



What We Heard Report Potential Amendments to the Northwest Territories *Employment Standards Act* - National Day for Truth and Reconciliation

January 2022

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Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān. Cree
Tłįchǫ yatı k'ę̀è. Dı wegodı newǫ dè, gots'o gonede. Tłįchǫ
?erıhtł'ís Dëne Sųłıné yatı t'a huts'elkër xa beyáyatı thezą zat'e, nuwe ts'ën yółtı Chipewyan
Edı gondı dehgáh got'ıe zhatıé k'éé edatł'éh enahddhe nıde naxets'é edahlí. South Slavey
K'áhshó got'ine xədə k'é hederi zedihtl'é yeriniwę nídé dúle. North Slavey
Jii gwandak izhii ginjìk vat'atr'ijąhch'uu zhit yinohthan jì', diits'àt ginohkhìi. Gwich'in
Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta. Inuvialuktun
$\dot{C}^\flat d \triangleleft D \cap P^\flat b \Delta^c \wedge d L \wedge d \wedge \mathsf$
Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit. Inuinnaqtun

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Introduction

On June 3, 2021, the federal Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)* received Royal Assent, establishing a federal statutory holiday called the "National Day for Truth and Reconciliation" (NDTR). The new statutory holiday applies to employees in federally regulated workplaces, such as air transportation, domestic banks and authorized foreign banks, federal crown corporations, radio and television broadcasting, and telecommunication systems. The holiday will be observed on September 30th of each year, beginning in 2021.

The new holiday was established in response to commitment #80 in the *Truth and Reconciliation Commission of Canada's Calls to Action*, which "calls upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process." The choice of September 30th is intended to build on the Orange Shirt Day movement, which is a date on which Canadians are encouraged to recognize the legacy of residential schools.

The Government of the Northwest Territories (GNWT) engaged in discussions with other provincial and territorial (PT) governments regarding how they would respond to the creation of the National Day for Truth and Reconciliation in their jurisdictions, including whether the new holiday would be established as a statutory holiday, as a PT workforce holiday, or other.

The GNWT committed to consultation and engagement on how to commemorate September 30th in future years and following that process will develop a proposal on how the National Day for Truth and Reconciliation will be recognized in the NWT.

The scope of this engagement focuses on whether or not to amend the *Employment Standards Act* (the Act) to establish a National Day for Truth and Reconciliation in the NWT. A second phase of engagement with Indigenous Governments and Organizations (IGOs), led by EIA, will explore how the National Day for Truth and Reconciliation could be further supported and acknowledged by the GNWT. This second phase of engagement will build on the work of this project; however, it is not expected to be completed within the timeframe of this project.

The Engagement Process

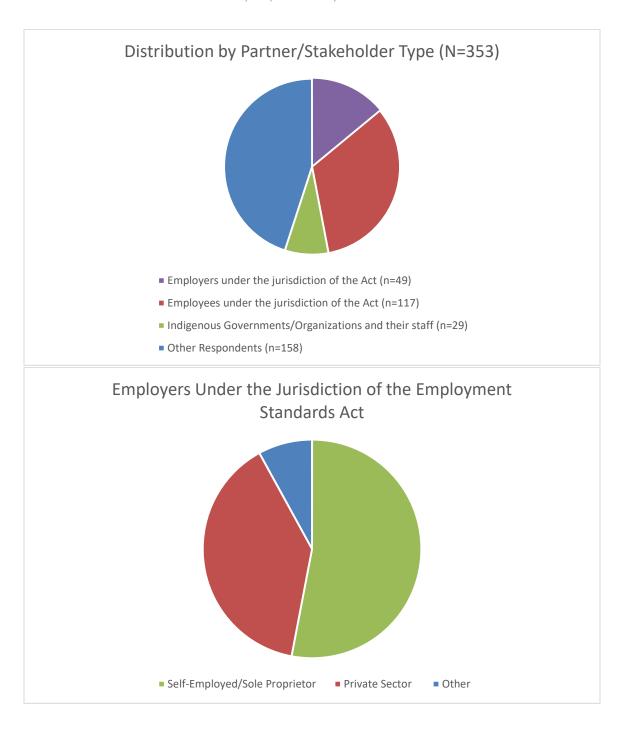
To ensure NWT residents were aware of and able to provide input on a decision to enact a new statutory holiday under the Act, the Department of Education, Culture and Employment (ECE) undertook general public engagement and targeted engagement with Indigenous government partners and key stakeholders. Public engagement was conducted through an online survey during December 2021. Social media and digital advertising were used to promote awareness of the survey.

