

# BARGAINING LANGUAGE FOR THE NATIONAL DAY FOR TRUTH AND RECONCILIATION

## THE NATIONAL DAY FOR TRUTH AND RECONCILIATION

In June 2021, the Government of Canada passed legislation to create a new federal statutory holiday, the National Day for Truth and Reconciliation (September 30). This means September 30 is now a paid holiday for workers in federally regulated sectors, as well as in some other jurisdictions.

## WHAT IS THE HOLIDAY ABOUT?

September 30 is commonly known as Orange Shirt Day. The Orange Shirt Day movement began in 2013 to honour the survivors of residential schools and those who never returned home.

Orange Shirt Day was inspired by Phyllis (Jack) Webstad's experiences at St. Joseph Mission Residential School, outside of Williams Lake, British Columbia. Phyllis is from the Stswecem'c Xgat'tem First Nation. As a child, Phyllis was given an orange shirt by her grandmother to wear on her first day at the school. The shirt was confiscated and destroyed by her teachers when she arrived. Phyllis' story has come to symbolize the colonial goal of residential schools to assimilate Indigenous peoples. September 30 was chosen as a day of remembrance because it is in the fall, around the time when Indigenous children were forced to attend the institutions.

In 2015, the Truth and Reconciliation Commission of Canada (TRC) recommended that a statutory holiday be established to commemorate the history and legacy of the residential school system. National Day for Truth and Reconciliation on September 30 has been established as part of the reconciliation process.

## WHY IS IT IMPORTANT?

Bargaining the National Day for Truth and Reconciliation into your collective agreement contributes to the reconciliation process and helps fulfill the TRC's calls to action.

CUPE's Strategic Directions, adopted by the membership at our national convention, commit our union to truth and reconciliation. This includes recognizing the legacy of the residential school system and the ongoing harm that Canada's assimilationist policies and laws have on Indigenous peoples.

September 30 is a time to commemorate and reflect on the residential school system and the anti-Indigenous racism that allowed these institutions to exist. It is also a time for members to educate themselves and others on the legacy of residential schools and how anti-Indigenous racism continues to harm Indigenous people.

## BARGAINING THE HOLIDAY

Most CUPE locals are under provincial and territorial jurisdiction. Some provinces and territories have adopted September 30 as a statutory holiday, while others recognize and observe the day in different ways. Check the applicable legislation for your situation.

- Some locals have already bargained the observation of September 30 into their collective agreements. Make sure to check your collective agreement language on paid holidays to see if it is already included.

- Some collective agreements contain language that lists current federal, territorial or provincial holidays, or that recognizes potential future federal or provincial holidays. This language should be enforced to observe the National Day for Truth and Reconciliation.
- If your collective agreement does not include any language that can be used to argue for the observance of September 30, then September 30 should be proposed as a paid holiday in future bargaining.

### Sample language from collective agreements

Sample language from collective agreements regarding the holiday is provided below. For more information, ask your servicing representative.

From the collective agreement between Indigenous Women's Healing Centre Inc. and CUPE 2348, June 1, 2021 – May 31, 2024 (emphasis added):

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**18.01** The Employer and the Union recognize the following as paid holidays:

New Year's Day / Jour de Louis Riel Day / Good Friday / Easter Monday / Victoria Day / Aboriginal Day – June 21 / Canada Day / Terry Fox Day / Labour Day / **Truth and Reconciliation Day – Sept. 30** / Thanksgiving Day / Remembrance Day / Christmas Day / Boxing Day

**and any other day proclaimed as a holiday by the Federal or Provincial Governments.**



From the collective agreement between the Board of Governors of College of the Rockies and CUPE 2773, July 1, 2022 – June 30, 2025 (emphasis added):

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**11.1** A regular, term, or auxiliary employee shall be entitled to the following statutory/general holidays or such other days as the College may designate to be taken in lieu of these holidays and/or **any other day proclaimed by the Government of Canada, the Government of British Columbia, or the College**, with pay:

New Year's Day / Good Friday / Easter Monday / Victoria Day / Canada Day / B.C. Day / **Truth and Reconciliation Day** / Labour Day / Thanksgiving Day / Remembrance Day / Christmas Day / Boxing Day / Family Day

From the collective agreement between Regional Municipality of Durham and CUPE 1764, April 1, 2021 – March 31, 2024 (emphasis added):

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**20.01** Regular and probationary employees shall be entitled to the following paid holidays which shall also be granted to temporary employees:

New Year's Day / Family Day / Good Friday / Easter Monday / Victoria Day / Canada Day / Civic Holiday / **National Day for Truth and Reconciliation** / Labour Day / Thanksgiving Day / Remembrance Day / Half day at Christmas Eve / Christmas Day / Boxing Day / Half day at New Year's Eve

**and any national or provincial holiday declared by the Federal Government or the Government of Ontario.**