

New Federal Holiday - National Day for Truth and Reconciliation, Sept 30

Authors: Megan Smith Heather M. Hughes

published 09/29/2021

Authors: Megan A. Smith, Heather M. Hughes

On June 3, 2021, Bill C-5, SC 2021, c 11, "[a]n 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, establishing a new federal holiday - the National Day for Truth and Reconciliation.



The National Day for Truth and Reconciliation was created in response to the Truth and Reconciliation Commission of Canada's call to action number 80, 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 National Day for Truth and Reconciliation will be observed on September 30, 2021, and every year thereafter. This date was selected as it coincides with Orange Shirt Day, which is recognized as a day to reflect on and grieve Canada's tragic history of residential schools, honour the healing journey of Survivors and their communities, take collective action towards reconciliation, and engage in dialogue to ensure history will not be forgotten.

What is the impact on Manitoba employers?

The Act amends the *Canada Labour Code* to include the National Day for Truth and Reconciliation in the definition of "general holiday". The day will be a statutory holiday for employees of federally-regulated workplaces located in the province.

The Manitoba government is also recognizing the National Day for Truth and Reconciliation as a day of observance to encourage reflection and meaningful discussions about the impacts of residential schools. Schools and non-essential government services and offices will be closed, and Manitoba's public servants will observe the day. Flags on all provincial government buildings will also be lowered to half-mast.

At this time, the Province has not amended *The Employment Standards Code* to recognize the National Day for Truth and Reconciliation as a general holiday, and therefore there is no statutory obligation on private-sector provincially-regulated employers to observe the day. It is possible that the Province may do so in the future.

That said, employers in unionized environments should review their collective agreements carefully, as some require observance of all holidays, both provincial and federal. Moreover, some collective agreements specify the precise holidays that will be recognized, which may not necessarily be all holidays, and those employers may want to seek advice as to their obligations concerning the National Day for Truth and Reconciliation.

Many provincially-regulated employers are voluntarily choosing to recognize the National Day for Truth and Reconciliation, in support of reconciliation and the Truth and Reconciliation Commission of Canada's call to action. This includes Thompson Dorfman Sweatman LLP, which has decided to close its offices on September 30, 2021 to commemorate the legacy of residential schools and honour survivors and their families.

DISCLAIMER: *This article is presented for informational purposes only. The content does not constitute legal advice or solicitation and does not create a solicitor client relationship. The views expressed are solely the authors' and should not be attributed to any other party, including Thompson Dorfman Sweatman LLP (TDS), its affiliate companies or its clients. The authors make no guarantees regarding the accuracy or adequacy of the information contained herein or linked to via this article. The authors are not able to provide free legal advice. If you are seeking advice on specific matters, please contact Keith LaBossiere, CEO & Managing Partner at kdl@tdslaw.com, or 204.934.2587. Please be aware that any unsolicited information sent to the author(s) cannot be considered to be solicitor-client privileged.*

While care is taken to ensure the accuracy for the purposes stated, before relying upon these articles, you should seek and be guided by legal advice based on your specific circumstances. We would be pleased to provide you with our assistance on any of the issues raised in these articles.