

Annual Holidays and Annual Holiday Pay

Labour Standards information for the restaurant and foodservices industry

1. Annual holiday entitlement.

All employees, subject to provincial labour standards, get a minimum of:

- three weeks of annual leave after each year up to year ten; and
- four weeks of annual leave after ten years of employment with the same employer.

Did You Know?

Where an employee starts work on January 1, 1990, the employee becomes eligible for four weeks of annual holidays on December 31, 1999 (the last day of the 10th year). The four weeks of holidays taken in 2000 and the annual holiday pay would be calculated as 4/52nds of the 1999 earnings.

2. Scheduling annual holidays.

Employers and employees should decide together when annual holidays will be taken. If there is no agreement, the employer must give the employee at least four weeks written notice of the timing of the employee's annual holidays. However, employees are entitled to take all of their holidays in one continuous period, unless they request shorter periods. If a public holiday occurs during an employee's annual leave, the leave is extended by one day.

3. Cancellation of annual holidays.

After approving holiday time, an employer who cancels an annual holiday must pay, all non-refundable deposits, penalties, and other pre-paid expenses related to the holiday (receipts required).

4. Annual holiday pay.

All employees, subject to provincial labour standards, are entitled to annual holiday pay. It is earned from the first hour of work. It is calculated on the employee's total wage over a twelve-month period.

For each twelve-month period, employees who:

- have been employed for nine years or less receive 3/52nds of their total wage; or
- have worked for the same employer for 10 years or more get 4/52nds of their total wage.

If annual holiday pay is paid out on each pay cheque, employees are still entitled to their annual holidays of three or four weeks. However, the leave would be unpaid. Annual holiday pay on each cheque must be identified separately from regular wages or it will be deemed not to have been paid.

Did You Know?

'Total wage' includes all salary, overtime, annual holiday pay for holidays taken, public holiday pay, commission, earned bonuses and any other payment for labour or personal service.

5. Payment of annual holiday pay.

Employees get payment for annual holidays:

- during the 14 days before starting their annual holidays; or
- if the holidays are not taken, within 11 months after earning their annual holidays; or
- within 14 days of termination. On termination, employees must be paid out accrued holiday pay even if they have been employed for less than one year.

Note: This publication is not a legal document. The original Act and Regulations should be consulted for all purposes of interpretation and application of the law.



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