



**STAFF REPORT
ACTION REQUIRED
With Confidential Attachment**

Family Day (Public Holiday)

Date:	November 6, 2007
To:	Employee & Labour Relations Committee
From:	City Manager
Wards:	All
Reason for Confidential Information:	This report is about labour relations/employee negotiations and involves the receipt of solicitor-client advice.
Reference Number:	

SUMMARY

The purpose of this report is to seek approval for the provision of a new public holiday – Family Day.

RECOMMENDATIONS

The City Manager recommends that:

1. Council authorize City staff to provide the new public holiday (i.e., Family Day), in February, 2008, as prescribed by the Employment Standards Act (ESA), 2000;
2. Council adopt the recommendation contained in the confidential attachment to this report; and
3. Council release the recommendation embodied in the confidential attachment following the approval by Council and following the discussions with each of the employee groups.

FINANCIAL IMPACT

The provision of a new public holiday would result in additional costs to the City. The increased costs would result from the requirement to pay a regular days pay to employees who

are not scheduled to work on the new public holiday and to pay a premium rate for all hours worked on the public holiday.

In reviewing the current costs for a public/designated holiday, it is anticipated there would be an increased cost to the City of approximately \$2.3 million with the addition of a new public holiday.

The significant impact would be in those divisions that provide services on a 24/7 basis, for example, Homes for the Aged (approximate cost impact of \$750,000), Toronto Emergency Medical Services (approximate cost impact of \$730,000), Toronto Water etc. In some situations there would be the cost associated with providing a day off for one employee and the wage cost associated with scheduling a replacement employee. There would also be impact in those divisions that have 4-day work schedules and employees are not scheduled to work on the public holiday, such as Solid Waste Management Services.

Within the \$2.3 million overall cost impact, the increased costs related to the management/exempt employee group is approximately \$118,000. The increased costs for Toronto Fire Services related to the premium pay will be approximately \$185,000.

Note: For the purposes of this report, the \$2.3 million represents the increased expenditure costs that would be faced by the City. The cost does not include the one day of lost productivity that would result from providing an additional day off work for the large number of staff that work a Monday to Friday work week.

In addition, there would be operational impacts for Toronto Fire Services with the added lieu days that employees will be requesting to take off work. Since there are no provisions for payout, this will result in an additional lieu day for each Fire fighter within Operations and Communications (i.e., approximately 2755 new lieu days to be scheduled off work each year).

The Deputy City Manager & Chief Financial Officer has reviewed this report and concurs with the comments identified in the financial implications and impact statement section.

DECISION HISTORY

This is the first report submitted with respect to Family Day.

ISSUE BACKGROUND

On October 11, 2007, by order-in-council Regulation 285/01 made pursuant to the *Employment Standards Act, 2000* (ESA) was amended to include a "Family Day" as a public holiday for the purpose of the definition of "public holiday" in section 1 of the ESA. The new holiday will be on the third Monday of this coming February (i.e., February 18, 2008) and every February thereafter.

With the addition of Family Day there are now nine (9) public holidays included in the ESA: New Year's Day; **Family Day**; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Christmas Day; December 26 (Boxing Day).

The addition of a new public holiday creates a number of issues that must be considered by the City, including operational and financial impacts.

Current Situation:

The City of Toronto, through a corporate policy (for Management/Exempt employees) and provisions within each of the full-time collective agreements, provide employees with the eight (8) public holidays included in the ESA (i.e., prior to the inclusion of Family Day): New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Christmas Day; December 26 (Boxing Day).

In addition, employees within Management/Exempt, Local 416, Local 79 (Full-time Unit) and Local 2998 are provided with the following designated holidays: Easter Monday; Civic Holiday; and Remembrance Day when it falls on a Monday to Friday. These employees also receive two (2) floating holidays within each calendar year. A total of 11 designated holidays (when Remembrance Day falls on a Monday to Friday) and 2 float days.

