



PLEASE REFER TO:

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Via E-Mail: dmalakoff@saskbuildingtrades.com

September 15, 2022

Sask. Provincial Building & Construction Trades Council  
1 - 1334 Wallace Street, Regina, SK, S4N 3Z4

**Attention: Dion Malakoff**

Dear: Dion

**Re: Statutory holiday on September 19  
Our File No.: S-1125.030**

You have requested an opinion on whether the date of Queen Elizabeth II's funeral, September 19<sup>th</sup>, is a statutory holiday. It is our opinion that, as the holiday has not been declared by either the Provincial Government of Saskatchewan or the Federal Government of Canada, September 19<sup>th</sup> is not a statutory holiday.

On September 13<sup>th</sup>, 2022, the Prime Minister announced that September 19<sup>th</sup> would be a holiday for the Public Service of Canada, including members of Canada's Armed forces.

For a holiday to be statutory, it must be declared or proclaimed by a level of government pursuant to legislation applicable to workers. In Saskatchewan, statutory holidays can be found in section 2-30, Public Holidays, of the *Saskatchewan Employment Act* ("SEA"). September 19<sup>th</sup> has not been Listed as a Public Holiday under section 2-30 of the SEA. Further, the Provincial Government has not declared September 19<sup>th</sup> a holiday through the enactment or proclamation of any other act.

For Federally regulated employees, the relevant piece of legislation is the *Canada Labour Code* ("CLC"). Holidays are listed under section 166, General Holidays. September 19<sup>th</sup> is not listed as a General Holiday under section 166 of the CLC. Further, the Federal Government has not declared September 19<sup>th</sup> a holiday through the enactment or proclamation of any other act.

In sum, this holiday has not been declared or proclaimed by any act of Parliament or the Saskatchewan Provincial Legislature. The Public Service of Canada and the Canadian Armed Forces have been granted the day by their employer, the Federal Government of Canada, and not pursuant to any legislative act compelling the Federal Government to give its employees the holiday. In Saskatchewan, employers may voluntarily choose to observe the holiday, but no declaration of the Provincial Government compels Provincially regulated employers to observe the holiday.

In conclusion, it is our opinion that the Queen's funeral on September 19<sup>th</sup> is not a statutory holiday as it has not been declared or proclaimed by the Federal Government or the Provincial Government of Saskatchewan.

Please do not hesitate to contact us with any questions regarding the above.

Yours truly,

**GERRAND RATH JOHNSON LLP**

Per:

A handwritten signature in black ink, appearing to read "R. Turner Purcell". The signature is written in a cursive style with a large, sweeping initial "R".

R. Turner Purcell

RTP/rb