

DATE OF MEETING AUGUST 30, 2021

AUTHORED BY JOHN VAN HORNE, DIRECTOR OF HUMAN RESOURCES

SUBJECT NEW STATUTORY HOLIDAY

OVERVIEW

Purpose of Report

To provide exempt employees with the new statutory holiday, the National Day for Truth and Reconciliation.

Recommendation

1. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” (a bylaw to amend the provisions of the Management Terms and Conditions of Employment Bylaw 2019, No. 7273, to include the National Day for Truth and Reconciliation) pass first reading;
2. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” pass second reading; and
3. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” pass third reading.

BACKGROUND

In June 2021, a federal government bill to create a new statutory holiday for employees in the federal government and federally-regulated workplaces received royal assent. The new National Day for Truth and Reconciliation (the “NDTR”) will be celebrated annually on September 30th.

The NDTR is not automatically applicable to other workplaces, specifically those that are provincially-regulated such as the City of Nanaimo. However, the City’s collective agreements with CUPE Local 401 and IAFF Local 905 contain provisions that automatically include, in addition to the statutory holidays listed in each collective agreement, “...such special holidays as may be declared from time to time by the Employer, or the Federal or Provincial governments...”.

Staff have confirmed the applicability of this language to the NDTR, and so employees who are members of the City’s two unions will receive the statutory holiday. Staff have also been advised that various other municipalities on Vancouver Island are taking a similar approach to that of the City, as each municipality has similar collective agreement language.

DISCUSSION

For employees covered by the Management Terms and Conditions of Employment Bylaw 2019, No. 7273 (“the Bylaw”), there is no similar provision to include “...such special holidays as may

be declared from time to time by the Employer, or the Federal or Provincial governments...”. As a result, as it stands right now the vast majority of the City’s workforce will observe the NDTR on September 30th, while the exempt employees will not.

In recent years, Council and Staff have placed greater emphasis on not only the relationship with local First Nations governments, but with the concept of Truth and Reconciliation in general. The City has provided a number training initiatives in accordance with Call to Action #57, and Staff observance of National Indigenous Peoples Day and Orange Shirt Day have been building each year. Honouring the NDTR is another means to demonstrate the significance the City places on Truth and Reconciliation.

FINANCIAL CONSIDERATIONS

The cost of adding the NDTR for exempt employees is \$48,000. This is not an added financial cost, but rather a lost productivity cost. |

OPTIONS

1. | 1. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” (a bylaw to amend the provisions of the Management Terms and Conditions of Employment Bylaw 2019, No. 7273, to include the National Day for Truth and Reconciliation) pass first reading;
 2. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” pass second reading; and
 3. That “Management Terms and Conditions of Employment Amendment Bylaw 2021, No. 7273.02” pass third reading.
 - The advantages of this option: It signals the importance Council places on Truth and Reconciliation, in line with the federal government’s intent in enacting the legislation; it provides certainty on how this issue will be addressed in the future, without necessitating future amendments to the Bylaw; it provides for consistency amongst all employee groups at the City.
 - The disadvantages of this option: It arguably over-corrects the current issue identified, and does not allow the Council of the day to decide future statutory holiday issues on a case-by-case basis; it carries a cost in terms of lost productivity.
 - Financial Implications: The estimated productivity cost for including this statutory holiday for exempt employees would be \$48,000.
2. That Council not extend the National Day for Truth and Reconciliation to exempt employees. |
 - The advantages of this option: There is no additional financial impact to the City as a result of the NDTR, beyond what is required under existing collective agreements.
 - The disadvantages of this option: The differential treatment of one specific statutory holiday among staff groups will, unfortunately, occur in the NDTR – all other statutory holidays are consistent among CUPE, IAFF and exempt staff.

- Financial Implications: None. The costs related to providing the NDTR to unionized employees is not a decision point for Council

SUMMARY POINTS

- The National Day for Truth and Reconciliation, a new statutory holiday for federal employees and federally-regulated employers, will apply to most of the City's staff based on long-standing collective agreement language.
- In extending the provision of this statutory holiday to exempt employees, Council can ensure equity amongst its employee groups on a matter of importance as well as signal the significance it places on issues of Truth and Reconciliation.

ATTACHMENTS:

Attachment A: B7273.02 – Management Terms and Conditions of Employment Amendment Bylaw. |

Submitted by:

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Director of Human Resources |