

Date: November 26, 2009

To: Executive Committee

From: Employee and Labour Relations Committee

Subject: Family Day for Non-Union Employees –EL19.1

**Recommendations:**

**The Employee and Labour Relations Committee recommends to the Executive Committee that City Council:**

- 1. Designate Family Day as a holiday for all non-union employees of the Toronto Public Service commencing 2010.**
- 2. Direct City staff to amend the Designated Holidays and Float Holidays Policy to add Family Day to the list of designated holidays for non-union employees.**

**Background**

The Employee and Labour Relations Committee on November 26, 2009, considered a report (November 16, 2009) from the City Manager, providing information about the 2007 Ontario provincial government's designation of the third Monday of February as Family Day as a holiday pursuant to the *Employment Standards Act*.

City Clerk  
Patsy Morris

EL19.1  
Att.

c: City Manager  
Executive Director, Human Resources  
Barbara Shulman, Director, Staffing, Compensation & Employment Equity





## STAFF REPORT ACTION REQUIRED

### Family Day for Non Union Employees

<b>Date:</b>	November 16, 2009
<b>To:</b>	Employee and Labour Relations Committee
<b>From:</b>	City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	

### SUMMARY

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In 2007, the Ontario provincial government designated the third Monday of February as Family Day as a holiday pursuant to the *Employment Standards Act*. It was recently negotiated as a holiday for the members of TCEU Local 416 and CUPE Local 79. Except for essential City services and various key 24-hour city operations (e.g., Police, Fire, EMS, Toronto Water), all unionized staff will not be working on Family Day and the City's main service operations to the public will be closed. The issue of providing Family Day as a designated Holiday for non-union employees should be addressed in light of the recent collective agreement changes for City unionized employees. In addition, the closure of non-essential services on Family Day is consistent with other single tier and regional municipalities in the Province of Ontario. As well, five of the largest special purpose bodies (e.g., Toronto Community Housing Corporation, Toronto Libraries) in the City and most other large public and private sector employers observe Family Day. City staff believe that it makes operational sense to provide Family Day as a designated holiday to all non-union employees effective commencing February 2010.

### RECOMMENDATIONS

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**The City Manager recommends that:**

1. Family Day be designated as a holiday for all non-union employees of the Toronto Public Service commencing 2010.
2. That City staff amend the Designated Holidays and Float Holidays Policy to add Family Day to the list of designated holidays for non-union employees.

## **FINANCIAL IMPACT**

The additional direct financial cost of providing Family Day to all non-union employees is \$146,501. This is attributable to overtime costs projected to be incurred by supervisors working on the designated holiday. The base salaries for the actual work day are already included in each division's annual budgets and not an additional expenditure.

The Deputy City Manager and Chief Financial Officer agrees with the stated financial impact contained within this report.

## **EMPLOYMENT EQUITY IMPACT**

The City will ensure employment equity for non-union employees regarding Family Day.

## **ISSUE BACKGROUND**

By regulation, the Ontario provincial government designated the third Monday in February as Family Day. The regulation designating Family Day a holiday under the *Employment Standards Act*, 2000 (ESA) came into force on October 12, 2007.

At its meeting of December 11, 12, 13, 2007, City Council approved Family Day for February 18, 2008, on a one time basis and pending further review. This determination was done on a without prejudice basis, and notice to this effect was provided to the City's unions, COTAPSA and employees. This notice was provided in anticipation of collective bargaining.

Subsequently, on September 24, 2008, City Council voted not to add Family Day to the holidays listed in the City's corporate policy on Designated Holidays and Floating Holidays for 2009.

The issue of Family Day was one of the significant collective agreement bargaining items negotiated with the City's unions in 2009.

On July 31, 2009, City Council ratified new collective agreements with TCEU Local 416 and CUPE Local 79 that included Family Day as a designated holiday. Article 9 of the collective agreement with CUPE Local 79 and Article 12 of the collective agreement with T.C.E.U. Local 416 now provide Family Day as a designated holiday for these unionized employees.

With the collective agreements recently negotiated by the City with TCEU Local 416 and CUPE Local 79, Family Day is designated as a holiday, commencing 2010, for unionized employees and the City's non-essential services will be closed; however, all non-union employees are currently required and scheduled to work on that day.

As part of the Facilities and Real Estate Division's environmental policies many of the City's office buildings have smart systems that can be programmed for holiday hours, resulting in cost savings through lower heat and electricity usage. If management and non-union staff are required to work on Family Day, the smart systems will need to operate on a normal work day schedule, even though

the employee population in the building will be greatly reduced. There would also be non-union employees and management working but with all non-essential services closed.

All single tier and regional municipalities in the province of Ontario close on Family Day. In addition, five of the six largest special purpose bodies (Toronto Police Services exempt) in the City have included Family Day as a designated holiday for both their bargaining unit and non-union employees. Toronto Public Libraries are closed, the Toronto Community Housing Corporation employees receive Family Day and the Toronto Public Schools are closed. The Toronto Transit Commission operates on a "holiday schedule" and the Go Train operates on a "Saturday schedule". The Ontario government closes all provincial service offices and agencies for Family Day.

## Comments

Effective 2010, 32,000 Toronto Public Service unionized employees will be provided with Family Day as a designated holiday. Approximately 3,800 non-union and management employees are not currently provided Family Day as a designated holiday. It will not be practical to offer city services on Family Day with the non-union employee complement. The additional direct financial cost of providing Family Day to all non-union employees is \$146,501. This is attributable to overtime costs projected to be incurred by supervisors (essential service and 24 hour operations) working on the designated holiday.

All other regional and single tier municipalities in Ontario, and five of our six largest Special Purpose Bodies all provide Family Day for both their bargaining unit and exempt employees.

## Comparison of Organizations with Family Day as a designated Holiday

### Regional and Single Tier Municipalities

	<b>Union</b>	<b>Non-union</b>
Ontario Public Service	Yes	Yes
Halton Region	Yes	Yes
Hamilton	Yes	Yes
London	Yes	Yes
Muskoka	Yes	Yes
Niagara Region	Yes	Yes
Ottawa	Yes	Yes
Peel Region	Yes	Yes
Greater Sudbury	Yes	Yes
Thunder Bay	Yes	Yes
Toronto Public Service	Yes*	<b>No</b>
Region of Waterloo	Yes	Yes
Windsor	Yes	Yes
York Region	Yes	Yes

\*except Firefighters

### Special Purpose Bodies

	<b>Union</b>	<b>Non-union</b>
Toronto Transit Corporation TTC	Yes	Yes
Toronto Police	No	No
Toronto Library	Yes	Yes
Toronto Hydro	Yes	Yes
Toronto Parking	Yes	Yes
Toronto Community Housing Corp.	Yes	Yes

**CONTACT**

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**SIGNATURE**

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Joseph P. Pennachetti  
City Manager