

## General Holidays

General holidays are sometimes referred to as statutory holidays or stat holidays. They are days recognized by legislation as holidays. Employees either have this day off with pay, or, if they work, are paid differently.

### What are the general holidays in Manitoba?

There are eight general holidays throughout the year:

- New Year's Day
- Louis Riel Day (3<sup>rd</sup> Monday in February)
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

Most employees are paid general holiday pay for these days whether they work or not.

### Are Easter, the August Civic Holiday, Remembrance Day and Boxing Day holidays?

Easter Sunday, the August Civic holiday, and Boxing Day are not general holidays. Employees who do not work those days do not have to be paid.

Although Remembrance Day is not a general holiday, there are restrictions for operating businesses and special requirements for paying employees who work that day. See the [Remembrance Day](#) page for more details.

### What retail businesses can be open on Sundays and general holidays without a by-law?

The following types of retail businesses can be open:

- businesses that regularly operate with fewer than four employees (including the owner)
- restaurants
- pharmacies
- laundromats
- boat and motor vehicle rental, repair and service shops

- places with educational, recreational or amusement purposes
- tourism and recreational facilities including summer resorts
- other retailers selling nursery stock, flowers, garden supplies and accessories, fresh fruit and vegetables, and gasoline and related goods for motor vehicles

Municipalities can pass a by-law to allow shopping on Sundays and some general holidays at retail businesses which are not on the above list. These businesses can be open Sunday shopping hours on Louis Riel Day, Victoria Day and Thanksgiving Day.

Unless a retail business is included on the above list, it cannot be open on the following general holidays: New Years Day, Good Friday, Canada Day, Labour Day or Christmas Day.

\*\*\*Easter Sunday is not a general holiday however *The Retail Businesses Holiday Closing Act* does not allow a retail business to be open. It is treated the same as general holidays where businesses are not able to open.

\*\*\*Remembrance Day is not a general holiday. Retail businesses cannot be open between 9:00 a.m. and 1:00 p.m. on Remembrance Day. More information is available on the [Remembrance Day](#) page.

## How is general holiday pay calculated?

General holiday pay is five percent of an employees total wages in the four-week period immediately before the holiday. Overtime should not be included in this calculation.

For a part-time employee, this amounts to a percentage of his/her regular day of pay. For example: a part-time employee may work about 25 hours each week at \$10 per hour, but his/her schedule is different each day. In the four weeks before the holiday, he/she earned \$1,000. General holiday pay is \$1,000 times five per cent, or \$50.

For an employee that works the same number of hours, every day, five days a week, the five per cent calculation will equal his/her regular day of pay. For example: an employee worked 8 hours a day, 5 days a week at \$10 per hour, for the previous 28 days, he/she earned \$1,600. General holiday pay is \$1,600 times five per cent, or \$80.

## Is there an exception for the construction industry?

Yes, in the construction industry employees are entitled to general holiday pay, but it is calculated as a percentage of their regular wages. It is often paid on every cheque instead of on the holiday. For more information see the [Construction industry](#) page.

## Do all employees receive general holiday pay?

All employees receive general holiday pay unless:

- They are absent from work on a general holiday that is normally a workday and they are expected to work.
- They are absent from work on their last scheduled workday before the holiday or their first scheduled workday after the holiday, unless they are absent with the employer's consent.

## **Do employees have to work a certain length of time before they qualify for general holiday pay?**

No, how long an employee has worked for an employer does not effect the requirement to pay general holiday pay. For example, if an employee started to work for the employer one day before the general holiday, the employee would be entitled to 5% of the wages earned on that day as general holiday pay.

## **What if employees work on the general holiday?**

Employees who work on a general holiday are normally entitled to 1 ½ times their regular rate of pay for the hours worked. In addition they also receive their general holiday pay.

## **Do all employers need to pay 1 1/2 times the regular wage for work on a general holiday?**

At most workplaces, employers must pay employees who work on a general holiday their general holiday pay, plus 1 ½ times their wage for the hours worked on that day. The exception is for employers operating a gas station, hospital, hotel, restaurant, place of amusement, continuously operating business, climate-controlled agricultural business or a seasonal industry (excluding construction) or those employing domestic workers. These employers can pay regular wages for work on the holiday if they provide another day off with general holiday pay, within the next 30 days. If employers and employees agree, the day off may be taken sometime before the employees' next annual vacation.

