

September 16, 2022

Federal Holiday for Queen's Funeral

On September 14, 2022, we issued a bulletin regarding the federal government's announcement that September 19, 2022 would be a holiday for federal government employees. As we have continued to receive questions in this regard, we provide this further bulletin to update you and reiterate our position.

On September 13, a proclamation was issued "Requesting that the People of Canada Set Aside September 19, 2022, as the Day on Which They Honour the Memory of Her Late Majesty Queen Elizabeth". On the same day, federal Labour Minister Seamus O'Regan clarified that while federal government employees would have a holiday on September 19, other federally regulated workers will not. The federal government has **not** legislated September 19 as a federal holiday.

Late in the afternoon on September 13, Premier Horgan announced in reference to public sector collective agreements that, following the federal government's lead, the provincial government "had advised provincial public sector employees to honour [September 19] in recognition of the obligations around federal holidays in the vast majority of provincial collective agreements." Premier Horgan encouraged private sector employers "to recognize or reflect on the day in a way that is appropriate for their employees."

Similar to the federal government, the provincial government has **not** legislated September 19 as a provincial holiday. Unlike the federal government, however, the provincial government has **not** issued any proclamation regarding September 19.

Based on the above, we see no legal basis to alter our earlier advice that September 19 is not a "holiday" under the language in our Collective Agreements that incorporates newly declared holidays.

Of course, we continue to 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.

We maintain the two options for September 19 that we had outlined for our members in our September 14 Bulletin. Those options are:

1. Do not recognize September 19 as a Statutory 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 Statutory Holiday for 2022 and close whichever work sites you are able to while providing Statutory Holiday 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.

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