



A schedule of public holidays for 2010, 2011 and 2012 appears on the bottom of this bulletin. It lists the legal and statutory holidays, as well as those commonly observed by many employers. Legislation provides minimum requirements only. Employers and employees (or their agents) may agree to more favorable (and different) terms in their conditions of employment or collective agreements.

The number of legal holidays ranges from 9 in British Columbia, Saskatchewan, the Northwest Territories and the federal labour jurisdiction, to 5 in Prince Edward Island.

Please note legislation governing public holidays and other employment standards is amended periodically. Therefore, some of the information provided in this bulletin may become outdated.

Other Legal Holidays

Quebec

St. Jean Baptiste Day: Thursday, June 24, 2010, Friday, June 24, 2011 and Sunday, June 24, 2012

Alberta, Saskatchewan and Ontario Have all adopted "Family Day" which will be observed on the third Monday in February as follows: Monday February 15, 2010, Monday February 21, 2011 and Monday, February 20th, 2012.

Additional Customary Holidays

Newfoundland

In the City of St. John's, the Annual Regatta Day serves as the City's Civic Holiday. This is held on the first Wednesday in August or the first day thereafter depending on the weather.

Nova Scotia

Employers in Halifax Regional Municipality normally observe Halifax – Dartmouth Natal Day. This holiday is observed on the first Monday in August.

Holiday Pay & Premium Rates

Generally, if a public holiday falls on a working day, the employee is entitled to the day off with pay. Qualifications for entitlement vary depending on the jurisdiction, and there are numerous exceptions to the general rules. Consequently, if you require the specific legislation or have a question, kindly contact the undersigned.

All jurisdictions (except Quebec) require that a premium rate be paid for hours worked on a public holiday. The premium rate is 1½ times the employee's regular rate in all these jurisdictions except Newfoundland, where it is 2 times an employee's regular rate. Also in Newfoundland, if the employee works less hours than a normal workday, the employee shall receive the regular wage for hours actually worked, plus the wages the employee would have earned if the day was a normal workday.

In Quebec, the employee receives pay for the work done plus his/her regular wages or another day off within 3 weeks of the holiday.

In addition to the premium pay, qualified employees are also entitled to their regular wages (or a day off) in most jurisdictions (exceptions exist in Newfoundland and Quebec, see above). Also, in Saskatchewan, the employee would be entitled wages and premium pay. In New Brunswick, P.E.I. and the Yukon, employees are entitled to premium pay plus regular wages or regular wages plus a day off with pay.

In Manitoba most employers are not allowed to operate on Remembrance Day, but those who are must pay their employees at the premium rate of 1½ times the regular rate (see below). In B.C. the premium rate is 1½ times the regular rate for the first 11 hours, and then 2 times the regular rate for subsequent hours worked. In most cases, employees are also entitled to another day off.

Non-Working Day

Questions arise as to the situation when a public holiday falls on a non-working day (i.e. a Saturday or Sunday, or during an employee's annual vacation), Below are the general rules for such a situation:

Federal Jurisdiction

An employee is entitled to a holiday with pay at some other time. However, when New Year's Day, Canada Day, Remembrance Day, Christmas Day, or Boxing Day fall on a Saturday or Sunday, (that is a non-working day) the employee is entitled to a holiday with pay on the working day immediately before or after the general holiday. (This does not apply if a collective agreement gives at least nine paid holidays in addition to vacation time).

British Columbia

The employee is entitled to another day off that cannot be later than the employee's next annual vacation.

Alberta

If a public holiday falls on a non-working day, it is not required, under legislation, that the employee be paid for that day. If the holiday falls during the employee's annual vacation the employee is to receive the next working day off, or some other agreed date.

Saskatchewan

The employee is entitled to another day off with pay. If Christmas, New Year's or Remembrance Day falls on a Sunday, it will be observed on the Monday.

Manitoba

An employee must be given a holiday with pay before the employee's next annual vacation, or at a time that is convenient to both the employer and the employee. However, if New Year's Day, Canada Day, or Christmas Day, fall on a Saturday or Sunday (that is a non-working day), the employee is entitled to a holiday with pay on a working day that is immediately before or after the public holiday.

New Brunswick

However, the ESA must be read with the Manitoba Remembrance Day Act. Hence an employee who works on remembrance Day must be paid 1½ times his/her regular rate for hours worked, plus the employee's regular pay for a normal working day. An employee who is required to work on Remembrance Day shall not be paid less than ½ the normal working day.

