statutory holiday provisions in many jurisdictions do not apply where the terms of a collective agreement confer at least the same rights and/or benefits to employees.

Pay for Holidays Not Worked

Employees entitled to holiday pay must normally receive an amount equivalent to their regular wages for a statutory holiday not worked. In some provinces, such as Alberta and Quebec, eligible employees are entitled to their average daily wages, calculated on the basis of remuneration earned in a given period: 9 weeks in Alberta; one complete pay period—or, for employees paid mainly by commission, all the complete pay periods in the previous three months—in Quebec. In the case of British Columbia, employees without a regular schedule who have worked at least 15 days in the 30-day period preceding the holiday are to be paid their average daily wages.

Legislation in Alberta, the Northwest Territories and Nunavut provides that, when calculating holiday pay for employees remunerated partly or entirely through commissions, the wage rate is deemed to be the minimum wage or, if higher, the salary portion of their earnings.

Pro-rated holiday pay is available in British Columbia and in the federal jurisdiction for part-time or occasional employees (who have worked or earned wages for less than 15 of the 30 days before the holiday). In British Columbia, these employees must receive, as holiday pay, an amount equal to the total wages they have earned in the previous 30 days, divided by 15. Employees in the federal jurisdiction who otherwise qualify are entitled to 1/20th of the wages they have earned in the same period.

In Ontario, holiday pay is calculated in the same manner for all eligible employees, whether they work in a regular full-time job or not. An employee who is eligible for holiday pay is entitled to an amount equal to the sum of all regular wages and vacation pay earned in the four work weeks preceding the work week in which the public holiday falls, divided by 20.

In certain industries, holiday pay may also be paid as a lump sum, at the end of the year, based on a percentage of gross annual earnings. For example, construction employees in Alberta, Manitoba and Saskatchewan, and certain farm workers in British Columbia are entitled to an amount ranging from 3.5% to 4% of their wages (normally excluding overtime) as holiday pay.

Pay for Holidays Worked¹

Compensation for a holiday worked is generally the employee's regular (or average) daily wages, as holiday pay, plus a premium rate of time and one-half for all hours worked on that day. The British Columbia legislation goes further: employers must grant eligible employees another day off with pay and remunerate them 1½ times their regular wage for the first 11 hours of work on the holiday and twice their regular wage for each additional hour thereafter. Only Quebec and Newfoundland do not require employers to pay a premium for work on holidays. Nevertheless, employees in both of these provinces are still entitled to holiday pay plus their regular wages for the time worked.

Employees who do not qualify for holiday pay must still receive time and one-half for work performed on a holiday in the federal jurisdiction (except if they work in a continuous operation), New Brunswick, and Ontario. A premium must also be paid to employees who work on a holiday that is not a normally scheduled work day in Alberta, and to employees who have not earned wages for 15 of the 30 days preceding the holiday in Manitoba.

In many cases², employers may grant their employees another day off with pay instead of paying the premium rate. In some jurisdictions, this only applies to employees in continuous operations (federal jurisdiction, Manitoba, New Brunswick and Nova Scotia), and/or working in designated sectors, such as hotels, restaurants and hospitals (Manitoba, New Brunswick and Saskatchewan). In Newfoundland, the choice of receiving extra wages or a compensatory day off with pay rests with the employee. Generally, in Ontario, the employer must give the employee another day off with pay, unless both agree to the payment of holiday pay and a premium for the hours worked.³ In most of the other jurisdictions, the manner in which an employee will be compensated for working on a holiday —increased pay or time off—is left to the discretion of the employer. One way or the other, a compensatory day off must normally be taken at a time mutually agreeable to both the employee and the employer, within a set period.

Performing Work on a Normal Day Off in the Week of the Holiday

In four jurisdictions, employees who have not worked on a holiday but who are required to perform work, in the same week, on what is normally a day off, must be paid at least one and one-half (Manitoba and the Yukon) or two times (Northwest Territories and Nunavut) their regular rate of wages. This is to prevent employers from simply shifting work days, thereby ensuring that the intent of statutory holiday provisions is respected.

¹ In the three territories, employees “on call” on a general holiday are deemed to be working, whether or not they must actually perform any work during that time. This also applies, in the federal jurisdiction, to situations where a general holiday occurs in the first 30 days of employment.

² These are Alberta, Newfoundland, Prince Edward Island, Ontario, Quebec, and the three territories.

³ However, the employers of some employees (those employed in a hospital, a continuous operation, or a hotel, motel, tourist resort, restaurant or tavern) can decide unilaterally whether to pay holiday pay or to substitute another day off to compensate an employee who works on a holiday.

Holidays Occurring on Non-Working Days

The statutes of most jurisdictions require that a day off with pay be provided at another time—generally before the employee’s next vacation—if a holiday falls on a non-working day. There are some exceptions. Employees in Alberta are not entitled to any compensation if a holiday does not fall on a regular working day. In Quebec, the obligation to provide employees a compensatory holiday only applies to the National Holiday. However, Quebec’s *Act respecting labour standards* defines most statutory holidays, except December 25 and January 1, as weekdays rather than specific dates to ensure that they do not occur on a weekend.

Sometimes, legislation provides that specific holidays falling on a Sunday must be observed on the following day. This is the case in Manitoba¹ (New Year’s Day, Canada Day, Christmas Day), Quebec (June 24th and July 1st) and Saskatchewan² (New Year’s Day, Christmas Day and Remembrance Day). Similarly, where New Year’s Day, Canada Day, Remembrance Day, Christmas Day or Boxing Day occurs on a non-working day, employers under federal jurisdiction must grant their employees a holiday with pay on the preceding or following day.³

In all jurisdictions, employees are entitled to a compensatory day off with pay if a statutory holiday for which they qualify coincides with their annual vacation. In the federal jurisdiction, Newfoundland, Prince Edward Island, Saskatchewan and the Yukon, this day off is granted by extending the employee’s vacation by one day. In the other provinces and territories, it may be scheduled at another time mutually agreed upon by the employer and the employee, normally before the next annual vacation.

Alternately, in five jurisdictions—the Northwest Territories, New Brunswick, Nunavut, Ontario and Quebec—employers may simply pay their employees an amount equivalent to their regular wages instead of granting them a compensatory day off with pay when a holiday occurs on a non-working day or during a vacation. This is nevertheless subject to employees’ consent in New Brunswick and Ontario.

Substitution of Holidays

It is usually possible for an employer and employees (or their trade union) to agree to substitute a holiday for another day during the vacation year. The employment standards legislation of all jurisdictions, except Alberta, Prince Edward Island and Quebec, contain provisions to that effect.

Generally, an employer and a union must agree in writing to a substitution. In the absence of a union or a collective agreement, an employer must normally have the agreement of a majority of the affected employees (70% in the federal jurisdiction). In Newfoundland, a substitution is only possible where a collective agreement provides for different holidays than those stipulated in the province’s *Labour Standards Act*.

¹ In Manitoba, an employee must be provided a day off with wages on the first working day after a holiday that falls on a *Saturday or Sunday*.

² Unless the employee normally works on a Sunday.

³ Unless these employees are entitled to at least nine holidays with pay under a collective agreement.

