

Back to the Drawing Board: Ontario Returns to Old Public Holiday Formula

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The Ministry of Labour has announced that, as of July 1, 2018, public holiday pay entitlements in Ontario will be calculated using the formula that existed **prior to** the enactment of the *Fair Workplaces, Better Jobs Act, 2017* (FWBJA). Many commentators - including the authors of this blog - had noted that the new formula contained in the FWBJA resulted in a significant windfall for casual employees and arguably unjustified costs for Ontario employers. The Ministry of Labour has responded to these concerns by reinstating the old public holiday rules on an interim basis while it reviews how to simplify public holiday pay entitlements under the *Employment Standards Act, 2000* (the ESA).

As of July 1, 2018 and until further notice from the Ministry, employees will be entitled to receive public holiday pay on the basis of the following calculation: all regular wages (including vacation pay) earned by the employee in the four work weeks before the week in which the public holiday occurs, divided by 20.

As always, the Cassels Employment & Labour team will keep you up to date on any new developments in this area.

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