



UNITED ASSOCIATION
of Journeymen & Apprentices of the
PLUMBING & PIPEFITTING
Industry of the United States and Canada
Local Union 170 – Affiliated with AFL-CIO-CFL

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September 15, 2022

Observance of National Day of Mourning - Monday, September 19, 2022

Dear Brothers and Sisters,

Thank you for your patience. We have been receiving several enquiries from members asking how the recent holiday announcement affects our membership.

There is a lot of confusion regarding the Prime Minister's announcement declaring September 19 a "Federal Holiday"; marking a National Day of Mourning to honour the late Queen Elizabeth II, our Queen, and Head of State. Unfortunately, the government did not go through the formal legislative process of proclaiming it a statutory holiday, and for many collective agreements, a day is recognized as a holiday only when a **statutory** holiday is declared by the federal or provincial government. Since the announcement on Tuesday, there has also been further clarification that the day is holiday for federal government employees only.

170-CLR ICI Agreement

CLR's position with respect to our ICI contract is vague and they have offered their signatory employers two options: (1) Recognize the holiday and pay appropriate overtime rates or (2) do not recognize the holiday and pay straight time rates (and face a potential grievance from the union). Basically, they have not taken a stance, causing further confusion on the issue. See attached letter from CLR to our signatory employers.

It is not clear how employees will be remunerated by our various employers; therefore, we **are making it clear:**

Local 170 recognizes September 19 as a holiday. For those for whom work is available, we encourage you to report to work unless you choose to observe the day. If you wish to take the day off, you should be accommodated wherever possible, without repercussion. If you work, we expect that you will be at paid overtime rates as per the collective agreement.

Local 170's ICI collective agreement has no requirement that a statutory holiday needs to be declared in order for it to be recognized. Section 6 of the 170-CLR ICI agreement lists all the recognized holidays with the added clause of:

"...or any day that may be declared a holiday in the future by the Government of Canada or by the Government of the Province of British Columbia (See Section 3 – Overtime) ..."

This wording is similar to wording of provincial public sector collective agreements, and the Provincial government has advised public sector employers to honour the day in recognition of the obligations around federal holidays. [Office of the Premier, September 13 Press Release](#). This “trigger clause” resulted in the recognition of the holiday and closure of the public school system.

CLR Service & Maintenance Independent, Fab Shop

The above information also relates to those members working under the 170-CLR Service & Maintenance, Independent and Fab Shop agreements, as they contain similar clauses.

National Road Sprinklerfitter Agreement (CASA)

For those working under the National Road Sprinklerfitter agreement, please see attached information provided by CASA. The wording of the National Road Sprinklerfitter Agreement specifically states that a holiday is recognized if proclaimed by law, Federal or Provincial. As the holiday was not proclaimed through the legislative process, the day will not be recognized as a holiday.

Pipeline – Mainline & Distribution

We have been informed by the national body that the day will not be recognized as a statutory holiday unless the Federal or Provincial formally declares September 19 (through legislation) a federal or provincial holiday. As the holiday was not proclaimed through the legislative process, the day will not be recognized as a holiday.

Metal Trades

For those Metal Trades members whose bargaining unit is not addressed in this letter, information will be forthcoming in a separate email which will provide details specific to your agreement.

If you wish to file a grievance regarding the holiday, please email info@ualocal170.com and provide us with your name, UA Card No and paystub. We will support and forward any grievance brought to our attention on this matter if supported by wording in the collective agreement.

Finally, whether you are taking the day off or working, we encourage you to take a moment of silence at some point during the day, to reflect on the incredible life of Queen Elizabeth II and her years of dedicated service to our country.

If you have any questions, please contact our office. The Local 170 office staff will not be working on Monday, September 19; in keeping with the terms of the MoveUP collective agreement but feel free to contact myself or the Business Agents.

Fraternally,



A.D. Al Phillips, RSE
Business Manager & Financial Secretary

September 14, 2022

Federal Holiday for Queen's Funeral

The morning of September 13, 2022 Prime Minister Trudeau announced the federal government had “chosen to move forward with a federal holiday on Monday.” This statement was later clarified by federal Labour Minister Seamus O'Regan who stated that, while federal government employees would have a holiday on September 19, other federally regulated workers will not. Based on this clarification the federal government is not declaring a new holiday – they are providing a one-time holiday for their employees.

Late in the afternoon on September 13, Premier Horgan issued a statement regarding September 19. The province has advised provincial public-sector employers to recognize the holiday on September 19 but has not implemented a Statutory Holiday. Private sector employers are being encouraged “to recognize or reflect on the day in a way that is appropriate for their employees.”

