

CALCULATING STATUTORY HOLIDAY PAY

Normally Statutory Holidays (also referred to as Paid Holidays in some employment group) are scheduled to ensure that employees have a work day off. Under these normal conditions, the calculation of statutory pay is straight forward. However, there may be circumstances where different calculations apply.

This guide will lay out the general scheme for Statutory Holiday pay for different employment groups. Please remember that this is only a guide and the starting place for any statutory holiday pay inquiry should always be the applicable [Collective Agreement, Agreement or Employee Handbook](#). The Statutory Holidays can be found [here](#).

EMPLOYMENT GROUPS

CUPE 116 ([CUPE 116 Collective Agreement](#))

For **all** CUPE 116 employees to qualify for a Paid Holiday, they **must** have worked a minimum of 11 of the 30 calendar days immediately preceding the Paid Holiday. Therefore, if the employee has not worked 11 of the 30 calendar day, they are not entitled to a Paid Holiday. Further qualifiers exist depending on the employee's appointment:

- **Full-time Regular** employees must not be on layoff at the time of the Paid Holiday; and
- **Part-time Regular and Full-time/Part-Time Auxiliary** must have been employed for 30 calendar days prior to a Paid Holiday.

Paid Holiday falls on a Working Day

Full-Time Regular and Auxiliary

- Will be paid their regular wages for the Paid Holiday.
 - **Example:** The normal day shift shall be 7 ½ hours; therefore, an employee working the standard work week would be entitled to 7 ½ hours for a Paid Holiday.
- **Note:** For employees working a modified work week, they shall be paid their regular wages for the Paid Holiday such that they will neither be benefitted nor disadvantaged in comparison to an employee working the standard work week.
 - **Example:** If the employee receives more Paid Holiday hours than the comparative employee working the normal day shift, then the employee will owe back hours to the department to achieve cost neutrality and equity.
 - **Example:** If the employee receives less Paid Holiday hours than the comparative employee working the normal day shift, then the department will owe the employee Paid Holiday hours to achieve cost neutrality and equity

Part-Time Regular and Auxiliary

- Will be paid a day's pay based on the average number of hours per day worked in the thirty calendar days immediately preceding the Paid Holiday.
 - **Calculation:** (# of hours worked /# of days worked in the thirty calendar days immediately preceding the Paid Holiday) = Paid Holiday hours entitlement.

Paid Holiday falls on a Scheduled Day Off

- If the Paid Holiday occurs on an employee's regularly scheduled day off, the employee will be entitled to a **day in lieu** (i.e. treat another working day as the Paid Holiday) where they will be paid according to their appointment.

Paid Holiday falls on a Saturday or Sunday

- Where a Paid Holiday falls on a Saturday or Sunday, the University **may** declare the preceding Friday or following Monday as the **day in lieu** to be recognized by the University. The employee will be paid for the **day in lieu** according to their employment classification Paid Holiday entitlement.
 - In the case of Christmas and Boxing Day, the University may declare the day(s) immediately preceding or following such day(s) as the **day(s) in lieu**.
- **Note:** If the employee is scheduled to work on a Paid Holiday (e.g. if the employee's work week includes work on Saturday and/or Sunday and the Paid holiday falls on one of these days), then the **lieu day provision shall be inoperative** and the day will be treated as an actual Paid Holiday for the employee.

CUPE 2950 ([CUPE 2950 Collective Agreement](#))

Statutory Holiday falls on a Working Day

Full-Time

- Will be paid the rate of pay that the employee would have received if she/he had worked.
 - **Example:** If the employee normally works 7 hours on Statutory Holiday, they are entitled to 7 hours of pay.
- **NOTE:** If an employee is working a basic form of workweek other than the standard workweek (5 days per week at 7 hours a day), the employee must make up hours to account for the additional Statutory Holiday hours received and for cost neutrality and equity.

The following table compares two of the most common forms of work week with the standard work week

Type of Work Week	Hours per day	Stat Holiday hours taken based on 12 days	Hours to be “made up”
5 day per Week (standard)	7	12 x 7 = 84 hours	0
9 Days per Two-Week period	7.75	12 x 7.5 = 93 hours	93 hours – 84 hours = 9 hours
4 day per Week	8.75	12 x 8.75 = 105 hours	105 hours – 84 hours = 21 hours

Part-Time

- For all part-time employees, the following applies:
 - **Full day** = 7 hours (i.e. full day for Full Time employee working the standard work week);
 - **Standard Full Time Employees’ Monthly Hours** = 152 hours;
 - **Previous month** = last 30 calendar days immediately preceding the Statutory Holiday.

