

e2r Alert!

HAVE YOU ALREADY PLANNED FOR THE UPCOMING STATUTORY HOLIDAYS?

With the month of December quickly approaching, it is important for employers to consider and plan for the upcoming statutory holidays if they have not yet done so.

In all jurisdictions across Canada both Christmas Day and New Year's Day are legislated statutory holidays. A third statutory holiday, Boxing Day, is a legislated statutory holiday in only two jurisdictions, Ontario and federally.

While it is important to note which statutory holidays apply in the jurisdictions where your organization operates, it is also important to note how these days will be treated both with respect to time away from work, and how employees are to be paid for these days.

As it relates to time away from work for this coming season, Christmas Day, Boxing Day (Ontario and the federal jurisdiction only), and New Year's Day will fall on working days for most employees. Generally speaking, when a statutory holiday falls on what is normally a working day, employees are entitled to a day off with statutory holiday pay. If the statutory holiday is not a normal working day for your employees, or if your employees are required to work on the statutory holiday, different rules apply.

As it relates to pay, employment standards legislation of each jurisdiction varies widely, and not all employees are in fact eligible for statutory holiday pay. The legislation in each jurisdiction outlines these differences, and two examples of these are: i) employees in Alberta must have worked for the employer for at least thirty (30) working days in the twelve (12) months before the holiday; and ii) employees in British Columbia must be employed by the employer for at least thirty (30) calendar days before the statutory holiday and have worked or earned wages for fifteen (15) of the thirty (30) calendar days preceding the statutory holiday.

In all cases, both with respect to time and money, various special rules and exemptions also may apply for certain professions and industries (i.e. retail sector) in each jurisdiction, so always be mindful of these.

We recommend that employers communicate to employees as soon as possible with respect to these upcoming statutory holidays.

Do note that despite the above, employers may always choose to provide a greater benefit to employees and provide additional paid days off, but when doing so, it is important to remind employees that these days are indeed a "gift" and may not be provided year after year.

In all cases, prior to any communication, employers must be mindful of any contractual obligations to employees, as well as the terms and conditions of any company policy in respect of statutory holidays. Any memo drafted should be consistent with the company policy and should refer employees to the Employee Handbook or company policy regarding statutory holidays, where applicable.

A general overview of the Employment Standards for each jurisdiction can be found under the Resource Centre tab at www.e2rsolutions.com. Please contact e2r Solutions® if you would like to discuss how your organization can prepare for the upcoming holiday season.

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