Public Holidays

Purpose
Consistent with its Vision, Mission and Values, Caledon Community Services (CCS) adheres to the Ontario Employment Standards Act (ESA) and the Ontario Human Rights Code (OHRC) with regards to the observance of Public Holidays, concurrent with meeting the agency’s operational requirements.

Policy
As per the ESA, all staff are eligible for statutory/public holiday pay. This includes full-time, part-time or contract employees.

Qualifying for Public Holiday Entitlements:
Generally, staff members qualify for the public holiday entitlement unless they:

- fail without reasonable cause to work all of their last regularly scheduled day of work before the public holiday or all of their first regularly scheduled day of work after the public holiday
- fail without reasonable cause to work their entire shift on the public holiday if they agreed to or were required to work that day.

Part-time and contract staff members will be granted statutory holidays and statutory/public holiday pay on a pro-rated basis as outlined in the ESA.

If a Public Holiday falls during a staff’s approved vacation period, the day on which the Public Holiday falls will be paid as a Public Holiday and not deducted from the staff’s vacation bank.

Staff who are on an authorized paid leave from work (i.e. bereavement, jury duty) will receive Public Holiday pay for any public holiday that occurs during the leave.

Staff who are on an unpaid leave of absence are not eligible to receive Public Holiday pay for those public holidays that occur during the leave.

Details
Current statutory and public holidays are:

- Family Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day
- Boxing Day
- New Year’s Day
Civic Holiday (first Monday in August) is not a Public Holiday under the ESA. CCS staff members are credited with an additional vacation day in their vacation bank and this is used to provide for the paid day off for those staff members who work in programs that close on this day.

If the public holiday falls on a week-end (for those that work Monday-Friday) and on a non-work day for those working on a rotational schedule, the holiday observation is designated by the Chief Executive Officer, when required, at least two months in advance of the holiday.

**Working on a Public Holiday**

Staff who are employed in ‘continuous operations’ (E.g. PSW’s in the Assisted Living Program) can be required to work on a public holiday if it falls on one of their regularly scheduled shifts in accordance with the ESA.

Staff who work on public holidays shall be compensated in the following manner, in accordance with the ESA:

- Hours worked will be paid at the rate of 1.5 times their normal hourly rate of pay

  **Plus**

- Additional Public Holiday pay at their regular rate of pay (full time employees will be paid for 7.5 hours, part time employees will be receive Public Holiday pay on a prorated basis according to the number of hours worked over the previous 4 weeks.)

The formula for prorating the number of hours paid for the Public Holiday is:

**Number of Hours Worked in Previous 4 weeks divided by 20**

For example: A staff who works 15 hours per week over 4 weeks would be paid for the following number of hours: 

\[
\frac{15 \times 4}{20} = 3 \text{ hours}
\]

**Religious Observance and Public Holidays in Continuous Operations**

As per the ESA, the employer’s ability to require staff to work on a public holiday is subject to the staff’s right to take a day off for purposes of religious observance under the OHRC. Ontario public holidays that are designated as religious observance days are Good Friday and Christmas Day.

As such, employees whose normally scheduled shift falls on either Christmas Day or Good Friday and who wish to take the day off will be given first priority in granting the day off and finding replacement coverage for their shifts so long as they provide their manager with sufficient advanced notice.

If replacement coverage cannot be found after all reasonable avenues have been exhausted, the employee whose normally scheduled shift falls on either Good Friday or Christmas Day may still be required to work, as leaving a shift uncovered would constitute ‘undue hardship’ for CCS in light of our
obligations to provide service on a continuous basis. Employer obligations under the *OHRC* conclude once the point of ‘undue hardship’ has been reached.

**Religious Observance for Non-Christian Holidays**  
Staff who require other days off for religious purposes must discuss these dates with their manager at least two weeks before the date. Every effort will be made to accommodate these requests provided that the service delivery needs of CCS can be met.

**References:**  
Employment Standards Act of Ontario (ESA)  
Ontario Human Rights Code (OHRC)  
Hours of Work Policy

**Revised:** December 2015  
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