- Continuing & Sessional Part-Time Employees

- Employees who have worked **less than 15 full days** (or **105 hours**) **in the previous month will be paid on a pro rata basis** according to the number of hours worked in the **previous month** (30 calendar days). The pro-rata statutory pay entitlement will be calculated as follows:

$$\left\{ \frac{\text{(# of hours worked in the last 30 calendar days preceding the Stat Holiday)}}{152 \text{ hours}} \right\} \times 7 \text{ hours}$$

Example:

Employee works two 7 hour days (Mon/Tues) – Labour Day Stat (Monday, September 5, 2016).

The employee will work 8 full days (56 hours) in the 30 calendar days immediately preceding the Labour Day Statutory Holiday. Therefore, the Statutory Holiday pay must be pro-rated according to the number of hours worked in those 30 calendar days because the employee has not worked 15 full days (or 105 hours). Therefore, their Statutory Holiday pay entitlement will be calculated as follows: **(56 hours / 152 hours) x 7 hours = 2.58 Statutory Holiday hours entitlement.**

Note: If the employee is salaried, he will receive 7 hours on that day despite only being entitled to 2.58 hours of pay. Therefore, the **employee will owe** the department 4.42 hours (7 hours – 2.58 hours).

- Employees who have worked **15 or more full days** (≥ 105 hours) in the previous month **shall receive full pay for the Statutory Holiday**. This means that the employee would be entitled to a full 7 hours of pay.

Note: If an employee is salaried and therefore would be compensated for more than the 7 hours (e.g. if the Statutory Holiday falls on a day they work 8.75 hours), then the employee would owe the department the additional Statutory Holiday hours received to achieve cost neutrality and equity.

Note: If an employee is salaried and therefore would be compensated less than the 7 hours (e.g. if the Statutory Holiday falls on a day they work 5 hours), then the department would owe the employee the remaining Statutory Holiday hours to achieve cost neutrality and equity.

Examples:

Employee works four 7 hour days (Mon - Thurs) – Labour Day Stat (Monday, September 5, 2016).

The employee will work 16 full days (112 hours) in the 30 calendar days immediately preceding the Labour Day Statutory Holiday. Therefore, the employee receives full pay (7 Hours) as Statutory Holiday pay. In this scenario, if the employee is salaried, **no action** is required by the department, the employee will be paid for the day as usual.

Employee works two 3.5 hour days (Mon – Tues) and three 7 hour days (Wednesday – Friday) – Labour Day Stat (Monday, September 5, 2016)

The employee will work 15 full days (105 hours) in the 30 calendar days immediately preceding the Labour Day Statutory Holiday. Therefore, the employee receives full pay (7 Hours) as Statutory Holiday pay. In this scenario, if the employee is salaried, he will receive 3.5 hours on that day though entitled to the full 7 hours. Therefore, the department will owe the employee 3.5 hours (7 hours – 3.5 hours).

- Temporary Part-Time Employees
 - To be entitled to Statutory Holiday pay, **Temporary** employees must be on **active assignment** and **have not reached the termination date of their assignment**.
 - If they meet the qualifications, these employees are entitled to Statutory Holiday pay in the same manner as **Continuing and Sessional Part-time** employees.

Statutory Holiday falls on a Scheduled Day Off

- When a Statutory Holiday falls on the regular day off of an employee (full-time or part-time), she/he shall choose to be granted one of the following options:

OPTION 1: An equivalent time off without loss of pay. The time off will be determined by mutual agreement between the Department and the individual employees

- **Note:** Under this option, it is as if the Statutory Holiday occurred on an employee's working day and therefore the employee would be subject to the above qualifications depending on their employee classification

OPTION 2: To be paid at regular rates.

- **Note:** Under this option, the employee has chosen to take compensation **in lieu of** time off without loss of pay and this means the department would be receiving work it would not otherwise have had the employee chosen option 1.

Remember: If a full-time employee is not working a standard workweek, the statutory holiday is always calculated at 7 hours to avoid employees having to pay back the departments.

- **Note:** In the event that the full-time employee is not working a standard work week and they choose option 1, since the time off is to be determined by mutual agreement, Departments and employees have flexibility in the arrangement so long as the **employee only receives the equivalent of 7 hour time off without loss off pay.**

Examples:

Part-time employee works two 7 hour days (Mon/Tues) – Canada Day Stat (Friday, July 1, 2016).

The employee will work 8 full days (56 hours) in the 30 calendar days immediately preceding the Canada Day Statutory Holiday. Therefore, the Statutory Holiday pay must be pro-rated according to the number of hours worked in those 30 calendar days because the employee has not worked 15 full days (or 105 hours). Therefore, their Statutory Holiday pay entitlement will be: **(56 hours / 152 hours) x 7 hours = 2.57 Statutory Holiday hours entitlement.**

Since Canada Day falls on the employee's scheduled day off, the employee shall choose one of the following:

- **OPTION 1:** 2.57 Hours of time off during a regular working day without loss of pay; or
- **OPTION 2:** 2.57 hours of pay.

Part-time employee works four 7 hour days (Mon - Thurs) – Canada Day Stat (Friday, July 1, 2016).

