

Statutory Holiday: National Day for Truth & Reconciliation

Date:	September 27, 2021
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to seek Toronto Public Library Board approval to provide non-union staff with an additional paid holiday for the National Day for Truth & Reconciliation on September 30 of each year. Toronto Public Library (TPL) bargaining unit members are eligible for an additional paid holiday for National Day for Truth & Reconciliation under the terms of the collective agreement with the Toronto Public Library Union (CUPE Local 4948). This recommendation aligns non-union and bargaining unit statutory holidays.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves, for Toronto Public Library's non-union staff, an additional paid holiday for National Day for Truth & Reconciliation. This additional holiday will be administered in 2021 as a floating holiday to minimize operational impact.

FINANCIAL IMPACT

There is no direct financial impact of this recommendation. The additional holiday for non-union staff will be managed to avoid incremental staff costs or operational impacts. TPL branches will remain open on September 30, 2021 for normal operating hours.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

EQUITY IMPACT STATEMENT

The National Day for Truth and Reconciliation was proposed by the Truth and Reconciliation Commission of Canada, which called upon the federal government, in collaboration with Aboriginal peoples, to establish a statutory holiday to honour Survivors of residential schools, their families, and communities. TPL's observance of this statutory holiday through an additional paid floating holiday supports efforts to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

COMMENTS

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. The new holiday was proposed in 2015 by the Truth and Reconciliation Commission of Canada, which called upon the federal government, in collaboration with Aboriginal peoples, to establish a statutory holiday to honour Survivors of residential schools, 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.

This new statutory holiday applies to selected federally-regulated public and private sector employers subject to the Canada Labour Code (the "Code"). For labour and employment law purposes, TPL is under provincial jurisdiction, not under federal labour and employment law. As such, TPL has no obligation under statute to provide this paid holiday, unless and until such time as the Ontario government amends provincial law to incorporate this new holiday. On September 9, 2021, the Ontario government announced that there is no intent to do so at this time.

However, the TPL collective agreement (Article 22.01) incorporates a provision providing TPL bargaining unit staff with paid holidays (or time in lieu) for both provincial and federal statutory holidays. As such, TPL staff in the bargaining unit are being provided with an additional paid holiday each year. Providing this additional floating holiday to management and other exempt staff provides equitable treatment of all TPL staff.

In 2021, this day will be administered as a floating holiday to minimize operational impact. The City Librarian will determine, in subsequent years, whether this additional holiday will be administered as a fixed or floating holiday.

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SIGNATURE

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