

Vacation Facts for Lay Employees

Part of a 2015 Workshop for M&P committees,
given by Dale Hildebrand, Toronto Conference Personnel Minister

- The minimum vacation allowance in Ontario is 2 weeks. Does an employee have to take their vacation? Yes, an employer can insist that an employee take their vacation (but not beyond the two week minimum). Notwithstanding the right to enforce vacation, there is no right to carry over or bank vacation days unless that is your policy.
- Vacation is prorated for part time work but it works out to the same: e.g., if an employee works ½ time, they get 2.5 days off or a regular half time work week.
- The employee has 10 months from the end of their earned vacation year to take their vacation. An employer is not obligated to give vacation during the year in which the vacation is being earned. The law says that an employee has to earn the vacation before taking it. In practice, many employers do allow for vacation to be taken during the employment year but you cannot claw back vacation time taken in wages!
- The vacation has to be taken in a minimum of one week increments unless the employee requests shorter periods in writing—and the employer agrees.
- Vacation must be scheduled with the agreement of the employer. The employee doesn't announce when they are taking vacation, they request it. And unless there is a good reason not to grant the request, the employer agrees.
- you don't have to increase vacation with seniority, although that is a good way to retain employees.
- most importantly, be very clear with your employees about what their vacation allowance is, how much they have taken (at least once a year), and what the process is for going on vacation.
- Vacation should be tracked so that if an employee leaves or is terminated, vacation pay is paid out to them. It's their right.