

Bill 202

The Orange Shirt Day Statutory Holiday Act (Various Acts Amended)

April, 2023



MFL Legislative Submission for Bill 202 – The Orange Shirt Day Statutory Holiday Act (Various Acts Amended)

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing the interest of over 125,000 working Manitobans in the public and private sectors, as well as the building trades.

And the MFL is glad to have the opportunity to speak to this bill, as the National Day for Truth and Reconciliation, known as Orange Shirt Day, is an important opportunity for all of us to take time and reflect on the past, as well as to think about where we want to go as a country in a spirit of reconciliation.

In my role as President of the MFL, I also chair the labour caucus of the Labour Management Review Committee (LMRC), which is a body made up of representatives from labour and business which is tasked from time to time by the Minister of Labour to provide advice on issues that impact both workers and employers.

As part of this government's consultations regarding Orange Shirt Day, LMRC was asked to provide advice to government about how to recognize this day here in Manitoba. As it often does, LMRC was able to provide common ground and provide consensus recommendations, and I will be drawing heavily from this consensus in my presentation. I also emphasize that we were consulted about how the recognition of Orange Shirt Day could be operationalized from employer and employee perspectives. We certainly know that there are many ways for individuals to mark this day. I also want to note that LMRC does not currently have any Indigenous representation, something we emphasized in our report to government. We were very clear with government that it should engage in robust consultation with Indigenous leaders and communities.

It was the view of LMRC to ensure that September 30 should be recognized in accordance with the intention of the Truth and Reconciliation Commission when it fashioned Call to Action 80.

The members of LMRC also emphasized that the day should be respected and observed with three principles in mind:

Maximizing the ability for workers to participate in the observance of the day and any new traditions or ceremonies. This means restricting business operations to only essential work.

Doing no harm. While some extra compensation for those who have to work because their jobs are essential is fair, shift and gig workers shouldn't lose out on weekly earnings either and some averaging or balance should be struck to ensure this workforce is compensated if they can't work the day.

Giving full recognition to the Day. It is important that nothing we do be seen to minimize the importance of September 30 and that we do not lose the impact of the day, which is important to the process of Reconciliation.

Specifically, Call to Action 80 calls for the establishment of a national statutory holiday to honour survivors, their families and communities and to ensure public commemoration of the history and legacy of residential schools.

In our view, it was important to keep in mind that this is a day, similar to Remembrance Day, for solemn reflection of the suffering and loss experienced by Indigenous peoples. In the words of the Honourable Murray Sinclair, it is a day “to make the country take a look at itself.”

In its consensus report, LMRC recommended that the National Day for Truth and Reconciliation should be recognized in a way similar to Remembrance Day, which in Manitoba has its own legislation and rules for time off work, pay and business closure rules. Under the Remembrance Day Act, all but essential businesses are closed. Retail stores must be closed from 9 to 1 pm, and those who work receive time and a half pay. If workers do not work, they receive no pay.

The LMRC also recognized that there are other paths forward on how to implement this as a provincially legislated holiday, including as a statutory holiday. As mentioned, Call to Action 80 called for the federal government to establish a statutory holiday, and it may have been the intent for provinces to do the same. If that was the case, the LMRC wrote in its report that it supported honouring the request and, the questions regarding time off work, pay and business closures, should follow the rules for statutory holidays.

The Manitoba Federation of Labour is glad to see this important bill move forward, as it is important to provide as many workers as possible with the opportunity to mark the National Day for Truth and Reconciliation, or Orange Shirt Day.

I know that many Manitobans have wanted the opportunity to take part in events and ceremonies held on this day over the past two years, but were unable to unless their workplace was identified by government as one to be closed on September 30, their collective agreement stipulated that workers would have the day off in line with the national statutory holiday, or their employer made the decision to close for the day.

Making it a provincial statutory holiday would also ensure that workers' paycheques are not interrupted. While the importance of marking Orange Shirt Day is clearly the priority, uninterrupted paycheques are certainly important to working families during this cost of living crisis.

In closing, I want to extend thanks on behalf of the labour caucus of LMRC to our employer counterparts for the constructive process employed to reach consensus.