

September 14, 2022

### Federal Holiday for Queen's Funeral

The morning of September 13, 2022 Prime Minister Trudeau announced the federal government had “chosen to move forward with a federal holiday on Monday.” This statement was later clarified by federal Labour Minister Seamus O'Regan who stated that, while federal government employees would have a holiday on September 19, other federally regulated workers will not. Based on this clarification the federal government is not declaring a new holiday – they are providing a one-time holiday for their employees.

Late in the afternoon on September 13, Premier Horgan issued a statement regarding September 19. The province has advised provincial public-sector employers to recognize the holiday on September 19 but has not implemented a Statutory Holiday. Private sector employers are being encouraged “to recognize or reflect on the day in a way that is appropriate for their employees.”

CLR has reviewed the announcements from the federal and provincial governments as well as the language in the Standard Collective Agreements. Based on the information available at this time Monday September 19 is not a federally declared holiday – it is only a holiday for federal government employees. It is also not a provincially declared holiday – once again it is only a holiday for provincial public-sector employees. Therefore, September 19 is not captured by the language in our Collective Agreements that incorporates newly declared holidays. We acknowledge that this position may result in a grievance from our labour partners which creates some risk for your business; however, CLR will support any challenge that may come.

The two options for September 19 for each of our members are:

1. Do not recognize September 19 as a holiday. *In doing this you must be prepared for the possibility a labour arbitrator could retroactively declare it a holiday.*
2. Recognize September 19 as a holiday for 2022 and close whichever work sites you are able to while providing overtime compensation to employees working on that day. *If you elect to follow this option, please notify the unions you work with that you are doing so without prejudice to your interpretation that the Collective Agreement does not require you to do so.*

In addition to these two options if you are working on September 19 and you have employees who are requesting the day off, we recommend working with your project requirements and accommodating those requests where possible.

Parliament is meeting tomorrow and there may be enabling legislation tabled to implement this holiday. If the specific text of that legislation alters the interpretation of the holiday, we will update this bulletin as soon as possible.

If you have any questions about this, please do not hesitate to contact your LR Representative.