Additional requirements appear in certain jurisdictions. In the Northwest Territories, Nunavut, Nova Scotia and Saskatchewan, labour standards officials must be notified in writing when a union and an employer agree to substitute a holiday for another day. Where employees are not represented by a union, an employer must apply to the Director of Labour Standards (or Labour Standards Officer in the Northwest Territories and Nunavut) to obtain authorization for such an exchange. Moreover, In workplaces under federal jurisdiction, employers must post a notice at least 30 days before the date of a substitution if their employees are not subject to a collective agreement.

Employers in New Brunswick and Ontario generally have more flexibility in substituting public holidays, since they are not required to hold a vote or to get government approval. Nevertheless, they must generally obtain the consent of each employee concerned (or his/her agent).

Further Information: Note on Tables

The following tables provide information on the legislated statutory holiday provisions of each Canadian jurisdiction. This includes details on eligibility requirements, exclusions, holiday pay and premium wage rates, as well as a number of other issues such as compensation for holidays occurring during a vacation or non-working day, rules governing the substitution of holidays and special conditions pertaining to certain workers. The tables also contain brief descriptions of related legislation as well as references to the Acts and Regulations that were analyzed.

Labour Law Analysis
Strategic Policy and International Labour Affairs
Labour Branch, Human Resources Development Canada
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STATUTORY HOLIDAYS

Federal - Canada Labour Code, Part III; Canada Labour Standards Regulations; Holidays Act¹

General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day</p> <p>Boxing Day (s.166)</p> <p><i>(Canada Day, Remembrance Day and Victoria Day are also recognized as legal holidays in the Holidays Act).</i></p>	<p>Length of service: Employees, including those in a continuous operation, must have completed 30 days of employment with an employer to be eligible for holiday pay. (s.202(1))</p> <p>Number of days worked: An employee will not get holiday pay if, in the 30 days just before, he/she was not entitled to at least 15 days wages or, if while working under a modified schedule, he/she was not entitled to wages for at least the number of days established under regulation (so far none has been established). (s.201)</p> <p>Continuous operations²: Employees in a continuous operation are not entitled to be paid for a holiday on which they did not report for work when called or if they made themselves unavailable for work in contravention of their employment contract. (s.201(2))</p>	<p>Employees who qualify for holiday pay are entitled to the following amounts:</p> <p>(a) <i>Employees paid on a weekly or monthly basis:</i> regular pay without reduction for a holiday.</p> <p>(b) <i>Employees paid on a daily or hourly basis:</i> regular rate of wages for normal hours of work.</p> <p>(c) <i>Employees paid on any other basis:</i> regular rate of wages for normal working day. (s.196)</p> <p><i>Regular rate of wages</i> means the average of the employee's daily earnings (exclusive of overtime) for the 20 days worked just before the holiday or an amount calculated by a method agreed under a collective agreement. (ss.17, 18 of Regulations)</p> <p>Pro-rated holiday pay: Employees whose terms and conditions of employment with respect to hours of work are such that they are unable to establish entitlement to 15 days of wages during the 30 days just before the holiday, are entitled to 1/20th of the wages they have earned during those 30 days. (s.201(3),(4))</p>	<p>Employees entitled to holiday pay receive, in addition to their regular rate of wages, 1½ times their regular rate of wages for the time worked on that day. (s.197)</p> <p>Employees not entitled to holiday pay: Employees who have not completed 30 days of employment with an employer and work on a holiday are entitled to 1½ times their regular rate of wages, unless they work in a continuous operation, in which case they are entitled to their regular rate of wages. (s.202(1))</p> <p>Special conditions—continuous operations: Employees in a continuous operation² who are required to work on a holiday are entitled to their regular rate of wages plus:</p> <p>(a) 1½ times their regular rate of wages;</p> <p>(b) a holiday with pay at some other time; or</p> <p>(c) where a collective agreement so provides regular pay for the next non-working day. (s.198)</p>	<p>Holidays on non-working days: Where a holiday occurs during an employee's vacation, the vacation may be extended by one day. The employer must pay the corresponding wages. (s.187)</p> <p>When a holiday occurs on a non-working day, employees get a holiday with pay at some other time, except when New Year's Day, Canada Day, Remembrance Day, Christmas Day or Boxing Day falls on a non-working Saturday or Sunday, in which case the holiday with pay is to be on the working day just before or after the holiday. This does not apply to employees who are entitled each year to at least 9 holidays with pay under a collective agreement. (ss.193-194)</p> <p>Substitution of holiday: A holiday may be substituted for another day if the employer and the union have agreed to the substitution in writing or, where there is no collective agreement, if at least 70% of the affected employees have agreed and a notice has been posted at least 30 days prior to the substitution.(s.195)</p> <p>Employees on call: A person who is on call on a general holiday in the first 30 days of employment is deemed to be employed, whether or not he/she is called on to perform any work. (s.202(2))</p>

¹ All references pertain to the *Canada Labour Code*, unless indicated otherwise.

² Refer to s.191 of the *Code* for the definition of "employed in a continuous operation".

STATUTORY HOLIDAYS

Alberta - *Employment Standards Code; Family Day Act; Employment Standards Regulation*¹

General Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Alberta Family Day (3rd Monday of February)</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day (s.25; s.1 of the <i>Family Day Act</i>)</p>	<p><i>Length of service:</i> Employees who have worked for more than 30 days in the 12 months preceding the holiday are entitled to holiday pay. (s.26(1))</p> <p><i>Unauthorized absence from employment:</i> No holiday pay is owed when an employee does not work on the holiday when required to do so or when he or she is absent from work without the employer's consent on the regular working day just before or after the holiday. (s.26(2))</p> <p><i>Employees with irregular schedules:</i> Employees who have an irregular schedule are entitled to holiday pay, if in at least five of the nine weeks before the holiday, they worked on the same day of the week as the one on which the general holiday falls. (s.27)</p> <p><i>Excluded employees:</i> General holiday provisions do not apply to members of municipal police services, to various categories of salespersons and brokers, to extras in film and video productions and to farm or ranch employees whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, game-production animals within the meaning of the <i>Livestock Industry Diversification Act</i>, poultry or bees. (s.2(2),(3))</p>	<p>An employee is entitled to at least his or her average daily wage if the holiday falls on a regular working day. (s.28)</p> <p>The average daily wage is based on the days worked in the nine weeks—or, if less, the employee's period of employment—immediately preceding the general holiday. (s. 1(1)(b))</p>	<p>An employee who works on a holiday that is normally scheduled as a work day is entitled to receive either</p> <p>(a) his or her average daily wage plus 1½ times his regular rate for each hour worked; or</p> <p>(b) his or her wage rate times each hour worked plus another day off with pay. (s. 29)</p> <p>An employee who works on a holiday that is <i>not</i> normally scheduled as a work day is entitled to receive 1½ times his or her wage rate for each hour worked. (s.30)</p> <p><i>Employees paid by commission:</i> If the employee is paid <i>entirely</i> by commission or incentive-based pay, the wage rate is deemed to be the minimum wage. If the employee is paid <i>partly</i> by commission or incentive-based pay, then the wage rate is deemed to be the greater of the salary component or the minimum wage. (s.32)</p>	<p><i>Holidays during annual vacation:</i> If a general holiday to which an employee would have been entitled occurs during his or her annual vacation, the employee must be given a holiday with pay on what would have been the first day back to work or on another day, with the agreement of the employer. A deferred holiday must be provided before the employee's next annual vacation. (s.31)</p> <p><i>Construction employees:</i> Construction employees are entitled to an amount equal to 3.6% of their wages as holiday pay. (s.46 of the <i>Regulation</i>)</p>

¹ All references pertain to the *Employment Standards Code*, unless indicated otherwise.

