

# Get Your Calculators Out: Ontario Government Reverses Public Holiday Pay Formula Imposed by Bill 148

Tuesday, May 8, 2018

As Ontario employers already know, the public holiday pay formula in Part X of the *Employment Standards Act, 2000* (the "ESA") was amended by Bill 148 effective January 1, 2018. The formula in Bill 148 resulted in employers paying significantly more public holiday pay to part-time and casual employees than the pre-Bill 148 formula.

On May 7, 2018, the Ministry of Labour announced a new regulation, [Regulation 375/18](#), that will reinstate the pre-Bill 148 public holiday pay formula. The Regulation is only effective as of July 1, 2018, and accordingly, the formula contained in Bill 148 will remain in effect for the upcoming Victoria Day holiday (May 21, 2018).

As of July 1, 2018, the Regulation provides for the following:

1. The following manner of calculation is prescribed for the purpose of determining public holiday pay for an employee under clause 24 (1) (b) of the Act:
  1. The employee's public holiday pay for a given public holiday shall be equal to the total amount of regular wages earned and vacation pay payable to the employee in the four work weeks before the work week in which the public holiday occurred, divided by 20.

Employers should make the necessary changes to payroll systems in time for July 1, 2018 and review whether any policies that were updated in light of Bill 148 need to be revised.

Meanwhile, the government is conducting a review of the public holiday provisions. Submissions can be made by email using the link below.

[Make a submission regarding the Public Holiday Pay Review.](#)

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