The survey first asked respondents if September 30th should be an NWT-wide statutory holiday to commemorate the National Day for Truth and Reconciliation. Following this question, there were two self-identification categories under which respondents were asked to select whether they were filling out the survey for themselves, or on behalf of a business or organization. Each category had a variety of sub-categories to help further define the respondent's situation. This self-identification section was intended to help support ECE's analysis of the data in relation to whether respondents may be employed or employ others under the Act. After the identifying options, respondents were asked what other considerations the GNWT should take into account when deciding if September 30th should be an NWT-wide statutory holiday. The data gathered during this final question will help to support a second phase of engagement on this project, led by EIA. To view the online survey in its entirety, see <u>Appendix 2</u>.

In addition to the survey, ECE invited Indigenous government and organization partners as well as key stakeholders, including employers, labour organizations, and NWT communities, to provide feedback by completing the online survey or by making written or oral submissions to ensure that any changes to the *Employment Standards Act* reflect their perspectives. For a list of key partners and stakeholders that were contacted, see Appendix 1.

Engagement Statistics

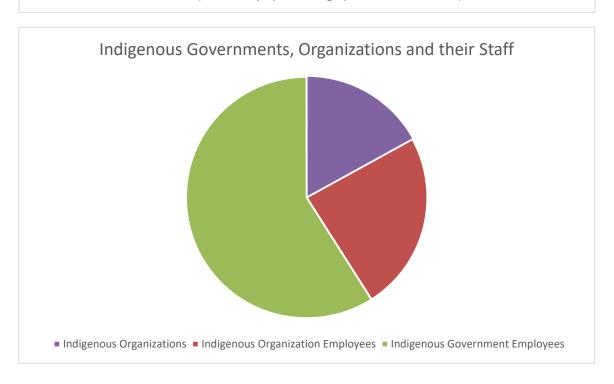
In total, 353 online surveys were completed, and an additional two written submissions were received. The following graphs provide demographic information about online survey respondents.

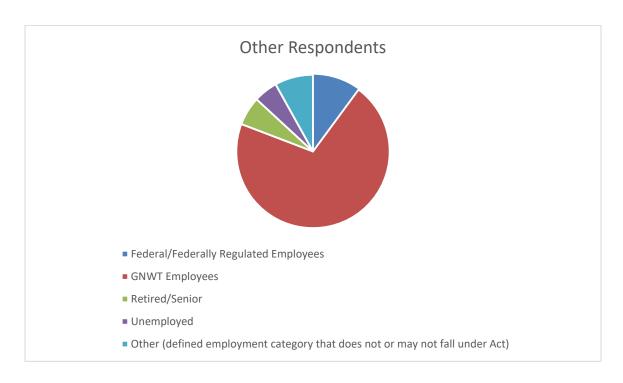






- Community Government Employees
- Labour Organization Employees
- Not-for-profit Sector Employees
- Private Sector Employees
- Other (defined employment category that fall under the Act)





What We Heard

The following sections detail the results of the online survey. Feedback has been broken down by partner and stakeholder group. The main groups targeted by this engagement were employers under the jurisdiction of the Act, employees under the jurisdiction of the Act, and Indigenous governments and organizations and their staff. In addition to these specific groups, ECE also sought feedback from the general public to ensure the engagement captured as many perspectives as possible.

Should September 30th be an NWT-wide statutory holiday to commemorate the National Day for Truth and Reconciliation?			
Key Partner or Stakeholder Group	Percentage Yes	Percentage No	
Employers under the jurisdiction of the Act	55%	45%	
Employees under the jurisdiction of the Act	85%	15%	
Indigenous Governments/Organizations and their Staff	79%	21%	
Other Respondents	92%	8%	

Employers under the jurisdiction of the Act

Some (39%) of the respondents in this group indicated that they were filling out the survey on behalf of an organization or business in the private sector. This report includes respondents who identified as "self-employed/sole proprietor" in this group as, although people who are self-employed are not covered by the Act themselves, if they hire employees, the employment relationship with their staff would most likely fall under the jurisdiction of Employment Standards

legislation. A few respondents who filled out the survey on behalf of an organization or business that defined a type of business/organization that most likely falls under the jurisdiction of the Act were included in this group as well.