## **How are employees who are paid by incentive pay paid for a general holiday they do not work?**

Like other types of pay, employees who earn incentive pay are entitled to five percent of the total wages (including incentive pay) in the four-week period before the holiday.

## **How are employees who are paid by incentive pay, paid if they work on a general holiday?**

Most employees who work on a general holiday are entitled to 1½ times their regular wage rate for hours worked on a general holiday, in addition to the general holiday pay of five percent of their earnings in the four-week period before the holiday. This includes employees who are paid by incentive.

To calculate the wage rate that an incentive paid employee is entitled, use the formula to calculate overtime wages. First calculate the hourly wage. Then calculate the regular pay and overtime pay for working on the general holiday.

To calculate the hourly wage, the incentive pay is divided by the total hours worked in the pay period. The hourly wage usually changes in each pay period, since it depends on the pay earned and the number of hours worked.

For example a commission salesperson paid once a week: in this pay period he/she earns \$800 commission,

worked 32 hours of standard time and 6 hours on the general holiday.

To calculate the hourly wage, use the formula:

Incentive Pay(commissions)	= Hourly Wage	or	\$800	= \$21.05
Total Hours			38	

The salesperson worked 32 standard hours. The hourly wage (\$21.05) times the standard hours (32) equals the regular pay for the period (\$673.60).

The wage for working on the general holiday is the hourly wage (\$21.05) times 1½ (\$31.58). This wage (\$31.58), times the hours worked on the general holiday (6), equals the pay for working on the general holiday (\$189.48).

The total is the regular pay (\$673.60) plus the pay for working on the general holiday (\$189.48) plus the 5% of the regular earnings in the 28 days before the holiday

## What is incentive pay?

In some workplaces, employees are paid based on how productive they are rather than the number of hours they work. Common examples include commission salespeople, flat-rate mechanics and pieceworkers.

## What if the general holiday is on a weekend?

When a general holiday falls on a Saturday or Sunday that an employee does not normally work, the employee must get the next regular workday off, with General Holiday pay. If it is a weekday that the employee would not normally work, the employer must give the employee a day off with holiday pay, that would be a normal workday, before the employee's next vacation, or at a time they can agree the employee can have off.

## What if the general holiday is a day the employee does not normally work?

In some cases, employees might not normally work on certain days of the week. When a general holiday falls on one of those days, employers must give employees another day off, with general holiday pay, before their next annual vacation, or at a time they both agree on.

For example: When a general holiday falls on a Monday and employees normally don't work on Mondays, the employees must receive another work day off before their next vacation, and receive general holiday pay.

## What if the employment ends before the alternate day off for the general holiday is taken?

If the employment ends before the day off is taken, employers must pay the holiday pay within 10 days of the employment ending. This pay cannot be used as part of a notice period.

## **What if employment ends in the four weeks before a general holiday?**

If employees end the employment before a general holiday there is no entitlement to general holiday pay for that holiday.

If employers end the employment before a general holiday, employees are entitled to general holiday pay of five per cent of total wages, excluding overtime wages but including wages in lieu of notice, for the four-week period immediately before the holiday. The general holiday pay must be paid with the last wages, no later than 10 days after the employment ended.

## **How does a general holiday affect an employees' rights to have a weekly day of rest or to get paid for overtime?**

A general holiday does not affect the requirement to pay overtime wages or substitute for a weekly day of rest. For both overtime and a weekly day of rest, the wages paid as general holiday pay are considered hours worked.

## **How do general holidays affect vacations and vacation pay?**

When a general holiday falls during a vacation period, an additional day off with pay is to be given. General holiday pay is considered wages earned when calculating annual vacation pay. For more information, see the [Vacations and vacation pay](#) page.

## **Can employees and employers choose to use a different day as a general holiday?**

Yes, sometimes employers and employees would rather move a general holiday to a different day. The employer, with the written agreement of the majority of the employees, or by their collective (union) agreement can choose to substitute a different day in the place of a general holiday. For example, an employer and the employees could choose to substitute December 27 for Victoria Day. In this example Victoria Day would become a regular workday, and December 27 would be deemed a general holiday.

## **When is Canada Day?**

Canada Day is normally July 1, however when July 1 is a Sunday, Canada Day is July 2, as defined in the *Holidays Act* by the Government of Canada.

## **For more information contact Employment Standards:**

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This is a general overview and the information used is subject to change. For detailed information, please refer to

current legislation including *The Employment Standards Code* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

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