

Date: 2021-09-10

Subject: 2021 National Day for Truth & Reconciliation – Updated Benchmarking

Contact: Michael Davidson, Commissioner, Corporate Support Services
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Report Number: Corporate Support Services-2021-1020

Recommendations:

Based on the following report, it is recommended that;

1. The report from Michael Davidson, Commissioner, Corporate Support Services, in association with the staff report '2021 National Day for Truth & Reconciliation – Federal Public Holiday' provided at the September 8, Committee of Council, be received;

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.
- Fulsome background information and options were provided at the Committee of Council on September 8, 2021.
- Updated benchmarking indicates that both the Region of Peel and the City of Mississauga will provide 2021 National Day for Truth & Reconciliation as a paid holiday.

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:

*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.***

Current Situation:

The City of Brampton currently has 13 paid holidays for all full-time 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.

To be determined, is whether the National Day for Truth and Reconciliation will be added to the City's paid holiday schedule.

Benchmarking as of September 10, 2021:

Comparator	Paid Holiday	Events	Additional Notes
City of Mississauga	TBD	Yes	Proposal was presented to Mississauga's Council on September 8, 2021. Council decision to be made Sept 15th.
Region of Peel	Yes	Yes	The paid holiday was approved on September 9, for September 30, 2021 only; future years will be reconsidered.
City of Toronto	No	Yes	
City of Hamilton	No	Yes	
City of Ottawa	Yes	Yes	Paid holiday is mandatory as they are governed by the Federal Code.
City of Caledon	TBD	Yes	The recommendation was to do education and encourage staff to participate in activities on Sept 30th, however it will go to council on September 21st for further discussion on making it a stat holiday.
City of London	TBD	TBD	Waiting on response.

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 may 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:

- There are no plans for the Province to declare the National Truth and Reconciliation Day as a paid holiday for provincially regulated workplaces.
 - 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.
 - The financial implications of a new paid holiday for all staff will exceed \$1.4 million in hours not worked. Additional cost of \$400,000 - \$600,000 will be incurred, related to backfilling front line operations such as Transit and Fire at a holiday premium.
 - 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 will align the City of Brampton with both the City of Mississauga and the Region of Peel (approved the paid holiday for 2021 only).
 - This timeline will allow for effective operational planning and the implementation of corresponding administrative processes (Human Resources, IT and Payroll). [Approved paid holidays](#) for the upcoming year are generally communicated to staff in October to coordinate vacation requests and scheduling with sufficient lead time.
3. Immediate implementation of the National Day for Truth and Reconciliation as a paid holiday, beginning **September 30, 2021**.

Considerations:

- Communication to internal staff and the public regarding closure of certain City operations on September 30.

- Operating budget will need to absorb an additional cost of \$400,000 - \$600,000, related to backfilling front line operations such as Transit and Fire at a holiday premium.
- Administrative updates will require a final decision by September 17, 2021 in order to implement corresponding system updates.

Corporate Implications:

Financial Implications:

- As outlined above, a new paid holiday would incur costs in lost productivity (\$1.4 million), along with operational costs incurred for front-line staff required to work on the National Day for Truth and Reconciliation as they would be paid at double-time (between \$400,000 - \$600,000).

Other Implications:

- Condensed timelines for implementation if approved for September 30, 2021. Administrative updates will require a final decision by September 17, 2021 in order to implement corresponding system updates.

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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