

National Day for Truth and Reconciliation

ISSUE

Does this new federally proclaimed statutory holiday, which is intended to be a day to allow each public servant to recognize and commemorate the legacy of residential schools, apply to the employees of the City of Saskatoon? This report outlines the City's obligations under our collective agreements.

BACKGROUND

On June 3, 2021, Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)* (the "Act"), received royal assent. The provisions came into force on August 3, 2021. The Act creates a new federal statutory holiday, the National Day for Truth and Reconciliation, which will be observed on September 30 of each calendar year beginning September 30, 2021. This new statutory holiday applies to the federally regulated public and private sectors including, notably, employers subject to the *Canada Labour Code* (the "Code").

The federal government created this federal statutory holiday in response to the Truth and Reconciliation Commission's Call to Action number 80:

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

The federal government has stated that this day provides an opportunity for each public servant to recognize and commemorate the legacy of residential schools. This may present itself as a day of quiet reflection or participation in a community event.

Since 2013, September 30 has been observed as Orange Shirt Day – a day on which Canadians wear orange shirts to honour Indigenous children who were taken from their homes and placed in residential schools. Orange Shirt Day is a legacy of the St. Joseph Mission Residential School Commemoration Project and Reunion events that took place in Williams Lake, British Columbia. Former student, Phyllis (Jack) Webstad, told her story of her first day at residential school when her shiny new orange shirt, bought by her grandmother, was taken from her as a six-year-old girl.

Unmarked graves at residential schools in Saskatchewan and across the country have raised awareness about the "truth" of residential schools. It is more important than ever to ensure that education and awareness continues and the honouring of residential school survivors and the children who did not make it home is done appropriately. Every child matters.

The date of September 30 was chosen because it is the time of year in which children were taken from their homes to residential schools, and because it is an opportunity to set the stage for anti-racism and anti-bullying policies for the coming school year.

Administration works with Reconciliation Saskatoon and the Saskatoon Survivors Circle on an annual basis to raise awareness for Orange Shirt Day and to honour residential school survivors and the children that did not make it home.

CURRENT STATUS

The City continues to champion and implement the Truth and Reconciliation Calls to Action by working with community partners to ensure the City contributes to the collective movement. To commemorate the day, the Administration is working with Reconciliation Saskatoon and other indigenous organizations to develop communications and plan events and activities for both staff and community.

This is a new federal statutory holiday. Currently, the City is not contractually obligated to provide this statutory holiday to the majority of civic staff, with the exception of a portion of IAFF Local 80.

DISCUSSION/ANALYSIS

A public holiday, or sometimes called statutory holidays, are holidays that are legislated in Canada at the federal or provincial level. All of the collective agreements within the City of Saskatoon have language defining statutory or public holidays but language varies between collective agreements.

There are provincial statutory holidays and federal statutory holidays.

Under the current employment standards legislation, Saskatchewan observes ten statutory holidays throughout the year, where employees are eligible to be off work with statutory holiday pay, work with statutory holiday pay, or time off in lieu. Federally, there are now thirteen statutory holidays with Easter Monday and Boxing Day being in addition to the ten statutory holidays recognized provincially. The thirteenth is the new National Day for Truth and Reconciliation.

City of Saskatoon employees receive the ten statutory holidays required by provincial legislation. In addition to these ten statutory holidays, collective agreements may provide for extra days or for days that are to be substituted for these holidays. When reviewing all the collective agreements which pertain to City of Saskatoon employees, it was determined that each collective agreement currently allows for twelve statutory holidays per year, with the difference being the City observing Easter Monday and Boxing Day over and above the provincially required holidays.

The National Day for Truth and Reconciliation was proclaimed on June 3, 2021 at the federal level and currently only applies to federal employees that fall under the Code. Most employees in Canada are not employed in federally regulated industries and are subject to provincial employment standards legislation. This means, for example, that

while the federal *Holidays Act* establishes Canada Day, Remembrance Day and Victoria Day as holidays, the provinces are not required to establish the same holidays under provincial legislation. This explains why some provinces observe (for example) Remembrance Day as a statutory holiday for employment purposes, while others do not.

For provincially or territorially regulated employers, provincial and territorial governments have not yet acted to amend employment standards legislation to add the National Day for Truth and Reconciliation to the list of general or statutory holidays specified in the respective legislation. Therefore, the City is currently not required by legislation or agreement to provide this new statutory holiday to employees, with the exception being IAFF. The IAFF Local 80 collective agreement contains provisions that would recognize this new federal statutory holiday which applies to some members of IAFF Local 80 which is approximately 293 employees at Saskatoon Fire. All other City of Saskatoon employees would not be legally entitled at this time to this day as a paid statutory holiday.

The Administration has been in communication with other Saskatchewan cities, and we have been told that there are a number of instances where their collective agreements use the language “and any other day proclaimed as a holiday by the federal, provincial or municipal government.”

Should City Council choose to recognize the National Day for Truth and Reconciliation for all civic employees, the Administration will encourage the staff to utilize the time for quiet reflection and to participate in or support community events.

FINANCIAL IMPLICATIONS

The financial cost of providing a paid statutory holiday to all employees is approximately \$1,583,300.55. This amount represents direct costs of \$405,443.63 including situations where staff must be compensated to be at work, and lost productivity costs of \$1,177,856.92 related to staff who typically would work that day but instead do not work the statutory holiday. The financial cost to Saskatoon Fire of this change will be approximately \$175,000.00.

OTHER IMPLICATIONS

There are no further privacy, legal, social, or environmental implications identified.

NEXT STEPS

The City will continue to recognize this important day in alternative ways. All staff, as much as possible, will be provided with an opportunity to attend events and take some time to reflect on the legacy of residential schools. In addition, the Administration will continue to work with Reconciliation Saskatoon and other Indigenous organizations to develop communications and plan events and activities that commemorate the day.

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Report Approval

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