² The Lieutenant Governor in Council may designate other general holidays by regulation; provisions governing general holidays also apply with regard to days designated as such by an employer or under an agreement between an employer and employees.

STATUTORY HOLIDAYS

British Columbia - *Employment Standards Act; Employment Standards Regulations; Holiday Shopping Regulation Act (HSRA)*¹

Statutory Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>British Columbia Day (1st Monday in August)</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day (s. 1)</p>	<p>Length of service: To qualify for paid statutory holidays, employees, including farm workers not paid on a piece work rate basis, must have completed 30 calendar days of employment with an employer. (s.44)</p> <p>Excluded employees: The following are excluded from the Act: members of certain professions, students working at their secondary school or under a work-study program, sitters, individuals participating in specific government training and support programs, persons receiving benefits under unemployment insurance job-creation programs or participating in Youth Community Action for tuition assistance. Moreover, paid statutory holiday provisions do not apply to student nurses, volunteer and auxiliary firefighters, managers or fishers (ss.31-33, 36-37 of the Regulations).</p>	<p>Employees with a regular schedule: Eligible employees who have a regular schedule and have earned wages for at least 15 of the 30 days before the holiday and farm workers not paid on a piece-work rate basis are entitled to pay for regular daily hours. (s.45(a); s.36.1(b) of the Regulations)</p> <p>Employees without a regular schedule: The amount of holiday pay varies according to the number of days worked:</p> <p>(a) Employees who have worked at least 15 days in the 30-day period preceding the holiday are entitled to an amount equal to their total wages, not counting overtime, over that period, divided by the number of days worked.</p> <p>(b) Employees who have worked less than 15 of the last 30 days are entitled to an amount equal to their total wages—less overtime—over the period, divided by 15. (s.45(b); s.24 of the Regulations)</p>	<p>Eligible employees are entitled to 1½ times their regular wage for the first 11 hours of work and two times their regular wage for each hour thereafter, plus another day off with pay. The day must be scheduled before the employee's annual vacation, before the date the employment terminates, or within six months, whichever is earliest. (s.46)</p> <p>Special conditions for certain farm workers: Farm workers not paid on a piece work rate basis are entitled to a day off with pay within 6 months of the holiday. (s.36.1(a) of the Regulations)</p>	<p>Holidays on non-working days: If a holiday falls on a non-working day, an employee is entitled to another day off with pay. (s.47)</p> <p>Substitution of holiday: A holiday may be substituted for another day off if the substitution is agreed to in a collective agreement or if the employer and a majority of the affected employees agree to it. (s.48)</p> <p>Employees covered by a collective agreement: The holiday provisions of a collective agreement prevail if they meet or exceed the requirements of the Act. Otherwise, the terms of the Act are deemed to be incorporated in the collective agreement. Any disputes must nevertheless still be resolved through the collective agreement's grievance procedure. (s.49)</p> <p>Farm workers: Farm workers not paid on a piece work rate basis and who are not provided paid days off for statutory holidays are entitled to an amount equal to 3.6% of their gross earnings. (s.36.1 of the Regulations)</p>

¹ All references pertain to the *Employment Standards Act*, unless indicated otherwise.

² The Lieutenant Governor in Council may designate other statutory holidays by regulation.

STATUTORY HOLIDAYS

British Columbia - (Continued)

Statutory Holidays	Eligibility Requirements and Exclusions	Pay for Holidays <i>Not</i> Worked	Pay for Holidays Worked	Other
				<p>Silviculture workers: In lieu of statutory holiday pay, an employer can pay a silviculture worker: (a) 3.6% of gross earnings for the pay period on each pay cheque; (b) if applicable, a sum equal to the piece rate multiplied by 1.036; or, (c) if the silviculture worker did not work on the statutory holiday, one day's pay (amount equal to the previous four weeks' earnings divided by the number of days worked) or if he/she worked on the statutory holiday, an amount equal to double the piece rate or regular rate. (s.37.9(8) of the Regulations)</p> <p>Holiday Shopping Regulation Act: Except for specified businesses or where municipal bylaws provide otherwise, retail establishments must be closed to the public on statutory holidays and December 26.</p>

STATUTORY HOLIDAYS

Manitoba - *Employment Standards Code; Remembrance Day Act (RDA); Minimum Wages and Working Conditions Regulation*¹

General Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Christmas Day (s.21)</p> <p><i>(Special case: Remembrance Day)</i>³ (ss.1, 2 of the RDA)</p>	<p>Number of days worked: Employees are entitled to holiday pay if they have earned wages for 15 of the 30 days before the holiday, whether or not they are on the employer's payroll on the date of the holiday, unless they have terminated their employment beforehand. (ss.22 and 23(3))</p> <p>Employees who earn the minimum wage and who do not work on a general holiday that falls on a day on which they would otherwise be required to work do not have to comply with the condition above to qualify for a holiday with pay. Instead, to be eligible, they must work all of their regularly scheduled hours of work on all other work days in the week in which the general holiday falls. (s. 16 of the Regulation)</p> <p>Unauthorized absence from employment: No holiday pay is owed to employees</p> <p>(a) who do not work on a holiday that is normally a work day and during which they were required or scheduled to work, except if this is due to an illness, a dismissal or a lay off; or</p> <p>(b) who are absent from work without the employer's consent on their regular work day immediately before or after the holiday, unless the absence is due to illness. (s.25)</p>	<p>If a general holiday falls on a day that would normally be a work day, employees who meet eligibility requirements are entitled to not less than the wage they would have earned. If an employee's wages vary from day to day, the holiday pay is an amount not less than the average daily wages (excluding overtime) earned in the 30 days before the holiday. (s.23)</p>	<p>Employees who qualify for holiday pay are entitled to their regular wages for the day plus 1½ times their regular rate for the hours worked. (s.26)</p> <p>Employees who have not earned wages for 15 of the 30 days before the holiday, are entitled to 1½ times their regular rate for the hours worked. (s.27)</p> <p>Special conditions for certain employees: Employees in a continuously operating business, seasonal business⁴, place of amusement, gasoline service station, hospital, hotel, restaurant or in domestic service are not entitled to the overtime rate if they receive their regular pay plus time off with pay equal to the hours worked on the holiday. This time off must be scheduled within 30 days of the holiday or, with the agreement of the employee and the employer, at some other time not later than the next annual vacation. (s.28(2))</p>	<p>Holidays on non-working days: When a holiday falls on a non-working day, employees are entitled to a day off with regular wages not later than their next annual vacation or at a time agreed to with the employer. However, if New Year's Day, Canada Day or Christmas Day falls on a Saturday or Sunday that is not a normal working day, employees must be provided a day off with regular wages on the first working day after the holiday. (s.29)</p>

¹ All references pertain to the *Employment Standards Code*, unless indicated otherwise.