Fire fighters represented by Local 3888 are provided with the eight (8) public holidays listed above and, in addition, receive Easter Monday; Civic Holiday; and Remembrance Day. The Fire fighters also receive one (1) floating holiday. A total of 11 designated holidays and 1 floating day.

Financial Issues:

Each of the Local 416, Local 79 (Full-time), Local 2998 collective agreements and the corporate human resource policy provide for employees who are not scheduled to work on the designated holiday to receive a regular days pay and for those employees who are required to work on the designated holiday to receive a premium rate of pay for the hours worked on the holiday.

Local 416:

The Local 416 collective agreement provides that employees who are not scheduled to work on the designated holiday are entitled, at the employees option, to a day off in lieu of the public holiday or be paid his/her regular rate of pay for the day. Employees that are required to work on the designated holiday are paid two (2) times their regular rate of pay for the hours worked and, in addition, be paid a full day at his/her regular rate of pay or , at the employee's option, be entitled to a lieu day off with pay at a time mutually agreed upon between the employee and supervisor.

Local 79:

- (a) The Local 79 Full-time collective agreement provides that employees who are not required to work on the designated holiday are entitled to be paid his/her regular rate of pay for each designated holiday not worked. An employee who is required to work on a designated holiday is paid one-half (1.5) times their regular rate of pay for the hours worked and, in addition, be paid a full day at his/her regular rate of pay or, subject to mutual agreement between the Division Head and the employee, be entitled to a lieu day off with pay, provided the lieu bank does not exceed 96 hours at any one

time. In the case of employees in Homes for the Aged who work on a designated holiday, they are paid the premium rate of pay for the hours worked and given a day off with pay.

- (b) The Local 79 Part-time “B” and Homes for the Aged collective agreements provide for eleven (11) designated holidays and following completion of 2080 hours, employees are eligible for one (1) Floating Holiday. Employees who are not required to work on the designated holiday are entitled to payment for the holiday. Employees who work on a designated holiday are paid at the rate of time and one-half (1.5) and, in addition, shall be paid his/her regular day’s pay.
- (c) The Local 79 Recreation Workers collective agreement provides the eight (8) public holidays: New Year’s Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Christmas Day; and December 26. Employees who are not required to work on the designated holiday are entitled to payment for the holiday. Employees who work on a designated holiday are paid at the rate of time and one-half (1.5) and, in addition, shall be paid his/her regular day’s pay.

Local 2998:

The Local 2998 collective agreement provides that employees who are not required to work on the designated holiday are entitled to be paid his/her regular rate of pay for each designated holiday not worked. An employee who is required to work on a designated holiday is paid one-half (1.5) times their regular rate of pay for the hours worked and, in addition, be paid a full day at his/her regular rate of pay or take a subsequent lieu day off with pay, provided the lieu time shall not exceed eighty (80) hours in any calendar year.

Local 3888:

The impact on the Local 3888 collective agreement is significantly different and provides different options for Fire Fighters within Operations and Communications. Each Fire fighter is provided with 12 lieu days to recognize the 11 designated holidays and 1 floating day. There is no provision for payout of these lieu days. Effective January 1, 2008, Fire fighters will be eligible for a premium rate of 1.3 times their regular rate of pay for hours worked on a designated holiday.

Management/Exempt:

The City’s corporate human resources policy, Designated Holidays and Floating Holidays, provides for a total of 11 designated holidays (when Remembrance Day falls on a Monday to Friday) and 2 floating days.

The policy also provides for similar payout and premium pay provisions as contained in the collective agreements. Employees who are not required to work on designated holidays are paid their regular rate of pay for those days.

Employees who are required to work on a designated holiday will be compensated for time worked under the terms of the Lieu Time policy, plus one day at his/her regular rate of pay or an alternate day off in lieu of the holiday.

COMMENTS

City staff have reviewed the operational and financial impacts associated with the provision of a new public holiday.

CONTACTS

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SIGNATURE

Shirley Hoy
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