## FLEX STAT HOLIDAYS

[Organization Name] is committed to upholding the employment rights as established by the Ontario Employment Standards Act, 2000. The organization will adhere to the provisions established for public holidays in Ontario. We have also established a flexible public holiday procedure for our employees who would prefer to substitute a regular public holiday with another day of meaning to them.

PUBLIC HOLIDAYS

1. New Year’s Day

2. Family Day

3. Good Friday

4. Victoria Day

5. Canada Day

6. Labour Day

7. Thanksgiving Day

8. Christmas Day

9. Boxing Day (December 26)

POLICY

[Organization Name] will ensure that qualified employees who are entitled to take these recognized days off from work will be paid the appropriate public holiday pay.

[Organization Name] will allow employees to substitute the holidays normally observed with an alternate day that is meaningful to them. In order to substitute a regular public holiday with another day of significance, the employee must submit a request to management by [insert timeline].

While there is no cap on the number of public holidays that may be substituted, these days are not to be used as additional vacation days, such as to set up Fridays off through the summer etc. Days off should correspond with a day of significance or another reasonable event. [Organization Name] will do its best to approve requests; however, it reserves the right to deny requests if deemed necessary.

These substitute days must be taken within 3 months of the date of the public holiday and there must be a written agreement in place which specifies the alternate date.

Working on a Public Holiday

As needed, [Organization Name] may request that employees work on the day of the public holiday. To compensate for this an employee may choose one of the following:

* Be paid their regular wages on the public holiday and then receive another day off in lieu on which they will be paid public holiday pay.
* Be paid their public holiday pay, in addition to time and one half their regular rate of pay. In this case, the employees would not be entitled to another day off.

In either case, employees must agree electronically or in writing to work on the public holiday. A substitute holiday day must be scheduled for a day that is no later than three months following the earned public holiday. If a substitute holiday needs to be delayed beyond three months, employees of [Organization Name] can agree electronically or in writing to delaying the day, but it must be allotted to the employee in the 12 months following the initial public holiday.

If an employee’s employment with the organization concludes prior to the day they scheduled the substitute holiday day, [Organization Name] will ensure that the employee’s public holiday pay entitlement is included in their final wages.

Calculating Public Holiday Pay

Employees are entitled to public holiday pay in the amount of an average of the employee’s regular wages earned during the preceding four weeks leading to the public holiday. In the event that the employee was on vacation entitlement, the vacation pay will also count towards the total. Then, the total is divided by 20. Note: As employees of [Organization Name] are entitled to be paid their vacation pay before they take a vacation or on or before the pay day for the period in which the public holiday is, vacation pay will be included in the calculations.

Qualifying for Public Holiday Pay

Employees of [Organization Name] will qualify for public holiday pay unless they:

* Fail (without reasonable cause), to work all of their last regularly scheduled day of work prior to the public holiday or all of their first regularly scheduled day of work following the public holiday, OR
* They fail without reasonable cause to work their entire shift on the day of the public holiday if required to work.

[Organization Name] may request specifics concerning an employee’s absence on their last and/or first regularly scheduled shift(s) around the public holiday to determine whether the employee is entitled to the pay in spite of their absence. Generally, reasonable cause can be shown when an event beyond an employee’s control occurs and results in their absence. Employees are responsible for establishing their reasonable cause to assure their public holiday pay.