² Other statutory holidays may be designated by regulation.

³ Remembrance Day is not recognized as a statutory holiday in the *Employment Standards Code*. However, the *Remembrance Day Act* provides that no person engaged in industry may sell or rent property or for gain or reward act as an employer on that day, although there are numerous exemptions. Retail establishments, with some exceptions, must also be closed from 9:00am to 1:00pm. There is no requirement that employees receive holiday pay on Remembrance Day if they are not required to work.

⁴ Refer to s.28(1) of the *Code* for the definitions of "continuously operating business" and "seasonal business".

STATUTORY HOLIDAYS

Manitoba - (Continued)

General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays <i>Not</i> Worked	Pay for Holidays Worked	Other
	<p>Excluded employees: The <i>Code</i> does not apply to the following: volunteers in religious, philanthropic, political or patriotic institutions; beneficiaries under a rehabilitation plan or project; or unpaid participants in training or work experience programs under government or school board authority. Furthermore, the general holiday provisions of the <i>Code</i> do not apply to farmers, fishers and horticulturalists; persons employed in a private family home and paid by a member of the family, who work as domestic workers for less than 24 hours a week, or as sitters or companions ; professional and students-in-training of the professions; persons appointed on a temporary basis under <i>The Elections Act</i> as an election worker. (ss.2-5, 8 of the <i>Regulation</i>)</p>		<p>Employees working on normal day off: Employees who do not work on the holiday but work in the same week on a day that is normally their day off must be paid 1½ times their regular rate for the time worked on that other day. (s.24)</p> <p>Special conditions— construction employees: All construction employees are to be paid an amount equal to 4% of their wages (excluding overtime) as holiday pay. This is in addition to the payment of 1½ times their regular rate for each holiday worked. (s.32)</p> <p>Work on Remembrance Day: In addition to other requirements concerning holiday pay in the <i>Code</i>, employees who work on Remembrance Day are to be paid for no less than ½ the normal working hours of a regular working day. (s.3.4 RDA)</p>	<p>Substitution of holiday: An employer may substitute another day for a holiday if this is done in accordance with a collective agreement, with the agreement of the union or, if no union exist, with the agreement of a majority of the employees. (s.30)</p> <p>Right to refuse to work on Remembrance Day: Employees in a retail business establishment have the right to refuse to work on Remembrance Day after giving their employer 14 days' notice. (s.3.3 RDA)</p>

STATUTORY HOLIDAYS

New Brunswick - *Employment Standards Act; New Brunswick Day Act (NBDA); Days of Rest Act (DRA); Employment Standards General Regulation; Exemptions Regulation under the Days of Rest Act*¹

Public Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Canada Day</p> <p>New Brunswick Day</p> <p>Labour Day</p> <p>Christmas Day (s. 1; s. 1 NBDA)</p>	<p>No holiday pay is owed to employees who</p> <p>(a) have worked for their employer less than 90 days in the 12 months immediately before the holiday;</p> <p>(b) have failed to work on their regular working day before or after the holiday without reasonable cause;</p> <p>(c) have failed to report to work on a public holiday after having agreed to do so without reasonable cause; or</p> <p>(d) are employed under an agreement whereby they elect to work when requested to do so. (s. 18(1))</p>	<p>Employees who qualify for holiday pay are entitled to their regular wages. (s. 18(2))</p> <p>When an employee's wages vary from day to day, the amount of holiday pay must be at least his or her average daily earnings (excluding overtime) during the 30 calendar days immediately before the holiday.³ (s. 21(1))</p>	<p>Employees must be paid at least 1½ times their regular rate of wages for time worked on a public holiday. In addition to this, they are also entitled to receive the equivalent of their regular wages if they qualify for holiday pay. (s. 19(1))</p> <p>Special conditions for certain employees:</p> <p>If the employee is employed in a hotel, motel, tourist resort, restaurant, tavern or any continuous operation,⁴ the employer must either:</p> <p>(a) pay the employee at least 1½ times his or her regular rate of wages for time worked plus holiday pay, if the latter is owed; or</p> <p>(b) pay the employee's regular wages for the hours worked and provide a day off with pay on the first working day following the next vacation or another day agreed upon. (ss. 18(5), 19)</p>	<p>Substitution of holiday:</p> <p>If the holiday falls on a working day, an employer may substitute another working day for the holiday with the agreement of the employee (or his/her agent). This day must be scheduled no later than the next vacation of the employee. (s. 18(3))</p> <p>Holidays on non-working days:</p> <p>If the holiday falls on a non-working day or an employee's vacation, the employer must designate a working day not later than the employee's next vacation to be deemed as a public holiday. Alternately, the employer, with the agreement of the employee or the employee's agent, can pay regular wages for the holiday. (s. 18(4))</p> <p>Employees covered by a collective agreement:</p> <p>Holiday provisions under the <i>Employment Standards Act</i> do not apply where a collective agreement provides for at least six paid holidays, including New Brunswick Day, or provides for vacation and holiday benefits which together equal or exceed the legislated minimum. A payment of three percent of gross wages is considered equivalent to the holiday provisions of the Act. Employees must nevertheless be paid at least 1½ times their regular rate of wages for the time worked on a public holiday. (ss. 22-23)</p>

¹ All references pertain to the *Employment Standards Act*, unless indicated otherwise.

² Other statutory holidays may be designated by regulation.

³ A special provision applies to route salesmen. (s. 21(2))

⁴ Refer to s. 18(6) for the definition of "continuous operation".

STATUTORY HOLIDAYS

New Brunswick - (Continued)

Public Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
	<p>Excluded employees: The <i>Employment Standards Act</i> does not apply to agricultural workers whose employers have three or fewer employees (not in a close family relationship) over a substantial period of the year or to persons employed in or about a private home. Under certain conditions, employers may also request to be exempted from provisions of the Act. (s.5, 8)</p> <p>Designated professionals, real estate, automobile and mobile home salespersons, as well as salespersons receiving all or part of their remuneration in commission, for sales that would normally be made outside the employer's establishment, are specifically exempted from the Act's public holidays provisions. (s.3(1) of the <i>General Regulation</i>)</p>			<p>Days of Rest Act: Under the <i>Days of Rest Act</i>, most retail establishments must be closed on the public holidays prescribed in the <i>Employment Standards Act</i>, as well as Victoria Day, Thanksgiving Day, Remembrance Day and Boxing Day. There are exemptions, however, for restaurants, hotels, motels, retail businesses employing no more than three persons—including the owner—and selling food, newspapers or tobacco, gasoline stations, and businesses operating in areas declared to be a tourist area. The Act does not provide for paid leave. (<i>DRA and Exemption Regulation</i>)</p>

STATUTORY HOLIDAYS

Newfoundland - *Labour Standards Act; Labour Standards Regulations; Shops Closing Act (SCA)*¹

