Prime Minister 'Proclaims' Holiday for Federal Employees in Honour of Her Majesty the Queen Elizabeth II: What Does This Mean for Ontario Employers?

September 2022

Following the death of Queen Elizabeth II, the Royal Family announced Her late Majesty's funeral is to take place on Monday, September 19, 2022. Prime Minister Justin Trudeau later proclaimed that September 19, 2022, would be a federal holiday in Her Majesty's honour. Ontario Premier Doug Ford announced that September 19, 2022, would be recognized as a provincial "Day of Mourning."

Shortly after the announcement of a federal holiday, Seamus O'Regan, Canada's Minister of Labour, publicly clarified that the holiday is ***only for federal government employees,*** and not generally for all federally *regulated* employees (such as banks, airlines, and telecoms). Others are welcomed to follow the federal government's lead, but are not legally required to do so.

At this time, the federal government has not formally legislated or issued an Order in Council "proclaiming" the public holiday. The Prime Minister's announcement does not have the force of law. The only proclamation which has been made by the federal government is one "requesting that the people of Canada set aside September 19, 2022, as the day which they honour the memory of Her late Majesty Queen Elizabeth the Second."

In short, the federal government has only acted in its capacity as an employer (of the civil service), and not in any legislative capacity. Thus, only the federal civil service will benefit from a "public" holiday, while other employers can voluntarily participate.

Provincial Government Response

In Ontario, Premier Ford also confirmed that the province would not introduce a public holiday. Provincially regulated employers are, again, welcome to follow the federal government's lead, but are under no obligation to do so. Premier Ford did, however, recommend that all workplaces take a collective moment of silence at 1 p.m., in honour of Her Majesty.

Implications for Unionized Workplaces

Collective agreements often contain generic language which grants unionized employees with recognition of "new" public holidays, including ones that are proclaimed by either federal or provincial governments (subject to individual collective agreement language). This last occurred when the National Day for Truth and Reconciliation was included under the *Canada Labour Code*. A public holiday recognizing the Queen's funeral on September 19, 2022, however, did not follow this process. Accordingly, September 19, 2022, is not subject to the same consideration.

Nonetheless, employers should carefully review their applicable policies and/or collective agreements, and be ready to address the potential expectations raised amongst their employees.

As always, we encourage you to reach out to your Aird & Berlis contacts for more information.

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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada, The Canadian Legal Lexpert Directory* and *Benchmark Canada.*

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.



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Michael is a member of the firm's Workplace Law Group. His practice focuses on all aspects of labour and employment law in both the federal and provincial jurisdictions. He advises employers in a number of industries, including manufacturing, transportation, retail, electrical distribution, construction and financial services, on various matters, including employment standards, human rights, discipline, discharge, union certification, grievances, wrongful dismissal, executive employment matters and transactions, as well as general labour and employment law issues.

Michael represents employers before the courts and administrative tribunals, such as the Ontario Labour Relations Board, the Ontario Superior Court of Justice, the Ontario Divisional Court, the Ontario Court of Appeal, the Grievance Settlement Board, the Canadian Railway Office of Arbitration, the Ontario Employment Standards Branch, the Ontario Workplace Safety and Insurance Board and in grievance arbitration and mediation.

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