



Plain Language Summary for Bill 47: An Act to Amend the Employment Standards Act, No. 2

The Minister of Education, Culture and Employment is sponsoring Bill 47 *An Act to Amend the Employment Standards Act, No. 2* (the Bill) to establish the National Day for Truth and Reconciliation in the Northwest Territories.

On June 3, 2021, the federal 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)* received Royal Assent, establishing a federal statutory holiday called the “National Day for Truth and Reconciliation”. The new statutory holiday applies to employees in federally regulated workplaces, such as air transportation, domestic banks and authorized foreign banks, federal crown corporations, radio and television broadcasting, and telecommunication systems. The holiday is observed on September 30th of each year.

The new federal holiday was established in response to commitment #80 in the *Truth and Reconciliation Commission of Canada's Calls to Action*, which “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 September 30th is intended to build on the Orange Shirt Day movement, which is a date on which Canadians are encouraged to recognize the legacy of residential schools.

The Government of the Northwest Territories engaged in discussions with other Provincial and Territorial governments regarding how they would respond to the creation of the National Day for Truth and Reconciliation in their jurisdictions, including whether the new holiday would be established as a statutory holiday, as a Provincial and Territorial workforce holiday, or other.

On August 25, 2021, the Government of the Northwest Territories issued an order to mark September 30th as a holiday for the territory’s public service. The *Employment Standards Act* was not amended to introduce the National Day for Truth and Reconciliation as an NWT-wide statutory holiday and, as such, employees under the jurisdiction of the Act did not receive a paid holiday on September 30, 2021.

The Government of the Northwest Territories committed to consultation and engagement on how to commemorate September 30th, including whether to amend the *Employment Standards Act* to establish a statutory holiday in the territory. The first phase of engagement included Indigenous governments and organizations, businesses, industry organizations and labour groups, non-profit organizations, community governments and the general public.

Overall, public engagement during this phase indicated support for amending the *Employment Standards Act* to establish the National Day for Truth and Reconciliation as a statutory holiday in the NWT. Respondents from key partner and stakeholder groups indicated that other meaningful action needs to take place alongside the day; that is, events, ceremonies, education, information, and supports should be available to residents of the NWT. A second phase of engagement planned for 2022-2023 with Indigenous governments and organizations, led by Executive and Indigenous Affairs, will explore

how the National Day for Truth and Reconciliation could be further supported and acknowledged by the Government of the Northwest Territories beyond the establishment of a statutory holiday.

The significant amendment included in the Bill is:

1. Adding the National Day for Truth and Reconciliation (September 30th) to the list of statutory holidays in Part 3 of the *Employment Standards Act*.

The current provision in the Act lists ten (10) statutory holidays where employees are entitled to pay whether it falls on a day of work or not. The Bill would establish the National Day for Truth and Reconciliation (September 30th) as the 11th statutory holiday recognized under the *Employment Standards Act*.

The Bill will also include consequential amendments to the *Interpretation Act* and the current *Public Services Holiday Order* which will ensure alignment across legislation and extend the September 30th holiday to members of the territorial public service on an ongoing basis. The amendments would result in the National Day for Truth and Reconciliation becoming a paid holiday for all employees in the NWT, regardless of the legislation that applies to their employment.

For additional information or questions contact:

Meagan Wohlberg
Director, Policy, Legislation and Communications
Education, Culture and Employment
Meagan.Wohlberg@gov.nt.ca