

Date: 2021-08-25

Subject: 2021 National Day for Truth & Reconciliation - Federal Public Holiday

Contact: Michael Davidson, Commissioner, Corporate Support Services
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Report Number: Corporate Support Services-2021-945

Recommendations:

Based on the following report, it is recommended that;

1. The report from Michael Davidson, Commissioner, Corporate Support Services be received;
2. The City defer to provincial legislature when considering employment standards changes to the [Paid Holidays Policy 8.1.0.](#), along with existing collective agreements as applicable;
3. The City support reflection and learning on the National Day for Truth & Reconciliation through the promotion of locally-hosted events.

Overview:

- **The Federal government recently passed legislation to make September 30th a federal statutory holiday called the National Day for Truth and Reconciliation, as part of the 94 calls to action from the Truth and Reconciliation Commission.**
- **This day provides an opportunity for each federally regulated 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.**
- **This new holiday does not apply to provincially regulated employers, such as the City of Brampton, unless a provincial legislature makes similar amendments to provincial employment standards legislation or if the City chooses to proactively add the holiday through internal policy changes.**
- **The financial impact of designating the National Day for Truth and Reconciliation as a paid holiday for City staff is estimated to be \$1.4 million, resulting from lost productivity. Additional costs to run City services on September 30 would also be incurred at double-time.**

- **The City will create opportunities to educate and remind Brampton residents and City staff about the history of residential schools, honour the victims and celebrate the survivors.**

Background:

Per the Ontario Municipal Human Resources Association (OMHRA), “the Truth and Reconciliation Commission of Canada proposed this new holiday in 2015...to honour Survivors of residential schools, their families, and communities and to ensure public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process”.

An excerpt from [Hicks Morley](#), a labour and employment law firm, is included below:

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) received Royal Assent. It officially designates September 30 of each year as National Day for Truth and Reconciliation. This marks a new public holiday under the Canada Labour Code (Code).

*The Bill comes into force on August 3, 2021, meaning that the new holiday will first occur this Fall, on September 30, 2021. This new holiday only applies to federally regulated employers which are subject to the Code. As such, **this new holiday does not apply to provincially regulated employers unless a provincial legislature makes similar amendments to provincial employment standards legislation.***

City of Brampton Recognizing Truth and Reconciliation Day in 2021:

The City has sought input from Mississauga’s of the Credit, and from The Indigenous Network (TIN). City staff consulted with TIN on the plan outlined below, and were advised the plan was viewed as an appropriate recognition of the day.

The Events and Protocol Office will light the clock tower orange, lower the flags to half-mast in recognition of the Day, and draft a Proclamation to be read at the City Council meeting, September 29, 2021. Staff will work with community partners to determine additional commemorative activities to recognize National Truth and Reconciliation Day and in alignment with Brampton Remembers memorial activities for September 30, 2022.

- The City will create a public facing communications campaign to highlight and recognize external community-led events commemorating National Truth and Reconciliation Day through a featured events calendar on Brampton.ca. This communications plan will also highlight resources to learn more about Truth and Reconciliation Day.
- The City will host a learning session to recognize the Truth and Reconciliation Day within our September 23 Brampton Learning Day for all our staff. At our upcoming Brampton learning day on September 23 2021, our keynote at 10 am will be to mark the Truth and Reconciliation Day. This event will be an opportunity to provide a meaningful contribution towards the Truth and Reconciliation Commission's call

to action number 57, which calls upon all levels of government to "provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations."

- Although Staff will be working regular hours, People Leaders and the Corporate Leadership Team can encourage staff to participate in corporate-wide sessions designed to facilitate conversation and reflection as a way to commemorate and honour Survivors of residential schools.
- The City has consulted local organizations and government institutions on their plans for the day, which are outlined below:
 - Peel Art Gallery Museum & Archives (PAMA) - #hopeandhealingcanada with Tracey-Mae Chambers
 - Hope 24/7 (Held Garden Square Vigil when 1st Residential School student bodies were recovered) - TBD
 - The Indigenous Network (TIN) - Virtual Vigil – Details to be confirmed
 - Peel Region – Hosting Virtual Keynote through EventBrite
 - City of Mississauga – Flag-lowering & Indigenous Art displayed on screen in Celebration Square
 - City of Toronto – Flag-lowering and Proclamation

