



Labour

Information on **LABOUR STANDARDS**

4 GENERAL HOLIDAYS

Part III of the *Canada Labour Code* (Labour Standards)

The *Canada Labour Code* provides for nine paid holidays per year. The following questions and answers, based on Division V of Part III of the Code, will be of interest to employers and employees under federal jurisdiction. Pamphlet 1 of this series describes the types of businesses covered by the Code. It is available from any Labour Program office and on the labour.gc.ca website.

1. What is a general holiday?

A general holiday is a special day, designated in the Code, on which employees, including managers and professionals, are entitled to a day off with pay.

2. What are the Code's holidays?

New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and Boxing Day are the nine general holidays provided for in the Code.

3. Can an employee be required to work on a general holiday?

Yes. The Code does not prohibit work on a general holiday. Employees who are required to work on a general holiday shall be paid, in addition to their regular rate of wages for that day, at a rate equal to one and a half times the regular rate of wages for the time worked on that day. However, if they are employed in a "continuous operation" (defined in question 9), they may be paid as above or the

employer may choose to pay them at their normal rate for the hours worked on the holiday, provided they grant the employee a holiday with pay at some other time. Managers and professionals must be given a holiday with pay at some other time.

4. Are all employees entitled to be paid for a general holiday on which they do not work?

No. Employees are not entitled to be paid for a general holiday which occurs during the first 30 days after the date they are hired.

Employees who work in “continuous operations” (defined in question 9 below) are not entitled to holiday pay if they do not report for work on a general holiday when requested to do so, or if they make themselves unavailable for work on a general holiday, for example by “booking off” as in the railway industry.

Employees must also be entitled to wages for at least 15 days during the 30 calendar days preceding the holiday in order to be eligible for holiday pay. Employees on a modified work schedule must establish eligibility according to the number of days specified in the mutually agreed upon work schedule.

5. Can another holiday be substituted for a general holiday?

Yes. When the parties are subject to a collective agreement, the employer may substitute any other holiday for a general holiday provided for in the Code, if the substitution is agreed to in writing by the employer and the trade union. In the case of employees who are not subject to a collective agreement, an employer may substitute any other holiday for a general holiday if the substitution has been approved by at least 70 per cent of the affected employees. The employer must post a notice of the substitution for at least 30 days before the substitution takes effect.

6. What happens if a general holiday falls on a non-working day?

If New Year’s Day, Canada Day, Remembrance Day, Christmas Day, or Boxing Day falls on a Sunday or Saturday that is a non-working day for an employee, the employee is entitled to a holiday with pay on the working day immediately preceding or following the general holiday. If one of the other general holidays not listed above falls on a non-working day, then a holiday with pay may be added to the employee’s annual vacation or granted at another mutually convenient time.

7. How much pay is an employee entitled to receive for a holiday on which he or she does not work?

The employee is to receive pay as follows:

- a) if an employee is paid on a weekly or monthly basis – normal pay with no reduction for the day off;

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- b) if an employee is paid on a hourly basis – the equivalent of the wages the employee would have earned for a normal day’s work; or
 - c) if an employee’s wages are calculated on some other basis – the equivalent of a normal day’s pay.

8. Are part-time workers entitled to a paid holiday?

Yes. They have the same entitlement as full-time workers, providing they meet the qualifying requirements. Also, the Code provides prorated holiday pay for employees who are unable to establish entitlement to wages for at least 15 days during the 30 days immediately preceding a holiday because of their terms and conditions of employment. Such employees must receive one twentieth of the wages earned during the 30 calendar days preceding the holiday.

9. What is a “*continuous operation*”?

A continuous operation is as follows:

- a) any industrial establishment in which, in each seven-day period, operations once begun normally continue without cessation until the completion of the regularly scheduled operations for that period;
- b) any operations or services concerned with the running of trains, planes, ships, trucks and other vehicles whether in scheduled or non-scheduled operations;
- c) any telephone, radio, television, telegraph or other communication or broadcasting operations or services; or
- d) any operation or service normally carried on without regard to Sundays or public holidays.

10. Are there cases where the general holiday provisions of a collective agreement apply exclusively?

Yes. The general holiday provisions of the Code do not apply to employers and employees who are parties to a collective agreement that provides rights and benefits at least as favourable as those in the Code and where there is provision for third party settlement. The settlement of disagreements relating to general holiday issues is governed exclusively by the collective agreement.

This pamphlet is provided for information only. For interpretation and application purposes, please refer to Part III of the *Canada Labour Code* (Labour Standards), the *Canada Labour Standards Regulations*, and relevant amendments.

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