Public Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Memorial Day (July 1)</p> <p>Labour Day</p> <p>Christmas Day (s.14)</p>	<p>No holiday pay is owed if the employee</p> <p>(a) has been employed for less than 30 days with the employer;</p> <p>(b) has been absent for 15 or more of the 30 days preceding the holiday for a reason other than adoption leave, annual vacation, bereavement leave, parental leave, pregnancy or sick leave; or</p> <p>(c) fails to work on his/her regular work day before or after the holiday without just cause or without the employer's consent. (s.19)</p>	<p>An eligible employee must be paid the wages to which he or she would have been entitled if at work on that day. (s.15(2))</p>	<p>An employee who qualifies for holiday pay may choose to receive</p> <p>(a) regular wages for the day, plus the normal wages for the number of hours worked;</p> <p>(b) a day off with pay within 30 days; or</p> <p>(c) one additional day of vacation with pay. (s.17)</p> <p>Special conditions for certain employees:</p> <p>Employees working in continuous operations, public utility services, or essential services and required to work on a holiday may choose to receive</p> <p>(a) 2 times their regular pay if that day was a normal working day; or</p> <p>(b) a day off with pay within 30 days. (s.18)</p>	<p>No requirement to work on a public holiday: With the exception of employees working in public utilities, essential services and continuous operations, employees may not be required by their employer to work on a public holiday. (ss.15(1), 18(1))</p> <p>Holidays on non-working days: Where a public holiday occurs during an annual vacation, the latter must be extended by one working day. (s.8(2))</p> <p>When a holiday falls on a non-working day, the employee is entitled to have his or her next working day off or another day off as agreed upon by the employer and the employee. (s.16)</p> <p>Substitution of holidays under a collective agreement: A collective agreement may provide for holidays that differ from the public holidays described in the Act. However, a provision in a collective agreement is void if it reduces or tends to reduce the number of annual public holidays to which an employee would be entitled under the Act. (s.14)</p> <p>Shops Closing Act: Under the <i>Shops Closing Act</i>, most retail establishments in the province are prohibited from admitting members of the public or selling goods or services during public holidays as well as Easter Sunday, Thanksgiving Day, Boxing Day, Victoria Day and Remembrance Day. A number of shops, such as art galleries, bookshops, restaurants, and drug stores, are nevertheless exempted from the application of the Act. Municipalities that enact general regulations for the opening and closing of shops on holidays may also be exempted by order. Moreover, Provincial Court judges, social workers employed by the province, and members of the Royal Newfoundland Constabulary or Royal Canadian Mounted Police may give special permits allowing a shop to open on a specific holiday when it is considered in the public interest. The Act does not provide for paid leave.</p>

¹ All references pertain to the *Labour Standards Act*, unless indicated otherwise.

² The Lieutenant Governor in Council may designate other statutory holidays by regulation.

STATUTORY HOLIDAYS

Northwest Territories (and Nunavut) - Labour Standards Act

General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>First Monday in August</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day (s.1)</p> <p>National Aboriginal Day (only in the Northwest Territories)</p>	<p>Employees are not entitled to holiday pay if they</p> <p>(a) have not worked for 30 days or more during the preceding year;</p> <p>(b) did not report to work on the holiday after having been called to do so;</p> <p>(c) did not report to work on their regular work day immediately preceding or following the holiday, without their employer's consent; or</p> <p>(d) are on pregnancy or parental leave. (s.28)</p> <p>Excluded employees: The Act does not apply to trappers, persons engaged in commercial fisheries and members and students of designated professions. (s.2(3))</p>	<p>(a) <i>Employees whose wages are calculated on the basis of time:</i> at least the regular rate of wages for normal hours of work. (s.24(1))</p> <p>(b) <i>Employees whose wages are calculated on any other basis:</i> at least the average of daily wages for the four weeks preceding the week in which the holiday occurs. (s.24(2))</p>	<p>Employees are entitled to holiday pay, plus either</p> <p>(a) 1½ times their regular rate of wages for the time worked; or</p> <p>(b) another day off with pay at some other time convenient to the employee and the employer. This must be scheduled no later than the employee's next annual vacation or the termination of his or her employment. (s.25(1))</p> <p>Working on non-working day: Employees who are not required to work on a general holiday must be paid at least double their regular rate of wages if they are required, in the same week, to work on what is normally a non-working day. (s.26)</p> <p>"Regular rate"—basis other than time: The regular rate of wages for employees whose wages are entirely calculated and paid on a basis other than time is deemed to be the minimum wage. For those whose wages are partially calculated on a basis other than time, the regular rate is considered to be the greater of the minimum wage or the hourly rate applicable to the time component of the wages. (s.26.1)</p>	<p>Substitution of holiday: A holiday may be substituted for another day where:</p> <p>(a) a class of employees are represented by a trade union and the parties to a collective agreement notify the Labour Standards Officer in writing that a specified day has been designated in the collective agreement as a holiday in lieu of a general holiday under the Act; or</p> <p>(b) employees are not represented by a union, or a collective agreement does not contain provisions regarding general holidays, and an employer applies to the Labour Standards Officer to substitute another day for a holiday designated under the Act. The Labour Standards Officer must be satisfied that a majority of the affected employees agree before approving the substitution. (s.23)</p> <p>Holidays on non-working days: Where the holiday falls on a non-working day, the employee must be paid for the holiday or receive a day off with pay at some other time convenient for him or her and the employer. This day off must be scheduled not later than the employee's next annual vacation or the termination of his or her employment. (s.25(2))</p> <p>Employees on call: Being on call is deemed to be employed, whether or not the person is called on to perform any work. (s.29)</p>

STATUTORY HOLIDAYS

Nova Scotia - Labour Standards Code and Regulations; Remembrance Day Act (RDA)¹

General Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Canada Day</p> <p>Labour Day</p> <p>Christmas Day (s.37)</p> <p>(Special case: Remembrance Day)³ (s.3 RDA)</p>	<p>Employees are entitled to holiday pay if they</p> <p>(a) have received or are entitled to receive wages for at least 15 of the 30 days immediately preceding the holiday; and</p> <p>(b) have worked on their scheduled working day just before or after the holiday, unless directed not to report to work on these days by their employer. (s.42)</p> <p>Additional requirement for employees in continuous operations⁴: Employees in continuous operations are not entitled to holiday pay if they did not report for work on the holiday after having been called upon to do so. (s.42(3))</p>	<p>Employees who qualify for holiday pay are entitled to the following:</p> <p>(a) <i>Employees whose wages are calculated on a weekly or monthly basis:</i> regular wages without reduction for the period in which a holiday occurs.</p> <p>(b) <i>Employees whose wages are calculated on a daily or hourly basis:</i> at least regular rate of wages for normal hours of work.</p> <p>(c) <i>Employees whose wages are calculated on another basis:</i> regular rate of wages for a normal working day. (s.40)</p>	<p>Employees who qualify for a holiday with pay are entitled to receive their regular pay, plus 1½ times their regular rate for the time worked. (s.41(2))</p> <p>Special conditions—continuous operations⁴: Employees working in continuous operations are entitled to</p> <p>(a) their regular pay plus 1½ times their regular rate for the time worked; or</p> <p>(b) a holiday with pay on the first working day after their annual vacation or another day agreed upon by the employee and employer. (s.41(3))</p> <p>Work on Remembrance Day: Employees who have earned wages for 15 of the 30 days immediately preceding Remembrance Day, and who are required to work on that day, are entitled to a holiday with pay on the first working day after their annual vacation or another day agreed upon by the employee and employer. (s.6 RDA)</p>	<p>Holidays on non-working days: If a holiday falls on a non-working day, employers must grant their employees a day off with pay</p> <p>(a) on the first working day after the holiday;</p> <p>(b) on the day immediately following the annual vacation; or</p> <p>(c) on another time mutually agreed upon. (s.38)</p> <p>Substitution of holiday: An employer may substitute a holiday for another day where:</p> <p>(a) a class of employees are represented by a trade union and the parties to a collective agreement notify the Director of Labour Standards in writing that a specified day has been designated in the collective agreement as a holiday in lieu of a general holiday under the Code; or</p> <p>(b) employees are not represented by a union, or a collective agreement does not provide for general holidays, and the employer applies to the Director of Labour Standards to substitute another day for a holiday designated under the Code. The Director of Labour Standards must be satisfied that a majority of the affected employees agree before approving the substitution. (s.39)</p>

¹ All references pertain to the *Labour Standards Code*, unless indicated otherwise.

