

## What is Family Day?

As of January 1, 2018, Family Day has been added to the list of paid public holidays under New Brunswick's *Employment Standards Act*. It will be observed on the third Monday in February.

The Employment Standards Act provides for the **minimum standards** in many areas of employment, including paid public holidays.

With Family Day, there are eight paid public holidays observed in New Brunswick:

- New Year's Day;
- Family Day;
- Good Friday;
- Canada Day;
- New Brunswick Day;
- Labour Day;
- Remembrance Day; and
- Christmas Day.

## What is a "paid public holiday"?

In New Brunswick, a "paid public holiday" means a public holiday for which employers are required to follow the provisions with regard to their employees.

Examples of provisions include:

- pay employees for the day off; or
- pay a rate of time and a half to employees who have to work and potentially pay these employees an additional average day's pay.

## How does New Brunswick's legislation for a new public holiday in February compare to other provinces?

It will put New Brunswick in line with eight other Canadian jurisdictions that observe a paid holiday during the winter months, and will bring the province up to the national average of eight paid public holidays per year.

## Who is entitled to Family Day?

Family Day is not automatically applicable to all New Brunswick employees.

New Brunswick employers are obligated to provide for the minimum standards of employment prescribed by New Brunswick's Employment Standards Act.

Employers covered by a collective agreement that already includes at least eight paid holidays may be exempt from the Act's requirement to give employees a paid holiday on Family Day. In such case, employers could choose to provide employees a paid holiday on Family Day. However they are not obligated to do so.

While some collective agreements already contain language requiring that "any new paid public holiday be provided to employees covered by the agreement", not all collective agreements have this provision.

Some collective agreements allow for the employer to "swap" an existing paid day with the new holiday.

Unionized employees and their employers are encouraged to consult their collective agreement in order to determine whether Family Day applies.

Finally, even if an employer is entitled not to observe Family Day as a paid holiday, if an employee actually works on that day, he would nevertheless be entitled to time and a half his regular rate of pay.

It is also worth noting that persons employed in specific occupations or classes of work are exempt from the paid holiday provisions contained in the Act. Examples of exempted occupations or classes of work include dentistry, law, medicine, optometry and pharmacy.

More information on New Brunswick's paid public holidays and vacation pay is available [here](#).