



***Employment Standards Act***  
**General Holiday Pay**

Updated August 2021



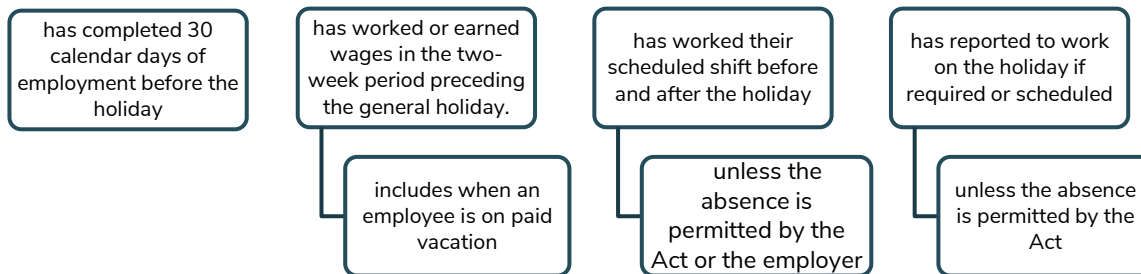
# General Holiday Pay

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

New Year’s Day	January 1
Good Friday	the Friday before Easter Sunday
Victoria Day	the first Monday before May 25
National Aboriginal Day	June 21
Canada Day	July 1
Discovery Day	the third Monday in August
Labour Day	the first Monday in September
Thanksgiving Day	the second Monday in October
Remembrance Day	November 11
Christmas Day	December 25

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

To qualify for a general holiday with pay, an employee must meet the following requirements :



Exception:

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

General Holiday pay calculation for **not working** on holiday:

If an employee works the **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.

(See subsection 30(1)(a)(b)(c) of the Act)

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

- The employee is 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.

(See subsection 30(2) of the Act)

General Holiday pay calculation for **working** on holiday:

- If an employee works on a holiday, as set out in **section 30**, the employer owes them holiday pay equal to the applicable overtime rate for all hours worked on the holiday; **OR**
- To be paid their regular rate of pay for the hours worked on the holiday and be given a day off which may be added to their annual vacation or be granted as a day off at a time convenient to the employer and employee.

(See subsection 31(a) and (b) of the Act)

**Note:** The Employment Standards Office's interpretation of subsection 31(b) is that the employee gets a day off with pay.

A day off with pay depends on the hours the employee worked on the General Holiday. For example, if an employee worked a General Holiday, the employee gets a day off with pay at the applicable overtime rate in the future.

**Also**, the standards hours of work **must be reduced from 40 to 32** for any week that contains a General Holiday. All hours in a day worked after the first General Holiday and 32 hours in a week are paid at the overtime rate.

(See subsection 8(2) of the Act)

#### Substitution of other non-working day

If an employee who has a day off on a General Holiday must work another day in the same week that would be a non-working day otherwise, the employee is paid at a rate at least equal to the applicable overtime rate.

(See section 32 of the Act)

#### Agreement between employer and employees

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 (means 50% plus 1) agree in writing.

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

(See subsection 35(1) and (2) of the Act)



Examples for **not working** on holiday:

**#1:** an employee works the 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:  $32 \times \$20.00 = \$640.00$

General holiday pay:  $8 \times \$20.00 = 160.00$

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:  $32 \times \$20.00 = \$640.00$

Overtime pay:  $8 \times 1.5 \times \$20.00 = \$240.00$

General holiday pay:  $8 \text{ hours} \times \$20.00 = \$160.00$

Total wages earned: \$1,040.00

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

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

Hourly Rate: \$20.00

Regular pay:  $32 \times \$20.00 = \$640.00$

Overtime pay:  $4 \times 1.5 \times \$20.00 = \$120.00$

General holiday pay:  $(23 + 30) \times \$20.00 \times 10\% = \$106.00$

Total wages earned: \$760.00

Examples for **working** on a holiday:

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

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

Hourly Rate: \$20.00

Regular pay:  $32 \times \$20.00 = \$640.00$

Overtime pay:  $8 \times 1.5 \times \$20.00 = \$240.00$

General holiday pay:  $8 \text{ hours} \times \$20.00 = \$160.00$

Total wages earned: \$1,040.00

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

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

Hourly Rate: \$20.00

Regular pay:  $32 \times \$20.00 = \$480.00$

Overtime pay:  $12 \times 1.5 \times \$20.00 = \$270.00$

General holiday pay:  $(23 + 30) \times \$20.00 \times 10\% = \$106.00$

Total wages earned: \$750.00

Example for commission sales person:

If commissions make up the employee's entire pay, if the employee did not work the general holiday, they are entitled to an average day's pay. Here is how their average day's pay is calculated:

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

Example: Wages earned for the week that the General Holiday occurs = \$1,000/  
Number of Days Total amount earned for the week when the General Holiday occurs = 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 the minimum wage rate, their general holiday pay is calculated:

Hours worked per day x Minimum wage rate

