

## UPDATE ON THE NATIONAL DAY FOR TRUTH AND RECONCILIATION

Further to the [Legislative Briefing](#) published on March 10, 2023, recognizing the National Day for Truth and Reconciliation (*NDTR*) as a statutory holiday in BC, the Province has issued additional amendments to the *Employment Standards Act (ESA)* through the [Miscellaneous Statute Amendment Act \(No. 2\), 2023 \(Act\)](#) which received royal assent on May 11, 2023.

### Background

Previously, when *NDTR* was designated a statutory holiday, RES advised that in unionized workplaces, the effect of the legislation would depend upon the specific language of the collective agreement. Employers with collective agreement provisions that met or exceeded the *ESA* provisions for statutory holidays may not be obligated to provide the *NDTR* in addition to those existing statutory holiday entitlements.

### Amendments Receiving Royal Assent

As a result of the amendments to the *ESA* passed on May 11, 2023, the statutory holiday entitlement for the *NDTR* is exempted from the “meets or exceed” test. In other words, all employers covered by the *ESA*, including unionized workplaces, are required to provide *NDTR*, regardless of their collective agreement provisions. As stated in the [BC government](#) announcement when it introduced the legislation on April 6, 2023, “the amendment will require unionized employers to provide their employees with statutory holiday pay on this day, even if the collective agreement does not include the *NDTR* as a statutory holiday, but still “meets or exceeds” the *ESA*’s statutory holiday provisions.”

The amendment also provides that the grievance procedure in a collective agreement is the resolution mechanism that applies to disputes over the *NDTR*.

This is a significant change for employers who provide statutory holiday entitlements that did “meet or exceed” the *ESA* when the *NDTR* was designated a statutory holiday. Employers will have to look closely at their collective agreement, and their procedures around the payment, eligibility requirements and the use of alternate days for statutory holidays, and ensure that it is compliant with the *ESA* in regards to the *NDTR*.

## QUESTIONS?

If you have any comments or questions about this update, please e-mail [RES360@metrovancover.org](mailto:RES360@metrovancover.org) or call 604-451-6558.

## SOURCES

*“Progress of Bills”* – Legislative Assembly of British Columbia.

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills>

*“Introduction of Miscellaneous Statutes Amendment Act (No. 2), 2023”* – BC Gov News.

<https://news.gov.bc.ca/releases/2023AG0024-000460>