Ontario

With the agreement of the employee (or agent) the employer can pay the employee his or her regular wages for that day or the employer must designate another day as a public holiday that cannot be later than the employee's next annual vacation.

Quebec

The legal holidays noted below are statutory holidays when they fall on a working day. If there is a collective agreement with at least 8 holidays, it would dictate time off for public holidays. If the employee is on vacation, another day (or pay) must be given to the employee. If June 24 is a Sunday it is observed June 25. If July 1 is a Sunday it is observed July 2.

The employer, with the agreement of the employee, can pay the employee regular wages for the day, or the employer must designate another day before the employee's next annual vacation.

Prince Edward Island

The employee is entitled to the next working day following the public holiday, or following the employee's vacation, or with the employee's agreement, the employer can grant another day off before the employee's next annual vacation.

Newfoundland

The employee is entitled to a public holiday on the day following the holiday or some other day that is mutually agreed upon. (If the employee works on the holiday, the employee has the option of two times the premium pay or another day off within 30 days following the public holiday or one day added to his or her vacation).

Nova Scotia

The employee is entitled to a paid holiday on the working day following the holiday or the employee's vacation, unless other mutually satisfactory arrangements have been made.

North West Territories

Provisions in the Statute allow for the substitution of a public holiday if it falls on a non-working day, or for payment in lieu of the substitution. (If the employee is required to work on a day which is normally a non-working day then the premium rate is two times the regular rate).

Yukon Territories

The employee is entitled to a holiday with pay on the working day immediately following the public holiday.

N.B.

Again, these are the general rules/situations. For specific questions please contact the undersigned.

Schedule of Public Holidays

L – Legally required to be observed

O – Usually given with pay by employers

| DAY | 2010 | 2011 | 2012 | Can. Lab. Code | BC | A | SK | M | O | Q | N | P | NS | NL | N | YT |
|---------------|----------------|---------------|---------------|----------------|----|---|----|-----------------|---|----------------|---|---|-----------------|------------------|---|----|
| | | | | | | B | | B | N | C | B | E | | | W | T |
| New Year's | Fri. Jan. 1 | Sat. Jan. 1 | Sun. Jan. 1 | L | L | L | L | L | L | L | L | L | L | L | L | L |
| Good Friday | Fri. Apr. 2 | Fri. April 22 | Fri. April 6 | L | L | L | L | L | L | L | L | L | L | L | L | L |
| Victoria Day | Mon. May 24 | Mon. May 23 | Mon. May 21 | L | L | L | L | L | L | L ⁺ | O | O | O | O | L | L |
| Canada Day | Thurs. July 1 | Fri. July 1 | Sun. July 1 | L | L | L | L | L | L | L | L | L | L | L ⁺⁺⁺ | L | L |
| Civic Holiday | Mon. Aug. 2 | Mon. Aug. 1 | Mon. Aug. 6 | | L | O | L | O | O | | L | | O | | L | L |
| Labour Day | Mon. Sept. 6 | Mon. Sept. 5 | Mon. Sept. 3 | L | L | L | L | L | L | L | L | L | L | L | L | L |
| Thanksgiving | Mon. Oct. 11 | Mon. Oct. 10 | Mon. Oct. 8 | L | L | L | L | L | L | L | O | O | O | O | L | L |
| Remembrance | Thurs. Nov. 11 | Fri. Nov. 11 | Sun. Nov. 11 | L | L | L | L | L ⁺⁺ | | | O | O | L ⁺⁺ | L | L | L |
| Christmas Day | Sat. Dec. 25 | Sun. Dec. 25 | Tues. Dec. 25 | L | L | L | L | L | L | L | L | L | L | L | L | L |
| Boxing Day | Sun. Dec. 26 | Mon. Dec. 26 | Wed. Dec. 26 | L | O | O | O | O | L | O | O | O | O | O | O | O |

* In Quebec, employers may observe either Good Friday or Easter Monday
 ** Called British Columbia Day, Saskatchewan Day and New Brunswick Day

*** In Yukon, equivalent to Civic Day is Discovery Day celebrated on the 3rd Monday in August

**** In Newfoundland, Remembrance Day is also known as Armistice Day

+ In Quebec, Victoria Day is known as Journée des Patriotes

++ No need to pay for Remembrance Day if employees are not required to work

+++ In Newfoundland, Canada Day is also known as Memorial Day