

## General Holidays

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

### What are the general holidays in Manitoba?

There are eight general holidays throughout the year:

- New Year's Day
- Louis Riel Day (3rd Monday in February)
- Good Friday
- Victoria Day
- July 1
- Labour Day
- Thanksgiving Day
- Christmas Day

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

<i>General Holiday</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
New Year's Day	January 1	January 1	January 1
Louis Riel Day	February 17	February 15	February 21
Good Friday	April 10	April 2	April 15
Victoria Day	May 18	May 24	May 23
July 1	July 1	July 1	July 1
Labour Day	September 7	September 6	September 5
Thanksgiving Day	October 12	October 11	October 10
Christmas Day	December 25	December 25	December 25

### Are Easter Sunday, Terry Fox Day, Remembrance Day and Boxing Day general holidays?

Employees who do not work on Easter Sunday, Terry Fox Day, and Boxing Day do not have to be paid because these are not general holidays.

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](#) fact sheet for more details.

## How is general holiday pay calculated?

Employees who consistently work the same number of hours get one regular work day's pay as general holiday pay.

- For example, an employee who always works 8 hours a day, 40 hours a week, would get their regular wages for 8 hours as general holiday pay.

For employees whose hours of work or wages vary, general holiday pay is calculated at 5% of the gross wages (not including overtime) in the 4 week period immediately before the holiday.

- For example: an employee who works varying hours each day, and earned \$1200 in the 4 weeks before the holiday, is entitled to general holiday pay of \$60 ie.  $\$1200 \times 5\% = \$60$

## Is there an exception for the construction industry?

In the construction industry employees are still entitled to general holiday pay. Employees working in the construction industry receive 4% of their gross earnings as general holiday pay, which is often paid on every cheque instead of on the general holiday. For more information see the [Construction Industry](#) fact sheet.

## Do all employees receive general holiday pay?

All employees receive general holiday pay unless:

- They are scheduled to work on a general holiday, but are absent without the employer's permission.
- They are absent without the employer's permission from their last scheduled workday before the holiday, or their first scheduled workday after the holiday.

Election officials, enumerators and any other temporary person appointed under *The Elections Act* are not entitled to general holiday pay.

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

No. The length of time employees work for an employer does not affect 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 on the day in addition to their general holiday pay.

## **Do all employers need to pay 1 ½ 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 is general holiday pay calculated for employees who are paid by incentive for a general holiday on which they do not work?**

Like other types of pay, employees who earn incentive pay are entitled to 5% of the total wages (including incentive pay) in the 4-week period before the holiday.

## **How is general holiday pay calculated for employees paid by incentive if they work the 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 5% of their earnings in the four-week period before the holiday. This includes employees who are paid by incentive.

To calculate the wages to which an incentive paid employee is entitled, first calculate the hourly wage by dividing the incentive pay by the total number of 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, in this pay period, a commission salesperson paid once a week, earns \$800 commission, worked 32 hours of standard time and 8 hours on the general holiday.

$$\begin{array}{l} \text{Commissions} \\ \text{Total Hours} \end{array} = \begin{array}{l} \text{Hourly Wage} \\ \text{or} \end{array} \begin{array}{l} \$800 \\ 40 \end{array} = \$20/\text{hour}$$

The hourly wage is then multiplied by the regular hours worked:

$$\text{Hourly Wage} \times \text{Regular Hours Worked} = \$20 \times 32 = \$640$$

To calculate wages for working on the general holiday, multiply the hourly wage by 1 ½ times:

$$\text{Hourly Wage} \times 1.5 = \text{Overtime Wage} = \$20 \times 1.5 = \$30$$

This amount is then multiplied by the number of hours worked on the general holiday. In this example, the salesperson earned:

$$\text{Wages for working on the general holiday} \times \text{Hours worked on general holiday} = \$30 \times 8 = \$240$$

Add the regular wages and the wages for working on the general holiday together to calculate the total amount the salesperson earned during the pay period.

$$\$640 + \$240 = \$880$$

Since the salesperson already earned \$800 in this pay period, the employer pays an additional \$80 to account for the hours worked that have not yet been paid, plus the 5% of the regular earnings in the 28 days before the holiday.

## What is incentive pay?

Incentive pay is based on how productive employees 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.

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

When a general holiday falls on a weekday that the employee does not normally work, the employer must give the employee a normal workday off with general holiday pay. This must be given before the employee's next vacation, or at another time agreed to by the employee.

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

Employers may substitute another day for a general holiday for the purposes of general holiday pay and wages for hours worked on the day:

- Under a collective (union) agreement, or
- With the written agreement of a majority of the employees. This does not need to be approved by Employment Standards but the employer should keep a copy of the agreement.

The substituted day must be within 12 months of the general holiday.

## **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 business 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 still entitled to general holiday pay of 5% of total wages (excluding overtime, 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 business days after the employment ended.

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

The wages paid for a general holiday are considered hours worked for the purposes of overtime and must be included when calculating employees' hours of work. A general holiday does not substitute for a weekly day of rest.

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

General holidays are not counted as a vacation day. If a general holiday falls during an employee's vacation, the employee would receive another day off with pay and general holiday wages for the day of the general holiday.

General holiday pay is included when calculating vacation wages. For more information, see the [Vacations & Vacation Pay](#) fact sheet.

## What retail businesses can be open on Sundays and general holidays?

Retail businesses are no longer required to close after 6 p.m. on Sundays and certain holidays and can set their own hours of operation.

While provincial restrictions have been removed, municipalities have authority to pass by-laws under The Municipal Act to restrict retail businesses within their jurisdictions from operating on certain days or during specific hours.

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](#) fact sheet.

## For more information contact Employment Standards:

Phone: 204-945-3352 or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

Website: [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)

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, The Construction Industry Wages Act, The Worker Recruitment and Protection Act, or contact Employment Standards.

**Available in alternate formats  
upon request.**

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