CLR has reviewed the announcements from the federal and provincial governments as well as the language in the Standard Collective Agreements. Based on the information available at this time Monday September 19 is not a federally declared holiday – it is only a holiday for federal government employees. It is also not a provincially declared holiday – once again it is only a holiday for provincial public-sector employees. Therefore, September 19 is not captured by the language in our Collective Agreements that incorporates newly declared holidays. We acknowledge that this position may result in a grievance from our labour partners which creates some risk for your business; however, CLR will support any challenge that may come.

The two options for September 19 for each of our members are:

1. Do not recognize September 19 as a holiday. *In doing this you must be prepared for the possibility a labour arbitrator could retroactively declare it a holiday.*
2. Recognize September 19 as a holiday for 2022 and close whichever work sites you are able to while providing overtime compensation to employees working on that day. *If you elect to follow this option, please notify the unions you work with that you are doing so without prejudice to your interpretation that the Collective Agreement does not require you to do so.*

In addition to these two options if you are working on September 19 and you have employees who are requesting the day off, we recommend working with your project requirements and accommodating those requests where possible.

Parliament is meeting tomorrow and there may be enabling legislation tabled to implement this holiday. If the specific text of that legislation alters the interpretation of the holiday, we will update this bulletin as soon as possible.

If you have any questions about this, please do not hesitate to contact your LR Representative.

Premier's statement on national day of mourning to mark Queen's funeral

Translations

 简体中文 繁體中文 Français ਪੰਜਾਬੀ

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Statement

Victoria

Tuesday, September 13, 2022 4:00 PM

Media Contacts

Lindsay Byers

Press Secretary
Office of the Premier
Lindsay.Byers@gov.bc.ca

Premier John Horgan has issued the following statement in response to the federal government declaring a national holiday to mark the Queen's funeral:

"Over the last few days, British Columbians have joined with people across the country and around the world in an outpouring of support for the Royal Family over the loss of Queen Elizabeth II. Our government will follow the lead of the federal government and join with other provinces in observing the national day of mourning to mark the Queen's funeral.

"The national holiday will be observed Monday, Sept. 19 by federal employees. We have advised provincial public-sector employers to honour this day in recognition of the obligations around federal holidays in the vast majority of provincial collective agreements.

"K-12 public schools and public post-secondary institutions, and most Crown corporations will be closed. We encourage private-sector employers to find a way to recognize or reflect on the day in a way that is appropriate for their employees.

"This will be a national day to reflect on the incredible life of Canada's Queen and the longest-serving monarch in British history."

Translations

NEWS BULLETIN



MARKHAM, ONTARIO: 09/15/2022

315 Renfrew Drive, Suite 302 Markham, Ontario L3R 9S9
Tel: (905) 477-2270 Fax: (905) 477-3611

From: CASA President John Galt

Attention: CASA Members

RE: September 19, 2022 National Day of Mourning for Her Majesty Queen Elizabeth

After extensive consultation with Construction Industry Associations across Canada and respective legal council, CASA is issuing the following statement:

Article 9.3 of the National Road Sprinkler Agreement states;

“If a holiday is proclaimed by law, Federal or Provincial,…”

The current status of the announcement made with respect to the National Day of Mourning for Her Majesty Queen Elizabeth has not been made in law. CASA’s position and that of our legal council is that Monday September 19, 2022 will not be observed as a holiday under Article 9.3 of the National Road Sprinkler Agreement.

We offer the following links to some clarifications made by the Federal Government and other legal experts.

<https://matthewsdinsdale.com/federal-and-some-provincial-governments-announce-day-off-for-certain-employees-on-september-19th-honouring-the-funeral-of-queen-elizabeth-ii/>

<https://www.ctvnews.ca/politics/trudeau-announces-federal-holiday-for-queen-s-funeral-but-here-s-who-ll-actually-have-the-day-off-1.6066548>

Regards,

John Galt CAE
President
Canadian Automatic Sprinkler Association

About C.A.S.A.: C.A.S.A. is the voice of the sprinkler industry in Canada, representing contractors, designers and manufacturers across Canada. C.A.S.A. is a national leader in home fire safety and injury prevention through the use of residential fire sprinklers. Incorporated in 1961 C.A.S.A. has long been the leading advocate of fire sprinklers in Canada in the fight to reduce deaths as a result of fire. For more information on residential sprinklers please visit the following web sites: www.casa-firesprinkler.org

For more information contact: John Galt, President, and Matthew Osburn National Codes & Standards Manager Canadian Automatic Sprinkler Association (905) 477-2270, jgalt@casa-firesprinkler.org, mosburn@casa-firesprinkler.org