

# EMPLOYMENT STANDARDS FACT SHEET

## GENERAL HOLIDAYS AND GENERAL HOLIDAY PAY

### 1. How many days are general (statutory) holidays in Alberta?

There are nine: New Year's Day, Alberta Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

### 2. Are Boxing Day, Easter Monday, and the first Monday in August considered general holidays?

No, but an employer can designate these or any other day as a general holiday. When this occurs, that day will be subject to the same rules as the nine statutory general holidays.

### 3. Can an employer, in agreement with the employees, substitute another day for the general holiday?

Yes, if:

- employees are clearly informed, preferably in writing, prior to the change;
- employees do not lose any general holiday entitlements because of this change.

### 4. When is an employee eligible for general holiday pay?

An employee must have worked for the same employer for 30 working days in the 12 months before the general holiday.

### 5. Is an eligible employee automatically entitled to have all general holidays off with pay?

No. An eligible employee is entitled to the day off with pay **only** when the general holiday falls on a day that is normally a working day for the employee.

### 6. Are there circumstances that will disentitle employees from payment for general holidays?

Yes, there are two situations that disentitle an employee:

- when an employee does not work on a general holiday when required or scheduled to do so; or
- when an employee is absent from employment, without consent of the employer, on the employee's last regular working day preceding or first regular working day following the general holiday.

### 7. Are any employees exempted from the *Employment Standards Code's* requirements regarding general holidays and general holiday pay?

Yes. Employees employed in the following occupations are exempt:

- automobile, recreational vehicle, truck, bus, manufactured home, farm machinery, heavy-duty construction and road equipment salespersons;
- registered or licensed salespersons selling investments, stocks or bonds;
- authorized salespersons of real estate and salespersons who sell homes for the builder of those homes;
- licensed insurance salespersons who are compensated entirely by way of commission income;
- salespersons, other than route salespersons, who solicit orders principally outside the employer's place of business and are paid in whole or in part by commission;
- farm workers;
- extras in a film or video production;
- a counsellor or instructor at an educational or recreational camp that is operated on a charitable or not-for-profit basis for: children, handicapped individuals, or religious purposes;
- salespersons who have attained the age of 16 years and are engaged in direct selling for licensed direct sellers.

### 8. Are part-time employees entitled to general holiday pay?

Yes, part-time employees are entitled to general holiday pay unless employed in one of the occupations listed in question 7 or ineligible for the reasons listed in questions 4 and 6.

### 9. What must be paid when a general holiday falls on a normal day of work for an eligible employee, and the employee does *not* work on the general holiday?

The employee must be paid the "average daily wage".

### 10. What is the "average daily wage"?

The average daily wage is calculated by adding the regular wages earned during the nine weeks before the week in which the general holiday occurs, and dividing by the number of days worked in that period.

- Contact our Information Centre at: **427-3731**  
(Toll-free in Alberta by dialing 310-0000, then 780-427-3731)
- Visit our Web site at: [www.gov.ab.ca/hre/employmentstandards](http://www.gov.ab.ca/hre/employmentstandards)

11. **If an employee is not entitled to general holiday pay, but is required to work on the general holiday, what pay is the employee entitled to?**

The day is treated as any other normal working day. The employee is paid his or her normal wages and, if applicable, overtime.

12. **If a general holiday occurs on a day that is *not* a normal day of work for an eligible employee, and the employee does not work, is the employer required to pay general holiday pay?**

No.

13. **If a general holiday occurs on a day that is *not* a normal day of work for an eligible employee, and the employee is required to work on that day, what rate must be paid?**

One and one-half times the employee's wage rate for each hour worked.

14. **If an eligible employee works on a general holiday that is a normal work day for the employee, what must the employee be paid?**

There are two options open to an employer. Under the **first** option, the employee will receive:

- the average daily wage, **plus**
- time and one-half the regular wage rate for each hour worked on the general holiday.

Under the **second** option the employee will receive:

- regular pay and, if applicable, overtime pay for the hours worked, **plus**
- a holiday with pay on another day that otherwise would be a normal working day.

15. **If the second option in Question 14 is taken, when must the replacement holiday be given?**

The replacement holiday must be given before the employee's next annual vacation.

16. **If an employee's employment is terminated prior to receiving the replacement holiday with pay as outlined in the second option, what must be paid to the employee?**

If the employer terminates the employment, the employee must receive:

- an average daily wage, plus
- 1.5 times the regular wage rate for all hours worked on the general holiday **less** any money previously paid for wages and overtime on the general holiday.

If the employee quits, the employee must receive the average daily wage that he or she would have received if the first option in question 14 had been followed.

17. **If an eligible employee is paid by commission or other incentive pay plan\* and does not work on the general holiday, what must the employee be paid?**

The average daily wage, which is the regular wages earned during the nine weeks preceding the week in which the general holiday occurs, divided by the number of days worked in that period.

18. **If an eligible employee is paid by commission or other incentive pay plan and works on the general holiday, what must the employee be paid?**

Employees who are paid by commission or other incentive pay are entitled to the average daily wage plus time and a half the hourly wage when they work on holidays.

To calculate the hourly wage for an employee paid by commission or incentive pay, determine whether the employee is paid entirely by commission or incentive pay, or if they also earn a salary:

- If an employee is paid *entirely* on commission or other incentive-based remuneration, then, for the purpose of calculating pay for time worked on a general holiday, the employee's wage rate is deemed to be the minimum wage
- If an employee is paid *partly* by salary and partly by commission or other incentive-based pay, then, for the purpose of calculating pay for time worked on a general holiday, the employee's wage rate is based on the salary component of the wages, if the salary component is greater than the minimum wage. If the salary component is less than the minimum wage, then the salary component is deemed to be the minimum wage.

19. **If an eligible employee is on vacation when a general holiday occurs, must the employee be given an extra day off with pay?**

Yes, the employee is entitled to take the holiday on either the first scheduled working day after his or her vacation or, in agreement with the employer, on another day before the next annual vacation.

20. **Are hours worked on a general holiday, and paid at 1.5 times the regular rate, used in computing either daily or weekly overtime?**

No. However, when employees do not qualify for the general holiday or are given another work day off with pay in lieu of working on the general holiday, the hours are counted for the purpose of calculating overtime.

**\* Incentive pay plans include commission and other plans such as flat rate, mileage or piecework compensation.**

# General Holiday Pay Flow Chart