Employers were split almost down the middle on whether September 30th should be an NWT-wide statutory holiday, with 55% of employers indicating "yes" and 45% indicating "no".

Employers who were not in favour of introducing the holiday commented that there were already enough statutory holidays in the NWT; several noted that the NWT already recognizes June 21st as a statutory holiday for Indigenous Peoples Day and that the GNWT should recognize one or the other. Similarly, others commented that another statutory holiday should be removed if the September 30th holiday is introduced and that the holiday would be better placed in February, when there are no holidays. Many of these employers indicated that introducing another statutory holiday would cause financial hardship for already struggling businesses and some felt that only Indigenous employees should get the holiday. One respondent didn't think that providing people a holiday would convey the importance of the day, while another thought that it could be better recognized as an important date through messaging, education, commemoration and acknowledgment.

"Giving a holiday off work or school is treated like vacation, it does not convey the importance and/or symbolism of the day. GNWT sponsored events should take place and school assemblies where the meaning of the day is discussed vs giving people another [holiday]."

Employers who were in favour of making September 30th a statutory holiday in the NWT noted that it was "the right thing to do" and that introducing the holiday was a positive step towards reconciliation. Some thought that the National Day for Truth and Reconciliation should replace an existing holiday, with one respondent suggesting it should be celebrated in February. One respondent emphasized the enormous number of Indigenous people living in the NWT and the large number of living survivors.

Employees under the jurisdiction of the Act

Most (62%) of the respondents in this category indicated they were filling the survey out for themselves and identified as belonging to the private sector. Also included in this group are respondents who identified themselves as employees of labour organizations, the not-for-profit sector, and other defined employment categories that most likely fall under the jurisdiction of the Act.

The majority (85%) of **employees** under the jurisdiction of the Act who responded to the survey were in favour of September 30th becoming an NWT-wide statutory holiday. Many of these respondents saw this as an important step towards reconciliation. Several noted that because a large proportion of the population of the NWT is Indigenous, the NWT should take the lead in recognizing September 30th as a statutory holiday. One of these respondents noted that this shouldn't even be a question in the NWT and that "if GNWT employees get it, why can't everyone else."

Many **employees who responded in favour** of the holiday commented on the importance of holding events and ceremonies in the communities on September 30th and having supporting information available to residents to learn more about truth and reconciliation:

"Have a list of things a person could do on national truth and reconciliation day to support Indigenous people. Such as books to read, places to donate to, movies or videos to watch, social media people to follow etc."

"Ensure education on the history of the residential schools and children's deaths that were part of the school history is a component of the statutory day. Not that it is just a holiday for government workers."

Some of the **employees who were opposed** to September 30th being a statutory holiday echoed similar comments to employers who were not in favour of introducing the holiday, stating that the NWT has too many statutory holidays already and that the GNWT should choose between June 21st and September 30th.

Some **employees** suggested that September 30th be recognized in the NWT as an optional unpaid holiday. Two respondents in this group indicated that statutory holidays should be uniform across the country and others viewed adding another statutory holiday as a poor use of government funds. One employee highlighted the importance of schools as a place where children can learn about truth and reconciliation. Others anticipated that, if the day was made into a statutory holiday, the day would not be used for the intended purpose.

Indigenous Governments/Organizations and their Staff

Given the purpose of the proposed holiday is to honour the legacy of the residential school system and to advance reconciliation, the Department treated respondents who self-identified as being affiliated with Indigenous governments and organizations as a separate group in order to ensure their perspectives were heard.

The majority of respondents in this group (79%) supported adopting the National Day for Truth and Reconciliation as a statutory holiday in the NWT. Some of these respondents commented that recognizing September 30^{th} as a statutory holiday is the least the GNWT can do to honour those who died in the residential school system, as well as those who survived, and to acknowledge this chapter of Canada's history:

"Canada's history is mostly genocide and has been ignored/[swept] under the rug for too long. The [least] that could happen is a national day of remembrance and acknowledgement that is mandatory for all businesses."

Many emphasized the importance of having funding available for community events and ceremonies, noting that the day may be a trigger for survivors and their families so there should be supports available, such as mental health booths and information about where to go for help. Some respondents in this group noted that Indigenous peoples and communities should provide direction regarding how funding is used to honour the day. One respondent noted that recognizing this day as a holiday would not only help educate and heal but it would also help demonstrate that reconciliation is important to everyone:

"I believe having this as an NWT wide holiday will help indigenous and non-indigenous [people] be able to attend ceremonies that will educate and heal the trauma. With only some businesses being closed to observe the day it can be seen as the ones that don't close, do not care about reconciliation and it doesn't give the employees the time to attend healing ceremonies. By observing this as a stat we are showing that this day is important to all."

