

New National Day for Truth and Reconciliation Takes Effect September 30: Compliance Alert



7 jurisdictions will and 6 will not recognize the new holiday in 2021.

Thursday, September 30, 2021, will be the first official observance of the new federal National Day for Truth and Reconciliation holiday honouring the lost children and Survivors of residential schools, their families and communities. But while the tragic events giving rise to the holiday, aka Orange Shirt Day, are part of the Canadian national experience, the legal status of the holiday varies by jurisdiction:

1. General Holiday Jurisdiction (Federal)

For National Day for Truth and Reconciliation Day to become a full statutory holiday, jurisdictions will have to change their employment standards law. The federal jurisdiction is currently the only one to have done that. **Result:** All federally regulated employees, regardless of where they work, will get a paid day off and those required to work will be entitled to holiday pay for the hours they work.

2. Recognition Jurisdictions

Seven provinces and territories have “recognized” the new September 30 holiday for 2021: BC, Manitoba, Newfoundland, Nova Scotia, Northwest Territories, Prince Edward Island and Yukon. **Result:** In addition to federally regulated employees, public sector employees in those jurisdictions will get a paid day off or holiday pay. However, private sector businesses won’t be required to recognize the holiday unless and until the day is added to the list of statutory holidays provided under the jurisdiction’s employment standards law.

3. Non-Recognition Jurisdictions

Alberta, New Brunswick, Nunavut, Ontario, Québec and Saskatchewan have opted not to recognize the new September 30 holiday. **Result:** The only employees in those jurisdictions who’ll be entitled to a paid holiday are those who work for federally regulated employers (or observe the holiday voluntarily).