



# Labour

Information on

## Labour Standards

4

### GENERAL HOLIDAYS

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

The *Canada Labour Code* (the *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. Information Sheet 4A of this series provides additional details related to general holiday provisions for employment in a continuous operation. Information Sheet 1 – *Summary* describes the types of businesses covered by the *Code*. These are available on the Labour Program website at [labour.gc.ca](http://labour.gc.ca).

#### 1. What is a general holiday?

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

#### 2. What are the general holidays designated in the *Code*?

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

#### 3. Must an employee have been employed for a specific period of time or work a specific number of days to qualify for general holiday pay?

Yes. An employee must be employed for a minimum of 30 days in order to be eligible for holiday pay.

Other than the 30-day employment requirement, employees do not need to work a specific number of hours or shifts preceding the holiday in order to qualify for holiday pay.

#### **4. 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 the holiday pay for that day, at a rate equal to at least one and one-half times their regular rate of wages for the time worked on that day. For employees employed in a “continuous operation” (defined in question 9), please refer to pamphlet 4A – *General Holidays – Continuous Operations*. Managers and professionals required to work the general holiday receive their normal rate of pay, but must be given a holiday with pay at another time.

#### **5. Are part-time employees entitled to holiday pay?**

Yes. Part-time employees have the same entitlement to a paid holiday as full-time employees; their holiday pay is proportional to the number of hours they work.

#### **6. 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.

#### **7. 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.

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

Employees will receive general holiday pay depending on the method that they earn their wages. For most employees, their holiday pay will be equal to at least one twentieth ( $1/20^{\text{th}}$ ) of the wages, excluding overtime pay that they earned in the four-week period immediately before the week in which the general holiday occurs.

Employees who are paid in whole or in part by commission and who have completed a minimum of 12 weeks of continuous employment with an employer will be paid holiday pay equal to at least one sixtieth ( $1/60^{\text{th}}$ ) of the wages, excluding overtime pay, that they earned in the 12-week period immediately before the week in which the general holiday occurs.

If an employee is paid either in whole or in part by commission, but has not yet completed 12 weeks of employment, then the employee will receive holiday pay equal to at least one twentieth ( $1/20^{\text{th}}$ ) of the wages, excluding overtime pay, that they earned in the four-week period immediately before the week in which the general holiday occurs.

It is common for employees working in the longshoring industry to work for several different employers (an employer's association or multi-employer unit) during a pay period. Holiday pay for these employees is equal to at least one twentieth ( $1/20^{\text{th}}$ ) of the total number of hours worked, excluding overtime hours, during the four-week period before the week in which the holiday occurs multiplied by the employee's basic rate of wages.

In the longshoring industry, there is an exception for situations where an employee works for an employer's association and also performs work for another employer who is not a member of the association. In lieu of general holidays, that other employer must pay the employee, on each pay day, an amount equal to 3.5 per cent of their basic rate of wages times the number of hours worked for that pay period.

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

A continuous operation is:

- 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 general holidays.

Continuous operations do not run on a fixed, Monday to Friday, 9 am to 5 pm work schedule. These types of operations run “continuously”, without stopping their operations for holidays or weekends. Therefore, special provisions exist in the law to accommodate these operations.

For additional details on how the general holiday provisions of the *Canada Labour Code*, Part III apply to a continuous operation, please refer to Information Sheet 4A – *General Holidays – Continuous Operations*.

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

*Information about these provisions may be obtained from the Labour Program by calling toll free at 1-800-641-4049, by visiting the website at [www.labour.gc.ca](http://www.labour.gc.ca) or by submitting your questions or comments through the Labour Program [Contact Us form](#).*

#### **Information on Labour Standards – 4 GENERAL HOLIDAYS**

You can download this publication by going online: [publiccentre.esdc.gc.ca](http://publiccentre.esdc.gc.ca)

This document is available on demand in multiple formats (large print, Braille, audio cassette, audio CD, e-text diskette, e-text CD, or DAISY), by contacting 1 800 O-Canada (1-800-622-6232). If you use a teletypewriter (TTY), call 1-800-926-9105.

© Her Majesty the Queen in right of Canada, 2015

For information regarding reproduction rights: [droitdauteur.copyright@HRSDC-RHDCC.gc.ca](mailto:droitdauteur.copyright@HRSDC-RHDCC.gc.ca)

#### **PDF**

Cat. No.: Em7-1/4-2015E-PDF

ISBN: 978-1-100-25860-7

#### **ESDC**

Cat. No.: LT-031-03-15E