The employee will work 18 full days (126 hours) in the 30 calendar days immediately preceding the Labour Day Statutory Holiday. Therefore, the employee is entitled to receive full pay (7 Hours) as Statutory Holiday pay.

Since Canada Day falls on the employee's scheduled day off, the employee shall choose one of the following:

- **OPTION 1:** 7 hours of time off during a regular working day without loss of pay; or
- **OPTION 2:** 7 hours of pay.

Full-time Employee works four 8.75 hour days (Mon-Thurs) - Canada Day Stat (Friday, July 1, 2016).

The employee is a full-time employee working a basic workweek that is not the standard workweek therefore treat the employee as if they work the standard work week to avoid the employee having to pay back their department.

Since Canada Day falls on the employee's scheduled day off, the employee shall choose one of the following:

- **OPTION 1A:** 7 hours of time off during a regular working day without loss of pay;
or
- **OPTION 1B:** 8.75 hours of time off during a regular working day without loss of pay but the employee owes back the department 1.75 hours;
or
- **OPTION 1C:** Another mutually agreed upon configuration that provides the employee with their 7 hours of time off during a regular working day without loss of pay entitlement.
or
- **OPTION 2:** 7 hours of pay.

Statutory Holiday falls on a Saturday or Sunday

- Where a Statutory Holiday falls on a Saturday or Sunday, another working day (as determined by the University) will be observed as the Statutory Holiday and therefore, depending on the employee's appointment, they will be entitled to Statutory Holiday pay according to the above applicable qualifications.

Management & Professional (AAPS Agreement)

Statutory Holiday falls on a Working Day

Full-Time

- Employee are entitled to receive Statutory Holidays with pay. The calculation for their Statutory Pay entitlement is as follows:

$$\text{Amount Paid} \div \text{Days Worked}$$

where

amount paid

is the amount paid or payable to the employee for work that is done during and wages that are earned within the 30 calendar day period preceding the statutory holiday, including vacation pay that is paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime, and

days worked

is the number of days the employee worked or earned wages within that 30 calendar day period.

Note: The calculation will generally result in the amount the employee would have received if there was no Statutory Holiday and they had worked.

Part-Time

- For part-time employees to qualify for Statutory Holiday pay, they **must** have worked a **minimum of 11 days in the calendar month preceding the Statutory Holiday**. In other words, if a part-time employee works less than 11 days then they are not entitled to Statutory Holiday pay.
- If they qualify, the part-time employee is entitled to Statutory Holiday pay equal to her/his usual working hours using the same calculation as for a **full-time** employee.

Statutory Holiday falls on a Scheduled Day Off

- If the statutory holiday falls on the employee's regularly scheduled day off, will be paid and average day's pay using the same calculation as for when a statutory holiday falls on a working day.

Statutory Holiday falls on a Saturday or Sunday

- The University will determine another working day to be observed as the Statutory Holiday and the employee will be entitled to pay as determined the calculation for when a statutory holiday falls on a working day.

Non-Union Technicians & Research Assistants

(Handbook for Technicians & Research Assistants)

For full-time and part-time Non-Union Technicians and Research Assistants to qualify for Statutory Holiday pay, they **must** have worked a minimum of 15 of the 30 calendar days immediately preceding the Statutory Holiday. In other words, if an employee has worked less than 15 days within the 30 calendar days immediately preceding the Statutory Holiday then they will not be entitled to Statutory Holiday pay.

Statutory Holiday falls on a Working Day

Full-Time

- Will be paid an amount equal to an average day's pay calculated under the following formula

$$\text{amount paid} \div \text{days worked}$$

where
amount paid

is the amount paid or payable to the employee for work that is done during and wages that are earned within the 30 calendar day period preceding the statutory holiday, including vacation pay that is paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime, and

days worked

is the number of days the employee worked or earned wages within that 30 calendar day period.

Note: The calculation will generally result in the amount the employee would have received if there was no Statutory Holiday and they had worked.

Part-Time

- Will be paid the average of earnings, exclusive of overtime, for the days worked in the four week period immediately preceding the week in which the Statutory Holiday occurs.
- The average of earnings is calculated using the same calculation as used for **full-time** employees.

Statutory Holiday falls on a Scheduled Day Off

- If the statutory holiday falls on the employee's regularly scheduled day off, the employee will be paid an average day's pay using the same calculation as for when a statutory holiday falls on a working day.

Statutory Holiday falls on a Saturday or Sunday

- The University will determine another working day to be observed as the Statutory Holiday and the employee will be entitled to pay as determined by the calculation for when a statutory holiday falls on a working day.

More Information

Please remember that this information is provided for guidance only and if there is a conflict or inconsistency between what is laid out in this guide and the *Collective Agreement, Agreement* or *Employee Handbook*, the latter prevails. For questions about specific issues or cases, please contact your [Human Resources Associate or Advisor](#).