



What's New in HR Law

Ontario Returns to Previous Rules for Public Holiday Pay

May 7, 2018

BOTTOM LINE

Effective July 1, 2018, the calculation for public holiday pay will revert to the formula that existed prior to Bill 148.

Currently, under recent changes introduced by Bill 148, public holiday pay is calculated as the total amount of regular wages that an employee earns in the pay period before the public holiday, divided by the number of days that the employee worked in the pay period immediately before the public holiday.

On May 7, 2018, the Ontario Government announced that it would review the public holiday system under the *Employment Standards Act, 2000*. The review is being conducted as part of the Government's on-going overhaul of the province's labour and employment legislation and aims to simplify the rules for public holiday pay.

As part of its review, the Ontario Government introduced a Regulation under the *Employment Standards Act, 2000* (Ontario Regulation 375/18). Under the Regulation, the calculation for public holiday pay will revert to the formula that existed prior to Bill 148.

Once the Regulation comes into effect – on July 1, 2018 – an employee's entitlement to public holiday pay for a given holiday must be equal to the total amount of regular wages

and vacation pay earned by the employee in the four weeks before the public holiday, divided by 20

Check the Box

The next public holiday is Victoria Day, on May 21, 2018. Since the Regulation will not be in effect at that time, employers will be required to use the public holiday pay calculation set out in Bill 148. However, for the public holiday following Victoria Day (i.e. Canada Day), employers will need to revert to the old formula.

As part of its on-going review of the public holiday system, the Government is accepting submissions from the public. For more information, please visit:

<https://news.ontario.ca/mol/en/2018/05/government-to-review-public-holiday-rules.html>

Need more information?

Contact Cassandra Ma at 416-408-5508 or your regular lawyer at the firm for more information about public holiday pay or if you would like assistance in preparing submissions to the Government's review.



Toronto

Bay Adelaide Centre
333 Bay Street, Suite 2500,
PO Box 44
Toronto, Ontario M5H 2R2
tel: 416.408.3221
fax: 416.408.4814
toronto@filion.on.ca

London

620A Richmond Street, 2nd Floor
London, Ontario N6A 5J9
tel: 519.433.7270
fax: 519.433.4453
london@filion.on.ca

Hamilton

1 King Street West, Suite 1201
Box 57030
Hamilton, Ontario L8P 4W9
tel: 905.526.8904
fax: 905.577.0805
hamilton@filion.on.ca