² Other general holidays may be designated by regulation.

³ Remembrance Day is not recognized as a general holiday in the *Labour Standards Code*. The *Remembrance Day Act* prohibits selling, offering for sale or buying goods or property or engaging as an employer or employee in an industry. However, the Act provides for a number of exemptions. There is no requirement that employees receive holiday pay if they are not required to work on Remembrance Day.

⁴ Refer to s.41(1) of the *Code* for the definition of “employed in a continuous operation”.

STATUTORY HOLIDAYS

Nova Scotia - (Continued)

General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays <i>Not</i> Worked	Pay for Holidays Worked	Other
	<p><i>Excluded employees:</i> The Code does not apply to persons employed in a private home by the householder to provide domestic service for less than 24 hours per week or for a member of the employee's immediate family; to practitioners and students of designated professions; and to participants in certain job creation programs. Furthermore, a number of agricultural workers, certain salespersons, persons working on fishing vessels, employees subject to a collective agreement, and persons working in the manufacturing or refining processes of the petrochemical industry are exempted from the Code's general holiday provisions. (s.2 of the Regulations)</p>			

STATUTORY HOLIDAYS

Ontario - *Employment Standards Act, 2000; Exemptions, Special Rules and Establishment of Minimum Wage Regulation; Retail Business Holidays Act (RBHA)*¹

Public Holidays ²	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Christmas Day</p> <p>December 26 (Boxing Day) (s. 1)</p> <p>(Although it is not recognized as a statutory holiday in the <i>Employment Standards Act, 2000</i>, the first Monday in August is observed as a civic holiday in many Ontario municipalities).</p>	<p>An employee is not entitled to a day off with public holiday pay if he/she fails, without reasonable cause, to work all of his/her last regularly scheduled day of work before the holiday or first regularly scheduled day after the holiday. (ss.26, 29(4))</p> <p>An employee who is scheduled to work on a public holiday and, without reasonable cause, fails to perform all of the work agreed to (or required) on that day is not entitled to public holiday pay or to a substitute paid day off (although premium pay—1½ times the employee's regular rate—for each hour worked must still be paid). The same applies to an employee who has a reasonable cause for not performing all of the work on the holiday but who, without reasonable cause, failed to work all of his/her last regularly scheduled work day before or first regularly scheduled day of work after the public holiday. (ss.27(4),28(4),30(4))</p> <p>An employee who is employed under an arrangement whereby he/she may elect to work or not when requested to do so is not entitled to public holiday pay, but must nevertheless be paid 1½ times his/her regular rate for work performed during a public holiday. (ss.9(1) and 29 of the <i>Regulation</i>)</p>	<p>An eligible employee must be given public holiday pay equal to the total amount of regular wages and vacation pay payable in the four work weeks preceding the work week on which the public holiday falls, divided by 20. (s.24(1)(a))</p>	<p>Employees who qualify must be paid their regular rate for the hours worked and must be given a day off with public holiday pay no more than three months after the public holiday or, if the employer and employee agree, no more than 12 months after the public holiday. If the employer and employee agree, the employer may instead give an employee public holiday pay for the day plus 1½ times his/her regular rate for each hour worked. (ss.27(2),(3), 29(1),(2),(3))</p> <p>An employee who does not qualify for holiday pay must be paid premium pay for each hour worked (see under "Eligibility Requirements and Exclusions").</p>	<p>Holidays on non-working days: If a holiday falls on a day that is not ordinarily a working day for the employee or during a vacation, his/her employer must either</p> <p>(a) provide another day off with public holiday pay, in the three months following the public holiday, or within 12 months with the employee's consent; or</p> <p>(b) if the employer and employee agree, pay public holiday for the day. (s.29)</p> <p>No requirement to work on a public holiday: Except for persons employed in a hospital, a continuous operation, or a hotel, motel, tourist resort, restaurant or tavern, an employer cannot require an employee to work on a public holiday that falls on a day that would normally be a working day. No employee may be required to work on a public holiday that falls on what is ordinarily his/her non-working day. (ss.27(1),28(1), 30(1))</p> <p>Employees in retail business establishments: Employees who work in retail business establishments, with some exceptions (e.g. businesses that sell prepared meals, rent living accommodations, are open to the public for educational, recreational or amusement purposes), have an explicit right to refuse to work on a public holiday. An employee who has accepted to work on a public holiday may then refuse such an assignment by giving at least 48 hours' notice to the employer. (ss.72,73)</p>

¹ All references pertain to the *Employment Standards Act, 2000* unless indicated otherwise.

² Other public holidays may be designated by regulation.

STATUTORY HOLIDAYS

Ontario - (Continued)

Public Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
	<p>Special conditions for fruit, vegetable and tobacco harvesters: Employees who are employed on a farm to harvest fruits, vegetables or tobacco for marketing or storage are covered by the Act's public holidays provisions if they have been employed by an employer for at least 13 weeks, unless they can elect to work or not when requested to do so. These employees are considered to be working in a continuous operation. (s.27 of the Regulation)</p> <p>Excluded employees: The Act's minimum employment standards do not apply to students in work experience programs authorized by a school board, community college or university; participants under the <i>Ontario Works Act, 1997</i>; inmates participating in rehabilitation programs; offenders performing court-ordered community service; individuals performing work in a simulated job or working environment for the purpose of rehabilitation; holders of political, religious or judicial office or of an elected office in an organization such as a trade union; members of a quasi-judicial tribunal; police officers; and directors of a corporation.</p> <p>The following are also exempted from the public holiday provisions of the Act: crown employees; qualified practitioners and students of designated professions; teachers; persons employed in commercial fishing; certain salespersons and brokers; persons whose employment is related to the primary production of specific farm products or to other horticultural pursuits; firefighters; fishing or hunting guides; landscape gardeners; persons installing and maintaining swimming pools; students instructing or supervising children, or working in children's camps or recreational programs under a charitable organization; resident superintendents, janitors or caretakers of a residential building; taxi cab drivers; seasonal employees in a hotel, motel, tourist resort, restaurant or tavern who are provided with room and board; and construction employees who receive 7.3 % or more of their hourly rate of wages for vacation pay or holiday pay. (s.3 of the Act; ss.2 and 9 of the Regulation)</p> <p>Employees with two kinds of work: An employee whose duties require him or her to perform two kinds of work, one of which is covered by the Act's public holiday provisions and one of which is excluded, remains eligible for a paid public holiday, as long as the latter kind of work does not constitute more than half the time spent fulfilling duties in that work week. (s.25)</p>		<p>Special conditions for certain employees: When an employee employed in a continuous operation¹, a hotel, a motel, a tourist resort, a restaurant, a tavern or a hospital is required to work on a public holiday that occurs on a day that is ordinarily his/her working day, his/her employer can decide how the employee will be compensated (i.e., either regular rate plus substitute day off, or holiday pay plus premium pay). (s.28(2))</p> <p>Work on holiday not overtime: Hours worked on a public holiday for which an employee receives premium pay are not to be taken into consideration when calculating entitlement to overtime pay. (s.31)</p>	<p>Employees covered by an employment contract: The provisions of an employment contract, including a collective agreement, prevail if they provide a greater benefit to an employee than the employment standard. (s.5(2))</p> <p>Retail Business Holidays Act: Under this Act, most retail establishments are prohibited from selling or offering to sell goods or services by retail or admitting members of the public during public holidays. A number of businesses are exempted from these provisions, such as small stores whose principal business is the selling of foodstuffs, tobacco, antiques or handicrafts, certain pharmacies, art galleries, licensed establishments selling liquor, tourist establishments and other special or necessary services. (ss.2-4 RBHA)</p>