Respondents in this group who indicated they did not want to see the National Day for Truth and Reconciliation become a statutory holiday in the NWT noted that it was more important for businesses, governments, and schools to use the day as an opportunity for education and learning.

Other Respondents

The breakdown of how respondents in this group self-identified is as follows: GNWT employees (70%), federal government/federally regulated employees (10%), retired/senior residents (6%) and unemployed (5%). The rest of these respondents (8%) self-identified as other and either defined a status that does not fall under the jurisdiction of the Act or did not provide enough identifying information to confirm whether or not the Act would apply to them.

Although these respondents are not directly affected by a change in Employment Standards legislation, they may be indirectly affected. For example, if some businesses choose to shut down operations on statutory holidays, services in communities may be limited on these days.

A large majority (92%) of other respondents agreed with September 30th being a statutory holiday in the NWT. Several of these respondents commented that recognizing the National Day for Truth and Reconciliation in the NWT would be a positive step towards reconciliation, with respondents noting that "it is the least we can do" and that "this shouldn't be a question" in the NWT, given the number of Indigenous people who live here. Many in this group who would like to see the statutory holiday introduced thought there needed to be other meaningful action taken alongside the day; some of the examples provided were activities, ceremonies, learning materials, education materials at schools, memorials, a moment of silence across the NWT, taking the GNWT 'Living Well Together' training, and open sessions for survivors to share their stories. One respondent commented:

"Will this end up being 'just another day off' and what can GNWT do to make sure that the day off is actually recognized and would they consider putting some sort of educational advertisements out to the public via, radio, maybe the newspaper, or social media during the few days leading up to September 30."

A number of these respondents also noted that it was important to consult with Indigenous people, governments, and organizations to determine whether making September 30th a statutory holiday is something they want.

Those opposed to the holiday in this group commented that June 21st is already recognized as a statutory holiday to honour Indigenous people. One respondent noted that the holiday would be better placed in February, while another did not think it was an effective way to reconcile.

Additional Feedback

In addition to the survey responses, the Department received two written responses from Indigenous Governments. Both of the written responses expressed their support for the GNWT to amend the *Employments Standards Act* to establish the National Day of Truth and Reconciliation as a statutory holiday in the NWT.

Conclusion and Next Steps

Overall, public engagement indicated support for the amending the *Employment Standards Act* to establish the National Day of Truth and Reconciliation as a statutory holiday in the NWT. Respondents from key partner and stakeholder groups indicated that other meaningful action needs to take place alongside the day; that is, events, ceremonies, education, information, and supports should be available to residents of the NWT.

Another common theme in responses was that the GNWT should look at combining the National Day for Truth and Reconciliation with Indigenous Peoples' Day (June 21st) or establish the National Day for Truth and Reconciliation during a different time of year; for example, in February, when there are no statutory holidays.

The National Day for Truth and Reconciliation was established federally in response to commitment #80 in the *Truth and Reconciliation Commission of Canada's Calls to Action*, which states, in part: "...that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process". It is currently ECE's position that the date of the proposed statutory holiday should remain on September 30th to align with the existing day of recognition (Orange Shirt Day) and the federal holiday. Likewise, given the purpose of the National Day for Truth and Reconciliation, the Department does not believe it would be appropriate to combine this day with Indigenous Peoples' Day. Indigenous Peoples' Day is a day to recognize, acknowledge and celebrate the valuable contribution of Indigenous Peoples to the healthy development of our communities, territory and country. It is celebrated on June 21st because of its cultural significance as the summer solstice, which is a day that many Indigenous groups traditionally celebrate their heritage and it is observed federally on this day, though not as a legislated paid holiday under the *Canada Labour Code*.

The feedback presented in this "What We Heard" summary report will be considered by the Department in developing a legislative proposal to amend the *Employment Standards Act*. This report will be posted to the Department's website and sent to those organizations that participated in the engagement process.

A second phase of engagement with Indigenous governments and organizations, led by EIA, will explore how the National Day for Truth and Reconciliation could be further supported and acknowledged by the GNWT. This report and the data gathered through the online survey will be shared with EIA to support the second phase of this project.



