



Government Implements New Statutory Holiday for Federally Regulated Workers to Honour Residential School Survivors

July 15, 2021

Back in the fall of 2020, the Canadian government first introduced **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)* (“Bill C-5”). In the wake of the devastating discovery in late May of the remains of 215 children buried on the grounds of the Kamloops Indian Residential School, Bill C-5 was fast tracked through the legislature and received Royal Assent on June 3, 2021.

Bill C-5, which will come into force on August 3, 2021, effectively creates a new statutory holiday on September 30th of each year for federally regulated public sector and private sector workers. Although Bill C-5 amends a number of existing statutes in order to accomplish this, the one most pertinent for employers is the *Canada Labour Code* (the “Code”). More specifically, Bill C-5 amends the definition of “general holiday” under the Code in order to add reference to the new National Day of Truth and Reconciliation. It also amends the rule with respect to alternative days for holidays falling on a non-working Saturday or Sunday so that its application is extended to include the new statutory holiday.

Bill C-5 is a direct response to the Truth and Reconciliation Commission of Canada’s **call to action 80**, which provides as follows:

[The Truth and Reconciliation Commission of Canada] calls upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation 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 choice of the date on which this holiday will fall is intended to align with Orange Shirt Day, which has also been observed on September 30th of each year since 2013. For those who are not yet familiar with it, Orange Shirt Day is part of a grassroots movement to educate and promote awareness in Canada about the residential school system and the impact it had – and continues to have – on the country’s First Nations, Inuit and Métis communities.



**EMOND
HARNDEN**
LABOUR & EMPLOYMENT LAW
DROIT DU TRAVAIL ET DE L'EMPLOI

In Our View

The first National Day for Truth and Reconciliation will take place on September 30th, 2021.

For more information, including questions as to entitlement for your employees, please contact **Céline Delorme** at **613-940-2763**.