¹ Refer to s.1 of the Act for the definition of "continuous operation".

STATUTORY HOLIDAYS

Prince Edward Island - *Employment Standards Act; Retail Business Holidays Act (RBHA) and Exemption Regulations*¹

Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Canada Day</p> <p>Labour Day</p> <p>Christmas Day (s.6)</p>	<p>Employees are not entitled to a paid holiday if they</p> <p>(a) have been employed for less than 30 days;</p> <p>(b) fail to work, without just cause or the employer's permission, on the regular work day immediately preceding or following the holiday;</p> <p>(c) fail to report for or perform work on the holiday, without reasonable cause, after having agreed to do so;</p> <p>(d) are employed under an arrangement whereby they may elect to work or not when requested to do so; or</p> <p>(e) have not earned wages on at least 15 of the last 30 calendar days preceding the holiday. (s.7)</p> <p>Excluded employees: The Act does not apply to salespersons whose income is derived primarily from commissions, farm labourers (unless working in commercial undertakings). Employees covered by a collective agreement are exempted from the holiday provisions of the Act. (s.2)</p>	<p>Employees who qualify for holiday pay are entitled to the following:</p> <p>(a) <i>Employees whose wages are calculated on a weekly or monthly basis:</i> regular wages without reduction for the period in which a holiday occurs.</p> <p>(b) <i>Employees whose wages are calculated on a daily or hourly basis:</i> at least regular rate of wages for normal hours of work.</p> <p>(c) <i>Employees whose wages are calculated on another basis:</i> at least regular rate of wages for a normal working day. (s.10(1),(2),(3))</p> <p>An inspector may calculate the regular rate of wages due to an employee. (s.10(4))</p>	<p>The employer must pay the employee</p> <p>(a) at least 1½ times the employee's regular rate of wages for the time worked on the holiday, in addition to a day's pay; or</p> <p>(b) the regular rate of wages for time worked on that day and provide another day off with pay, on a date mutually agreed upon, before the employee's next annual vacation. (s.9)</p>	<p>Holidays on non-working days: If a holiday falls on a non-working day, the employer must grant the employee a day off with pay on the next working day after the holiday, on the first day after the employee's vacation or on another day before then mutually agreed upon. (s.8)</p> <p>If a holiday occurs during an employee's vacation, the period of vacation is extended by one working day. (s.11(3))</p> <p>Retail Business Holidays Act: Under the <i>Retail Business Holidays Act</i>, no person may sell, offer for sale or purchase any goods or services by retail, nor admit members of the public to any premises where a retail business is carried out on New Year's Day, Good Friday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. This, however, does not apply to such businesses as motor vehicle service stations, certain small convenience stores, restaurants, tourism operations, certain drug stores, taxis, video stores, bakeries, flower shops and craft fairs. The Act does not provide for paid leave. (<i>RBHA and Exemption Regulations</i>)</p>

¹ All references pertain to the *Employment Standards Act*, unless indicated otherwise.

STATUTORY HOLIDAYS

Quebec - An Act respecting labour standards; Regulation respecting labour standards; National Holiday Act (NHA); An Act respecting hours and days of admission to commercial establishments (ARHDACE)¹

Statutory General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>1st of January (New Year's Day)</p> <p>Good Friday or Easter Monday or Easter Sunday²</p> <p>Monday preceding 25th of May (Dollard Day or Victoria Day)</p> <p>1st of July³ (Canada Day)</p> <p>1st Monday in September (Labour Day)</p> <p>2nd Monday in October (Thanksgiving Day)</p> <p>25th of December (Christmas Day) (s.60)</p> <p>24th of June⁴ (St. John the Baptist's Day— National Holiday) (s.2 NHA)</p>	<p>To be entitled to a statutory general holiday, employees must:</p> <p>a) be credited with 60 days of uninterrupted service in the undertaking; and</p> <p>b) not be absent from work without the employer's authorization or valid cause on the day preceding or following the holiday. (s.65)</p> <p>Additional requirement— National Holiday: An employer is not required to grant a compensatory day off or an indemnity for the National Holiday to an employee who has not been entitled to wages, or an indemnity in lieu of a salary, for at least 10 days in the period from June 1 to June 23. (s.7 NHA)</p>	<p>If the holiday falls on a normal work day, the employee is entitled to the average daily wages for the complete pay period preceding the holiday (excluding overtime). (s.62; s.4 NHA)</p> <p>Special conditions— remuneration by commission: Employees paid mainly by commission are entitled to their average daily wages, calculated from all the complete pay periods in the preceding three months. (s.62; s.4 NHA)</p>	<p>The employer must pay an employee the wages for the work done and also provide either</p> <p>(a) holiday pay; or</p> <p>(b) a compensatory holiday of one day, to be taken within 3 weeks before or after the holiday, unless a collective agreement or decree provides for a longer period. (s.63; s.5 NHA)</p> <p>In the case of the National Holiday, a compensatory holiday must be taken on the working day preceding or following June 24. However, if an employee is on annual leave at that time, the holiday is to be taken at a date agreed upon by the employer and employee. (s.5, 6 NHA)</p>	<p>Payment of wages: If the usual pay day falls on a statutory general holiday, employees are entitled to receive their wages on the preceding working day. (s.45)</p> <p>Holidays during annual vacation: When a general statutory holiday occurs while an employee is on annual vacation, he or she must be provided</p> <p>(a) holiday pay; or</p> <p>(b) a compensatory holiday of one day on a date mutually agreed upon by the employer and employee or fixed by a collective agreement or a decree. (s.64)</p> <p>National holiday on non-working day: Where the 24th of June falls on an employee's non-working day, the employer must grant a compensatory holiday. (s.6 NHA)</p> <p>ARHDACE: Members of the public may not be admitted to commercial establishments on January 1, January 2, Easter Sunday, June 24⁴, July 1³, the 1st Monday in September, or December 25. A number of exemptions for specific establishments apply, however.</p>

¹ All references pertain to the *Act respecting labour standards*, unless indicated otherwise.