Appendix 1 – Partners & Stakeholders

December 7, 2021 email invitation to complete survey or submit feedback to Department sent to representatives of the following businesses/organizations:

- 11570277 Canada Ltd. o/a Macs/Circle K Convenience Store
- 14500 NWT Ltd. O/A Quiznos
- 1845945 Alberta Ltd o/a The Rooster
- 1190879 Alberta Ltd o/a Gold Range Hotel
- 4720 NWT Ltd. o/a Aurora Village
- 4956 NWT Ltd c/o Discovery Inn
- 506639 NWT Ltd O/A The Cliff
- 506701 NWT Ltd. o/a Bento Sushi
- 506907 NWT Ltd o/a YK Hotpot
- 506975 NWT Ltd O/A Mary Brown's
- 507041 NWT LTD O/A Reddi Mart 2016 Ltd
- 507063 NWT Ltd O/A Shirt Shack
- 507121 NWT Ltd O/A Miniso Canada Yellowknife
- 507166 NWT Ltd O/A LCK Dragon Import & Export
- 507232 NWT Ltd O/A My World Children's Entertainment
- 507493 NWT Ltd O/A Your Independent Grocer
- 5891 NWT Ltd o/a Subway Downtown
- 6014 N.W.T. Ltd. o/a Crooked Whisker Pet Supplies
- 6198 N.W.T Ltd o/a Yellowknife Domino's
- 7214936 Canada Inc. o/a Javaroma Gourmet Coffee & Tea
- 953785 NWT LTD. o/a Diamante Restaurant
- 974190 N.W.T Ltd o./a Kopykat North
- 984260 N.W.T oa Berro`s Pizza
- Adam Dental Clinic Ltd.
- Advanced Medical Solutions
- AMRA Investments Inc. o/a Fatburger
- Arctic Canadian Diamond Co.
- Arctic Farmer Inc.
- Auburn Retailing o/a Canadian Tire Store 453
- Aurora Dene Mining
- Aurora Ford Yellowknife
- Aurora Geosciences Ltd.
- Aurora Ninja LTD o/a Aurora Ninja Photo Tour
- Autotec Ltd

- B Dene Adventures
- Beck's Kennels Aurora Tours
- Best Movers
- Biafo Gas Inc o/a Shell Yellowknife
- Birchwood Coffee Co
- Blachford Lake Lodge and Conference Center
- Borealis Kennels & Pet Specialties
- Bouwa Whee Catering
- C.L Pacific Immigration Consulting Ltd. o/a Pacific Immigration
- Bruno's Pizzas Ltd.
- Bullock's Bistro (2016) Ltd
- Canadian Scenery Travel Inc. o/a CST
- CDETNO
- C&H Holding Ltd O/A Marks Restaurant
- Charles Corothers Building Materials o/a Corothers Home Hardware Building Center
- City Cabs
- CMD Holdings Ltd o/a Shoppers Drug Mart
- Community Garden Society of Inuvik
- Copperhouse Eatery & Lounge Inc
- Coyote's Bar & Grill O/A Coyote's Bistro on Frankl
- CPA Association
- Corothers Home Building Centre
- Days Inn & Suites
- De Beers (Gahcho Kue Mine)
- Denendeh Investments Incorporated
- Denesoline Corporation o/a Denesoline
- Destination NWT Ltd.
- Det'on Cho Corporation
- Dexterra
- Diavik Diamond Mines (2012) Inc.
- DJ's Towing
- EBA Engineering Consultants ltd. o/a EBA, A Tetra Tech Company
- EMRA Finançail Corp. O/A Subway
- Energy Wall & Building Products Ltd.
- EPR Yellowknife
- Explorer Hotel (4912 NWT Ltd)

