



Employment Standards Act
General Holiday Pay

Updated May 2023



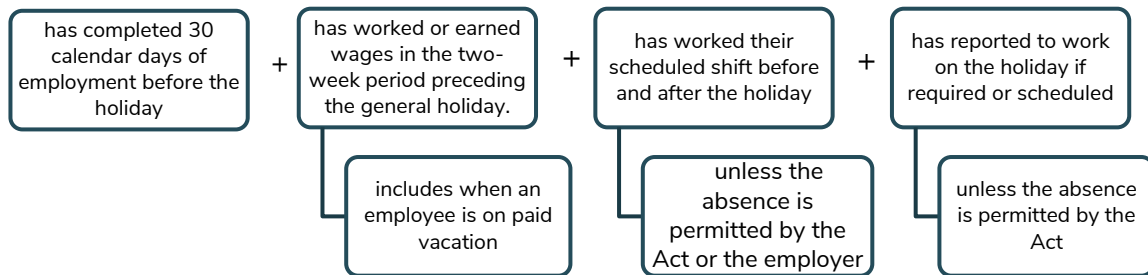
General Holiday Pay

There are 11 named general holidays in the *Employment Standards Act* (the “Act”):

1.	New Year’s Day	January 1
2.	Good Friday	the Friday before Easter Sunday
3.	Victoria Day	1 st Monday before May 25
4.	National Indigenous Peoples Day	June 21
5.	Canada Day	July 1
6.	Discovery Day	3 rd Monday in August
7.	Labour Day	1 st Monday in September
8.	National Day for Truth and Reconciliation	September 30
9.	Thanksgiving Day	2 nd Monday in October
10.	Remembrance Day	November 11
11.	Christmas Day	December 25

Heritage Day, Easter Monday and Boxing Day are **not** general holidays in the Yukon.
(section 1)

An employee must meet the following criteria to qualify for a general holiday with pay:



Exception:

An employee who works on a general holiday is **not subject to** the above requirements.
(section 34)



General Holiday pay calculation (for employees **not working** on holiday):

If an employee works standards hours of work, they are entitled to:

- full salary if the employee's wages are on a fixed weekly/monthly salary basis.
- an amount that is at least their daily earning, if their wages are on a daily or hourly basis.
- an average daily wage, excluding overtime and bonus, for the week of the holiday. If the employee's wages are calculated on commission basis.

(subsections 30(1)(a),(b),(c))

If an employee works less than the standards hours of work or irregular hours:

- they are entitled to at least the equivalent of 10% of their wages for the hours worked in the two-week period preceding the week of the general holiday.

(subsection 30(2))

General Holiday pay calculation (for employees **working** on holiday):

- holiday pay equal to the applicable overtime rate for all hours worked on the holiday; OR
- their regular rate of pay for the hours worked on the holiday + a day off with pay (may be added to annual vacation or granted as a day off on a mutually agreeable date).

(subsections 31(a),(b))

The amount for a day off with pay depends on the hours the employee worked on the General Holiday. For example, if an employee worked a full General Holiday, they are entitled to a full day off with pay.

The standards hours of work **must be reduced from 40 to 32** for any week that contains a General Holiday. All hours worked during a General Holiday week beyond 32 hours are paid at the overtime rate.

(subsection 8(2))

Substitution of other non-working day

An employee who is not working on a General Holiday but must work another day in the same week that would otherwise be a non-working day, is entitled to overtime pay.

(section 32)

Agreement to observe a general holiday on another working day

Another day can replace a general holiday if:

- an employer and employees who are represented by a trade union agree in writing; OR
- an employer and a majority of employees (50% plus 1) agree in writing.

Note: the substitute day must be treated the same as a general holiday.

(subsection 35(1),(2))

Examples for **not working** on holiday:

#1: an employee works standards hours of work - Monday to Friday

S	M (General Holiday)	T	W	T	F	S	Regular hours
	off	8	8	8	8		32

Hourly Rate: \$20.00
 Regular pay: 32 x \$20.00 = \$640.00
General holiday pay: 8 x \$20.00 = 160.00
 Total wages earned: \$800.00

#2: an employee works the standards hours of work - Tuesday to Saturday

S	M (General Holiday)	T	W	T	F	S	Regular hours	Overtime hours
	off	8	8	8	8	8	32	8

Hourly Rate: \$20.00
 Regular pay: 32 x \$20.00 = \$640.00
 Overtime pay: 8 x 1.5 x \$20.00 = \$240.00
General holiday pay: 8 x \$20.00 = \$160.00
 Total wages earned: \$1,040.00

#3 10% example: an employee works irregular hours as follow:

	S	M	T	W	T	F	S	Regular hours	Overtime hours
Week 1		8	4		3	8		23	
Week 2		6			8	8	8	30	
Week 3		(General Holiday)	8	8	4	8	8	32	4

Hourly Rate: \$20.00
 Regular pay: 32 x \$20.00 = \$640.00
 Overtime pay: 4 x 1.5 x \$20.00 = \$120.00
General holiday pay: (23 + 30) x \$20.00 x 10% = \$106.00
 Total wages earned: \$866.00

Examples for **working** on a holiday:

#1: an employee works the standards hours of work - Monday to Friday

S	M	T	W	T	F	S	Regular hours	Overtime hours
	(General Holiday)							
	8	8	8	8	8		32	8

Hourly Rate: \$20.00
 Regular pay: 32 x \$20.00 = \$640.00
 Overtime pay: 8 x 1.5 x \$20.00 = \$240.00
General holiday pay: 8 x \$20.00 = \$160.00
 Total wages earned: \$1,040.00

#2 10% example: an employee works irregular hours as follow:

	S	M	T	W	T	F	S	Regular hours	Overtime hours
Week 1		8	4		3	8		23	
Week 2		6			8	8	8	30	
Week 3		(General Holiday) 8	8	8	4	8	8	32	12

Hourly Rate: \$20.00
 Regular pay: 32 x \$20.00 = \$640.00
 Overtime pay: 12 x 1.5 x \$20.00 = \$360.00
General holiday pay: (23 + 30) x \$20.00 x 10% = \$106.00
 Total wages earned: \$1106.00

Example for commission salesperson:

An employee whose pay is made up entirely of commission and who did not work the General Holiday, is entitled to an average day’s pay. Here is how to calculate average day’s pay:

Wages earned during the week of the General Holiday / Number of days worked during the week of the General Holiday

Example: Wages earned during the week of the General Holiday = \$1,000 / Number of days worked for the week of the General Holiday = 5. The average day’s pay is \$200.

If the employee is paid once a month, an average day’s pay is calculated:

Wages earned for the month / Hours worked for the month x Hours worked per day

If the employee’s earnings are less than minimum wage, their holiday pay is calculated:

Hours worked per day x Minimum wage rate

For more information

This fact sheet is for guidance only. If anything in this document conflicts with the *Employment Standards Act*, the *Employment Standards Act* prevails.

For more information, contact an Employment Standards Officer at 667-5944 or eso@yukon.ca.

