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## STATUTORY HOLIDAYS IN BC

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As of February 2013, British Columbia employees will enjoy an additional statutory holiday. The new "Family Day" holiday will take place on the second Monday in February each year. In 2013 the holiday will therefore be on Monday February 11.

While this new holiday will surely be welcomed by employees, it will impose some additional costs and obligations on BC employers. We have therefore summarized below answers to some of the common questions that we are asked by employers regarding statutory holidays for provincially regulated employees.

### What are the BC Statutory Holidays?

As of 2013 there will be 10 statutory holidays in BC:

- New Year's Day (January 1st)
- Family Day (second Monday in February)
- Good Friday
- Victoria Day (first Monday before May 25th)
- Canada Day (July 1<sup>st</sup> unless it falls on a Sunday, in which case it is on July 2<sup>nd</sup>)
- B.C. Day (first Monday in August)
- Labour Day (first Monday in September)
- Thanksgiving Day (second Monday in October)
- Remembrance Day (November 11<sup>th</sup>)
- Christmas Day (December 25<sup>th</sup>)

It should be noted that Boxing Day, Easter Sunday and Easter Monday are not statutory holidays in BC.

### Are all Employees Eligible for Statutory Holidays?



No, all employees are not eligible. To be eligible for a statutory holiday (and statutory holiday pay) pay an employee must be employed for 30 calendar days before the statutory holiday, and have worked 15 of the 30 days immediately before the statutory holiday. Employees who don't meet these criteria are generally not eligible for statutory holiday pay. Furthermore certain categories of employees (including managers, some professionals and others) are specifically exempt from the statutory holiday requirements in the BC *Employment Standards Act*.

**Do I have to pay Statutory Holiday Pay if the Holiday falls on an Employee's Regular Day Off?**

Yes, if a Statutory Holiday falls on an employee's regular day off (and the employee is otherwise eligible for Statutory Holidays) then the employee must be paid an average day's pay for the holiday. An average day's pay is calculated by dividing the employee's "total wages" earned in the 30 calendar days before the statutory holiday by the number of days worked.

**What Wages Must be Paid if an Employee Works on a Statutory Holiday?**

Employees who work on a statutory holiday are entitled to be paid overtime rates of pay (i.e. time-and-a-half for the first 12 hours worked and double-time for any work over 12 hours), plus an average day's pay.