- Foster Family Coalition of the NT
- FOXY
- Gastown NT Ltd.
- Gourmet Cup Beverage Station
- Great Slave Animal Hospital
- Great Slave Fish Products
- Gressenhall Enterprise Ltd. o/a The Brick
- H&H Holding Ltd o/a Red Apple Restaurant
- Hay River Disposals Ltd.
- Hay River Liquor Retailers (1991) Ltd.
- Holloway Lodging Limited Partnership O/A Qualtiy Inn and Suites Yellowknife
- Hovat Construction (1985) Ltd. o/a Hovat Construction
- IAFF Local 2890 Yellowknife
- Igloo Building Supplies Group Ltd.
- Ja-pain
- Jam Inns Ltd O/A Quarry Restaurant & Lounge
- Justenna Enterprises Inc. o/a Money Mart
- Korea House
- Kwong's Holding Ltd O/A Aurora Dream Tours
- l'Association Franco-Culturelle de Yellowknife
- La Fédération Franco-Ténoise
- L'Association Franco Culturelle
- LGANT
- Life Care Planning Ltd.
- Lulu'z Market
- Main Street Pizza & Deli
- Major Drilling
- Marcom Resources Ltd.
- Mark's Restaurant
- Mark's Work Wearhouse Ltd
- Mine Training Society
- Mohua Rasikzal NWT Ltd o/a Quiznos
- Monkey Tree Pub/Stake Restaurant
- Money Mart
- Nadji Architects
- Nahanni Construction
- Nahanni Inn
- NAPEG
- Native Communications Society of the NWT
- North West Company
- North Waterhouse Business Facilitation Services Inc
- Northbound Contractors Ltd.
- Northern Aboriginal Business Association

- Northern Fancy Meats (923203 NWT Ltd.)
- Northern Foodservices Ltd
- Northern Lites Motel
- Northern Security Services
- Northwest Investment & Capital Enterprises Inc. o/a NICE Inc
- Northwind Industries
- NSNCOR Holdings Ltd o/a Tim Hortons
- NWT Association of Architects
- NWT Association of Naturopathic Doctors
- NWT Brewing Co. (Woodyard Pub)
- NWT Chamber of Commerce
- NWT Construction Association
- NWT Federation of Labour
- NWT Medical Association
- NWT Montessori Society
- NWTTA
- Outcrop Communications Ltd.
- Overlander Sports Ltd.
- Paul Bros Nextreme
- Polar Tech Recreation
- Ptarmigan Inn oa Ptarmigan Inn
- Quality Inn & Suites
- Quimmiq Kennels
- Ravens Pub
- Registers Nurses Assoc of the NWT and NU
- Royal Canadian Legion
- RTL Construction
- Saffron
- Savannah's Restaurant
- Scarlet Group of Companies
- Side Door Ministries
- Skills Canada NWT
- Slave Lake Inn Yellowknife
- SNP Sidhu Enterprises Inc (Shell Gas Station)
- Somba Ke Family Dental Clinic (5131 NWT Ltd.)

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- Stantec Architecture Ltd
- Staples Business Depot
- Sushi Café
- Sushi North Inc.
- Sutherland's Drugs ARP Pharmacy
- Taiga Holdings Ltd O/A Booster Juice
- The Black Knight Pub
- The Law Society of the NWT
- The Source
- The Yellowknife Book Cellar

- THI Holdings 3 Corporations o/a Stanton Suites Hotel Yellowknife
- Tli Cho Investment Corporation
- Two Rivers Development Group
- Treadwell Construction
- Tundra Transfer Ltd O/A Clear Arctic Springs
- Unico Contractors
- Union of Northern Workers
- Village Reddi Mart
- Visual Effects Ltd.
- Wal-Mart Store #3121
- Warehouse One Clothing Ltd
- Weaver & Devore Trading Ltd

- Yellowknife Direct Charge Co-op
- Yellowknife Elks Club
- Yellowknife Hospitality Corp Dancing Moose Cafe
- Yellowknife Liquor Store (913007 NWT Ltd.)
- Yellowknife Motors (6408 NWT Ltd.)
- Yellowknife Pizza Hut Ltd.
- Yellowknife Restaurant Limited oa Boston Pizza
- Yellowknife Super 8 Motel Ltd
- Yellowknife Tours
- Yellowknife Women's Society o/a The Centre for Northern Families

December 7, 2021 email invitation to complete survey or submit feedback to Department sent to the Northwest Territories Association of Communities.

December 21, 2021 letter emailed to the following Indigenous Governments and Organizations, inviting them to complete survey or submit feedback to Department:

- Denínu Kýé First Nation
- Łutsel K'e Dene First Nation
- Inuvialuit Regional Corporation
- Dehcho First Nations
- Déline Got'ine Government
- Gwich'in Tribal Council
- Nahanni Butte Dene Band

- Kátł'odeeche First Nation
- Northwest Territory Métis Nation
- Salt River First Nation #195
- Tłıcho Government
- Yellowknives Dene First Nation (Dettah)
- Yellowknives Dene First Nation (Ndılo)

Appendix 2 – Online Survey