Current Situation:

The City of Brampton currently has the following paid holidays for all staff, as listed in the Paid Holidays Policy, which complies with the Employment Standards Act (ESA) as approved through the provincial legislature and may include additional holidays designated by the Federal Act, and as deemed by the Corporation:

| Paid Holidays at the City of Brampton | Employment Standards Act, Ontario | Federal Act – Statutory Holidays | Additional City - Designated Holidays |
|--|--|---|--|
| New Year's Day | x | x | |
| Family Day | x | | |
| Good Friday | x | x | |
| Victoria Day | x | x | |
| Canada Day | x | x | |
| Labour Day | x | x | |
| Thanksgiving Day | x | x | |
| Christmas Day | x | x | |
| Boxing Day | x | x | |
| Easter Monday | | x | |
| Civic Holiday | | x | |
| Remembrance Day | | x | |
| Christmas Eve (1/2 Day) | | | x |
| New Year's Eve (1/2 Day) | | | x |

To be determined, is whether the federally approved statutory holiday below will be added to the City's paid holidays.

| | | | |
|---|--|--|--|
| National Day for Truth & Reconciliation | | | |
|---|--|--|--|

Note, the Region of Peel and City of Mississauga do not include all paid holidays outlined in the Federal Act, and instead provide 'floater' or personal days, which can be used by staff as needed. Union and non-union entitlements differ slightly.

The City can consider the following options:

1. Defer the addition of the National Day for Truth and Reconciliation as a paid holiday until such time that the provincial legislature amends the *Employment Standards Act* (ESA) to reflect this as a public holiday.

Considerations:

- o The Ontario Municipal Human Resources Association has reached out to Premier Doug Ford for direction and clarification on whether the provincial government intends on making any related amendments to Ontario's ESA provisions. The response received stated that at the present time, there are no plans for the Province to declare the National Truth and Reconciliation Day as a paid holiday for provincially regulated workplaces.
- o Benchmarking suggests that only those municipalities under the jurisdiction of the Federal Act or as determined by their collective bargaining agreements are implementing the newly approved holiday. Specifically, the City of Windsor, City of Ottawa and City of Mississauga will be proposing to proceed with the new paid holiday, while the Region of Peel, Town of Caledon, City of Vaughan and City of Hamilton have opted out. Implementing any changes prior to ESA amendment may result in inconsistencies with neighbouring cities.
- o There is no requirement under the Corporation's existing collective agreements to include the new federal holiday as a paid holiday under the agreements. Unions and Associations have the ability to negotiate the new federal holiday into their respective collective agreements as a paid holiday in future rounds of collective bargaining.
- o The financial implications of a new paid holiday for all staff will exceed \$1.4 million in hours not worked. Additional costs will be incurred, related to backfilling front line operations such as Transit and Fire at a holiday premium.
- o The City already provides additional paid holidays, compared to the minimum requirements per ESA. As the Corporation looks to build more flexibility in City programs and policies, we may consider moving away from designated paid holidays and towards the use of personal days.

2. Proactively amend the City's Paid Holiday Policy to incorporate the newly approved Federal statutory holiday, **beginning in 2022**.

Considerations:

- This will ensure the City's paid holidays fully align with the Federal Act, though not required by law.
- This paid holiday was requested by the Truth and Reconciliation Commission of Canada as part of their 94 calls to action.
- This timeline will allow for administrative processes (Human Resources, IT and Payroll) to appropriately plan and prepare for the implementation. [Approved paid holidays](#) for the upcoming year are generally communicated to staff in October to coordinate vacation requests and scheduling with sufficient lead time.

Corporate Implications:

Financial Implications:

- As outlined above, the cost in lost productivity would exceed \$1.4 million, with additional operational costs incurred for front-line operations required to work on the National Day for Truth and Reconciliation as they would be paid at double-time.

Term of Council Priorities:

- This report supports the Term of Council priority of being a well-run city and strengthens the City's commitment to recognizing Brampton as a Mosaic.

Conclusion:

This report highlights the opportunities and potential costs of implementing the National Day for Truth & Reconciliation as a paid holiday for City staff, along with alternatives to support the City's commitment and solidarity with Indigenous peoples.

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