

# LABOUR MANAGEMENT REVIEW COMMITTEE

March 31, 2022

Honourable Reg Helwer  
Minister of Labour,  
Consumer Protection and  
Government Services  
Room 343 Legislative Building  
Winnipeg MB R3C 0V8

Dear Minister:

As requested in your letter of March 9, 2022, the Labour Management Review Committee (LMRC) has convened to consider how Manitoba should recognize the National Day for Truth and Reconciliation.

The LMRC met on March 14, 2022, to discuss this matter, and are pleased to provide our consensus recommendation supporting the Truth and Reconciliation Commission recommendation 80. That 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. Specifically, the LMRC is supportive of parameters as follows:

- A day akin to Remembrance Day with all non-essential businesses to be closed for the full day;
- Those who work on the day would receive time and half pay, workers who do not work would receive no pay;
- Such a model would maximize the opportunity for the vast majority of workers to participate in the day, having the full day to reflect on our shared history and participate in any new traditions we are trying to establish, with only essential workers having to work;
- This model would also would give full effect to the intention that, unlike Remembrance Day, the whole of September 30 be devoted to observation, reflection and commemoration.

The LMRC supports government consulting with Indigenous communities to find a way to commemorate this day that may include things such as:

- public ceremonies,
- educational opportunities,
- public accountability of governments to report on reconciliation progress,
- a special time of day for a moment of silence or prayer or song to honour lives lost
- any other recommendations from Indigenous communities

A member of LMRC has had the opportunity to consult with Senator Murray Sinclair and the final version of this Report is greatly influenced by him.

We agree that September 30<sup>th</sup> should be the day to align with the federal statutory holiday,

orange shirt day and recognize the time of year the children were rounded up and sent to residential schools.

It is important in our view to keep in mind that for non-Indigenous Canadians, this is not a day of celebration and it is not a day of rest. It is a day, like Remembrance Day, for solemn reflection of the suffering and loss experienced by, in this case, Indigenous Canadians. It is a day in the words of Senator Murray Sinclair “to make the country take a look at itself”.

While the LMRC consensus recommendation is outlined above, the LMRC also recognizes that, there are other paths forward on how to implement this as a provincially legislated holiday to address pay and business closures:

1. **Statutory Holiday.** We could recognize it as a statutory holiday. The recommendation calls on the federal government to establish a statutory holiday, and it may have been the intent for provinces to do the same and that statutory holiday was the specific intentional language chosen. If that is the case, we support honouring the request and, the questions regarding time off work, pay and business closures, should follow the rules for statutory holidays.
  - a. This would treat the day like Thanksgiving, where business can choose to open or close and people get the day off or if they work, they are paid at time and a half and given a day off another day;
  - b. If this option were, chosen business and labour agree there should be a restriction that does not allow this day to be worked and simply swapped for another day.
2. **Like Remembrance Day.** We could interpret the recommendation to mean the ask is to ensure there is a day for all Canadians to recognize the day akin to Remembrance Day (which LMRC feels the tone of the day should be similar to), which in Manitoba has its own legislation and different rules for time off work, pay and business closure rules.
  - a. In essence, all but essential businesses are closed. Retail stores must be closed from 9 to 1 pm, but otherwise given an exemption and may be open;
  - b. Those who work receive time and a half pay. If workers do not work, they receive no pay.

Whatever path is chosen, the LMRC believes the day should be respected with three key principles in mind;

- **Maximize workers ability to participate in the observance of the day and any new traditions or ceremonies.** This means restricting business operations to only essential work.
- **Do no harm.** Some extra compensation for those who have to work because their jobs are essential is fair, but shift and gig workers shouldn't lose out on weekly earnings either and some averaging or balance should be struck to ensure the unstable workforce don't lose out and are compensated if they can't work the day.
- **Give 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.

The LMRC is not unmindful of the concerns of employers, particularly those hard hit by

Covid-19, regarding cost and the fact that competitors outside Manitoba may not have their operations affected on September 30. However, it is our view that it is more important to send the message that September 30 is to be recognized in accordance with the intention of the Truth and Reconciliation Commission when it fashioned recommendation 80. In our view, in the long run achieving Reconciliation, of which recommendation 80 is an important step, will be in the best interests of all Manitobans.

We are very conscious that the LMRC committee has no Indigenous representation and is making recommendations on legislation to honour communities, whose biggest issue is that government has made decisions for them in the past.

We suggest that our recommendations be a part of the Indigenous consultation and Indigenous voices and views be heard and acted on. If possible, hearing their perspective and preference shared with LMRC would help focus our recommendation.

Thank you for the opportunity to provide advice on this matter. If you have any questions, or wish to discuss any aspect of this letter, please do not hesitate to contact the Chairperson, Michael Werier, at (204) 925-5359.

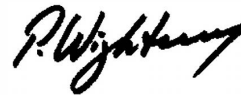
Sincerely,



Kevin Rebeck  
Labour  
Caucus Chair



Michael Werier  
Chairperson



Peter Wightman  
Management  
Caucus Chair

cc: Members of the Manitoba Labour Management Review Committee