



### General Holiday Pay

We have had many questions in regard to a recent policy grievance filed for Breach of Canada Labour Code – General Holiday Pay CHQ-19-20. We have created a simplified calculation to assist you in making claims. The below information in no way prevents the Union from taking a different position in the future in mediation or arbitration or in any way prevents CUPE from resolving this grievance in an alternate manner. This bulletin was produced solely to provide information and guidance about the grievance and simplify the issue for members, to advise members on a *possible* methodology for making a claim under this grievance.

#### **The Canada Labour Code reads :** **Holiday pay**

- (1) Subject to subsections (2) to (4), an employee shall, for each general holiday, be paid holiday pay equal to at least one twentieth of the wages, excluding overtime pay, that they earned in the four-week period immediately preceding the week in which the general holiday occurs.

Currently, we are afforded 9 statutory holidays in our Collective Agreement paid at 2h55 minutes per day at your applicable hourly rate. (Article 8) CUPE believes that this is less than the 1/20 of wages earned by our members in the 4 week period prior to the week of the general holiday.

#### **To submit a claim, you must first determine if you have been under paid.**

#### **First, determine what you have been paid for vacation:**

2h55 minutes = 175 minutes or 2.917 hrs  
175 x rate of pay per minute or 2.917 X rate of pay per hr



**Denis Montpetit**  
**President, Local 4092**

[www.local4092.ca](http://www.local4092.ca)

#### **Contact Information**

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Email: [office@local4092.ca](mailto:office@local4092.ca)

#### **Office Hours**

**Monday - Friday:**  
9:00am to 6:00pm  
**Saturdays - Holidays:**  
10:00am to 4:00pm

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Eg.	April 2019	FA top rate	$175 \times .095200 = \$166.60$ $2.917 \times \$57.12$
	April 2019	SD Level 3	$175 \times 1.10250 = \$179.81$ $2.917 \times \$66.15$

You can find your rate of pay per minute on the attached PDFs and/or check your detailed pay statement for *the rate of pay in effect the month that you actually took your vacation.*

[Pay Rates Effective April 1, 2018](#)

[Pay Rates Effective April 1, 2019](#)

**Second, determine what wages you earned in the 4 weeks immediately preceding the week in which the general holiday occurs, excluding overtime pay (voluntary extension), meal allowance expenses, dry cleaning expenses, check in/ check out expenses, footwear expenses, etc.**

The statutory holiday dates for the last year are as follows:

Victoria Day	21 May 2018
Canada Day	1 July 2018
Labour Day	3 September 2018
Thanksgiving	8 October 2018
Remembrance Day`	11 November 2018
Christmas Day	25 December 2018
New Year's Day	1 January 2018
Good Friday	19 April 2019
Victoria Day	29 May 2019

**Once you have determined the wages you were paid in this 4 week period preceding these dates, divide it by 20 to determine a daily rate.**

Eg.  $\$4480 / 20 = \$224$

**Subtract your actual vacation pay from this rate**

EG.  $\$224 - \$166.60 = \$57.40$

Do this for each statutory holiday in the past year, total up each amount, and make a claim for your total missing vacation expenses.

Continue to do this after each of the statutory holidays in 2019,



until the grievance has been resolved.

Send a copy of your denied claim with a copy of your calculations to [office@local4092.ca](mailto:office@local4092.ca). You can also drop off paper copies to the local office.

Given the number of potential claims, YYZ CUPE Local 4092 will not be filing individual grievances. Group grievances will be filed at the end of the month for members who send their claims to us.

In the past, some arbitrators have resolved grievances by only paying members who submitted claims, for this reason *we advise you to submit a claim send us the information as soon as possible. We do not know how or when this ongoing grievance may be resolved.*

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Our mailing address is:  
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