² Employers may choose whether Good Friday or Easter Monday will be a holiday for their employees. Easter Sunday is a statutory general holiday for employees working in commercial establishments that are ordinarily open to the public on Sundays but which must be closed on that particular day under the *Act respecting hours and days of admission to commercial establishments*.

³ Or 2nd of July if the 1st of July falls on a Sunday.

⁴ Or 25th of June if the 24th of June falls on a Sunday.

STATUTORY HOLIDAYS

Quebec - (Continued)

Statutory General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
	<p>Same or better conditions in a collective agreement or decree: The general holiday provisions of the <i>Act respecting labour standards</i> do not apply to employees covered by a collective agreement or a decree who are entitled to at least the same number of paid holidays, in addition to the National Holiday, as are provided in the legislation. The same applies to other employees in the same establishment who are entitled to a number of days off with pay, in addition to the National Holiday, at least equal to what is provided in the collective agreement or decree. (s.59.1)</p>			

STATUTORY HOLIDAYS

Saskatchewan - *Labour Standards Act; Labour Standards Regulations*¹

Public Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Saskatchewan Day (1st Monday in August)</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day (s.38; s.2 of the Regulations)</p>	<p>With the exception of employees to whom the Act or the public holiday provisions do not apply, all employees are entitled to public holidays, without regard to their length of service or other requirements.</p> <p>Excluded employees: The Act does not apply to undertakings in which only members of the employer's immediate family are employed, to sitters or to persons employed primarily in farming, ranching or market gardening, with the exception of egg hatcheries, greenhouses, nurseries and bush clearing operations. (s.4(3); s.3 of the Regulations)</p> <p>Teachers are excluded from public holiday provisions. (s.4(4))</p>	<p>Employers must pay their employees</p> <p>(a) the regular wages for the period that includes the public holiday; or</p> <p>(b) an amount equal to the total wages earned by the employee in the four weeks immediately preceding the holiday (excluding overtime, but including vacation pay), divided by 20. (s.39(1),(3))</p> <p>Special conditions—construction industry: Hourly paid employees in the construction industry are entitled to 3.5% of the wages they have earned in each calendar year (excluding overtime and holiday pay) unless the employer and the union agree in writing that regular holiday pay provisions will apply. (ss.18(2)(a), 18(5) of the Regulations)</p>	<p>Employees are entitled to holiday pay plus 1½ times their regular rate for the time worked. (s.39(2))</p> <p>Special conditions for certain employees: Employees in hotels, restaurants, hospitals, nursing homes and educational institutions are entitled to either</p> <p>(a) their regular wages plus 1½ times their regular rate; or</p> <p>(b) 1½ times their regular rate plus a day off with pay within a four-week period. (s.20(2) of the Regulations)</p> <p>Special conditions—well drilling rigs: Employees engaged in the operation of a well drilling rig are entitled to holiday pay plus their regular wages for the time worked. (s.19 of the Regulations)</p> <p>Special conditions—construction industry: Hourly paid employees in the construction industry are entitled to 3.5% of their gross salary (excluding overtime and holiday pay) plus 1½ times their regular rate for each hour (or part of an hour) worked or for which they are required to be at the employer's disposal. (s.18(2)(b) of the Regulations)</p>	<p>Holidays during vacation: For each holiday occurring during an annual holiday (vacation), the latter is to be extended by one working day with pay. (s.34)</p> <p>Holidays falling on a Sunday: Where New Year's Day, Christmas Day or Remembrance Day falls on a Sunday, the holiday is to be observed on the following Monday, except for establishments normally open on Sundays. (s.21 of the Regulations)</p> <p>Substitution of holiday: A holiday may be substituted for another day</p> <p>(a) where a union and an employer agree in writing; or</p> <p>(b) where the Director of the Labour Standards Branch, when satisfied that the employer and a majority of employees not represented by a union so desire, issues an order to that effect. (s.40)</p>

¹ All references pertain to the *Labour Standards Act*, unless indicated otherwise.

STATUTORY HOLIDAYS

Yukon - Employment Standards Act and General Exemption Regulation¹

General Holidays	Eligibility Requirements and Exclusions	Pay for Holidays Not Worked	Pay for Holidays Worked	Other
<p>New Year's Day</p> <p>Good Friday</p> <p>Victoria Day</p> <p>Canada Day</p> <p>Discovery Day (3rd Monday in August)</p> <p>Labour Day</p> <p>Thanksgiving Day</p> <p>Remembrance Day</p> <p>Christmas Day (s.1)</p>	<p>Employees are not entitled to holiday pay if they</p> <p>(a) have not been employed for at least 30 days;</p> <p>(b) did not report for work on the general holiday after having been called to do so;</p> <p>(c) have been absent without pay for 14 consecutive days immediately preceding the holiday on a leave of absence without pay granted at their request; or</p> <p>(d) without the assent of the employer, have not reported for work on the working day immediately preceding or following the holiday, except if the absence was permitted by the Act . (s.33)</p> <p>Excluded employees: The Act does not apply to employees of the Government of the Yukon or to sitters. (s.2; s.4 of the Regulations)</p>	<p>Employees who qualify for holiday pay are entitled to the following:</p> <p>(a) <i>Employees whose wages are calculated on a weekly or monthly basis:</i> regular wages without reduction for the period in which a holiday occurs.</p> <p>(b) <i>Employees whose wages are calculated on a daily or hourly basis:</i> at least regular rate of wages for normal hours of work.</p> <p>(c) <i>Employees whose wages are calculated on another basis:</i> at least daily wages, based on the average of daily wages (excluding overtime or bonus) for the week in which the general holiday occurs. (s.29(1))</p> <p>Employees who work irregular hours or less than the standard hours of work are entitled to the equivalent of at least 10% of the wages (excluding vacation pay) they earned in the two-week period preceding the week in which the holiday falls. (s.29(2))</p>	<p>Employees are entitled to holiday pay plus either</p> <p>(a) 1½ times their regular rate of wages for all hours worked; or</p> <p>(b) their regular rate of pay for the hours worked plus another day off to be added to the annual vacation or taken at a time convenient to the employer and employee. (s.30)</p> <p>Working on non-working day: Employees who are not required to work on a general holiday must be paid at least 1½ times their regular rate if they are required, in the same week, to work on what is normally a non-working day. (s.31)</p>	<p>Holidays during vacation: Where a holiday occurs during an employee's vacation, the latter is to be extended by one day, with pay. (s.23)</p> <p>Holidays on non-working days: Where a holiday occurs on a non-working day, the employee is entitled to a day-off with pay on his next work day. (s.28(2))</p> <p>Substitution of holiday: A holiday may be substituted for another working day if the employer and the union have agreed to the substitution in writing or, where employees are not represented by a union, if a majority of the affected employees agree to the substitution in writing. (s.35)</p> <p>Employees on call: Being on call is deemed to be employed, whether or not the person is called on to perform any work. (s.27(2))</p>

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¹ All references pertain to the *Employment Standards Act*, unless indicated otherwise.