

REMEMBER...THE 11TH OF NOVEMBER? REMEMBRANCE DAY BECOMES A LEGAL HOLIDAY

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On March 1, 2018, *An Act to amend the Holidays Act (Remembrance Day)* received royal assent and became law. The Act changes the wording and status of Remembrance Day (November 11) in the federal *Holidays Act* by making it a legal holiday, like Canada Day and Victoria Day. However, for most Canadians and members of Canada's workforce, this change is no more than a symbolic gesture.

At present, each province and territory determines which days will be recognized as statutory holidays in their respective jurisdiction. Remembrance Day was already recognized as a statutory holiday for federally regulated workers under the *Canada Labour Code*. All of the other provinces and territories – with the exception of Manitoba, Ontario, Quebec, and Nova Scotia – also already recognized Remembrance Day as a statutory holiday.

Of the four outlier provinces, Ontario and Quebec are the only two that have not enacted some form of observance legislation. Although not a statutory holiday per se, Manitoba and Nova Scotia observe Remembrance Day by requiring holiday pay, the closure of certain businesses on the morning of November 11, and a suspension of operations at open establishments to observe three minutes of silence at the 11 o'clock hour. With Remembrance Day now an official federal legal holiday, where does that leave Ontario and Quebec?

During the legislative debates, Members of Parliament made clear that the federal government could not mandate observance of Remembrance Day across Canada, but that the change to the federal act could function as a symbolic gesture and a good opportunity for the outlier provinces to revisit how Remembrance Day is observed in their jurisdiction.

Given that significant amendments to Ontario's labour and employment legislation were also recently enacted, it remains to be seen whether Ontario will revisit its approach to Remembrance Day this year or in the years to come.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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