

# Section IV

## Part 3

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### Statutory Holidays

Under Employment Standards you are entitled to payment for 9 statutory holidays during the year. As a CLS employee we will also pay you for 2 additional holidays, Boxing Day and Easter Monday.

The CLS recognizes and pays the following 11 holidays, all of which we refer to as statutory holidays:

- New Year's Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- British Columbia Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day

### Statutory Holiday Pay

#### What You Are Entitled to Under the BC Employment Standards Act (ESA)

According to the ESA, to be eligible for statutory holiday pay, you must have been employed i.e. “worked” for 30 calendar days before the statutory holiday and have worked on 15 of the 30 days immediately before the statutory holiday. Under Employment Standards, if you do not meet this eligibility requirement, you are not eligible to receive either statutory holiday pay or 1.5 times your pay rate for hours worked on that statutory holiday.

**Definition of “Worked”**

You are not deemed to have worked if you are off for any of the following reasons:

- An unpaid sick leave
- Time off paid to you by a WorkSafe BC claim
- An unpaid leave of absence
- An unpaid ICBC leave of absence
- An unpaid maternity or parental leave
- An unpaid compassionate care leave
- An unpaid family responsibility leave

If you did not work for any of the above reasons, you may not qualify for statutory holiday pay when the eligibility calculation is made. See “How CLS Pays for Statutory Holidays” below.

**How CLS Pays for Statutory Holidays**

Every CLS employee who works on a statutory holiday will be paid at the rate of one and one-half (1.5) times their regular rate for hours worked, regardless of how many days they have worked prior to the stat or when they began employment.

In accordance with the ESA, CLS will pay every employee an average day’s pay if they have worked 15 of the 30 days immediately before the statutory holiday.

CLS will exceed this standard and give an average day’s pay (maximum 6 hours) to anyone who has worked a minimum of 128.5 hours in the 30 days prior to the statutory holiday. All flat-rate overnights will now be calculated by the hour to increase eligibility.

Even though CLS policy outlined exceeds the B.C. ESA, some of you will not meet the eligibility requirements for statutory holiday pay.

Eligibility	If Do Not Work Stat	If You Work Stat
You worked or earned wages on 15 of the 30 days immediately before the statutory holiday.	<b>ESA</b> = Avg. day's pay <b>CLS</b> = Avg. day's pay	<b>ESA</b> = 1.5 x regular rate for hours worked plus an avg. day's pay if you have been employed for 30 days.  <b>CLS</b> = 1.5 x regular rate for hours worked plus an avg. day's pay.
You worked or earned wages on 14 or less of the 30 days immediately before the statutory holiday and equal to or more than 128.5 hours in same 30 day period.	<b>ESA</b> = Not eligible for pay <b>CLS</b> = Avg. day's pay to a maximum of 6 hours pay.	<b>ESA</b> = Regular pay rate  <b>CLS</b> = 1.5 x regular rate for hours worked plus an avg. day's pay to max. of 6 hours pay.
You worked or earned wages on 14 or less of the 30 days immediately before the statutory holiday and less than 128.5 hours in same 30 day period.	<b>ESA</b> = Not eligible for pay <b>CLS</b> = Not eligible for pay	<b>ESA</b> = Regular pay rate  <b>CLS</b> = 1.5 x regular rate for hours worked.

Overnight shifts that commence on the evening prior to the Statutory Holiday will be recognized as the shift being paid at the rate of one and one-half (1.5) times the regular rate. (As opposed to the overnight that actually commences on the evening of the Statutory Holiday.)

