
Councillor's Office

MEMORANDUM

TO: Vi Carmichael
Municipal Clerk

FROM: Councillor Brian Warshick

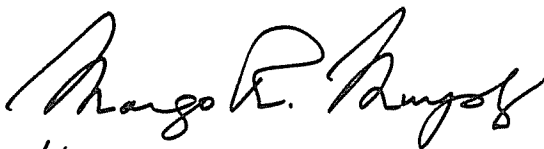
DATE: May 23, 2002

I would like to have the following item placed on the Council Agenda of May 28, 2002:

Adoption of Resolution to be forwarded to FCM

The reason for putting this resolution forward is to ensure that municipalities across Canada recognize and observe November 11 as Remembrance Day¹, as stated in the Holidays Act.²

I will be asking Council to endorse the Resolution so that it may be forwarded in time for the June meeting.



Brian Warshick
Councillor, District 6

Attachments

¹R.S., c. H-7, s3

²R.S. 1985, c.H-5

Proposed Resolution to FCM Board Meeting - June, 2002, submitted by
Halifax Regional Municipality
regarding the observance of Remembrance Day throughout Canada

WHEREAS the Holidays Act¹ states that:

“November 11, being the day in the year 1918 on the which the Great War was triumphantly concluded by an armistice, is a holiday and shall be kept and observed as such throughout Canada under the name of “Remembrance Day;”

AND WHEREAS

not all Provinces and Territories have enabling Provincial Legislation, such as that in effect in Nova Scotia, the Remembrance Day Act² (a copy of which is attached for reference);

AND WHEREAS the Remembrance Day Act³ of Nova Scotia states that:

“our heritage and freedom and human dignity has, under Providence, been preserved through the unselfish devotion of those who sacrificed health, limb and life itself in World War One, World War Two and the Korean Conflict;”

BE IT THEREFORE RESOLVED THAT the Federation of Canadian Municipalities send a request to the Government asking that:

The Government of Canada require all Provincial and Territorial Governments of Canada to adopt legislation confirming the observance of Remembrance Day as a National Holiday, as stated in the Holidays Act⁴ (attached) , and that such legislation mirror the Remembrance Day Act of Nova Scotia (attached) , which outlines restricted activities, the serving of alcohol, and the observance of a three-minute silence.

¹R.S., 1985, c. H-5

²R.S.N.S. 1989, c. 396, An Act Respecting the Observing of Remembrance Day

³ibid.

⁴R.S., 1985, c. H-5 and R.S., c. H-7, s3

Holidays Act (R.S. 1985, c. H-5)

Disclaimer: These documents are not the official versions ([more](#)).

Source: <http://laws.justice.gc.ca/en/H-5/text.html>

Updated to August 31, 2001

Subject: **Heritage and Culture**

Holidays Act

CHAPTER H-5

An Act respecting Holidays

SHORT TITLE

Short title

1. This Act may be cited as the *Holidays Act*.

R.S., c. H-7, s. 1.

CANADA DAY

Canada Day

2. (1) July 1, not being a Sunday, is a legal holiday and shall be kept and observed as such throughout Canada under the name of "*Canada Day*".

When July 1 is a Sunday

(2) When July 1 is a Sunday, July 2 is a legal holiday and shall be kept and observed as such throughout Canada under the name of "*Canada Day*".

R.S., c. H-7, s. 2; 1980-81-82-83, c. 124, s. 1.

REMEMBRANCE DAY

Remembrance Day

3. November 11, being the day in the year 1918 on which the Great War was triumphantly concluded by an armistice, is a holiday and shall be kept and observed as such throughout Canada under the name of "*Remembrance Day*".

R.S., c. H-7, s. 3.

VICTORIA DAY

Victoria Day

4. The first Monday immediately preceding May 25 is a legal holiday and shall be kept and observed as such throughout Canada under the name of "*Victoria Day*".

R.S., c. H-7, s. 4.



Remembrance Day Act

CHAPTER 396

OF THE

REVISED STATUTES, 1989

amended 1992, c. 34

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An Act Respecting the Observance of Remembrance Day

WHEREAS our heritage of freedom and human dignity has, under Providence, been preserved through the unselfish devotion of those who sacrificed health, limb and life itself in World War One, World War Two and the Korean Conflict;

AND WHEREAS the eleventh day of November has traditionally been set aside throughout Nova Scotia as a day to be kept and observed in each and every year under the name "Remembrance Day";

AND WHEREAS it is fitting that on Remembrance Day the people of Nova Scotia should pay grateful tribute to the memory of those who have died, cherish those who have suffered grievous injury, and dedicate themselves anew to the maintenance and furtherance of the great ideals hallowed by those sacrifices:

Short title

1 This Act may be cited as the *Remembrance Day Act*. R.S., c. 396, s. 1.

Interpretation

2 In this Act,

(a) "employee" means a person who is in receipt of, or entitled to, compensation for labour or services performed for another in an industry, but does not include an independent contractor;

(b) "employer" means a person, firm, corporation, agent, manager, representative, contractor, sub-contractor or principal, having control or direction of, or who is responsible directly or indirectly for, the employment of an employee in an industry;

(c) "goods" means personal property;

(d) "hospitality industry" means the provision of accommodation, camping, food, beverage, recreation, related services and facilities, and tourist information and includes a private club, fraternal organization and veterans organization;

(e) "industry" means a business, trade or profession except

(i) farming,

(ii) fishing and aquaculture,

(iii) Christmas tree operations,

(iv) tree harvesting, logging and forest industry as defined by the *Labour Standards Code*,

(v) industrial undertakings as defined by the *Labour Standards Code*;

(f) "performance" includes any game, match, sport, contest, exhibition, entertainment, dance, program, theatrical presentation or motion picture presentation;

(g) "Remembrance Day" means the whole of the eleventh day of November in each year. R.S., c. 396, s. 2.

Prohibited activity on Remembrance Day

3 Except as herein provided, no person shall, on Remembrance Day,

(a) sell, offer for sale or purchase any goods or real property; or

(b) for gain or reward engage as employer or employee in any industry. R.S., c. 396, s. 3.

Section 3 does not apply

4 Section 3 does not apply to

(a) the operation of hospitals or work for the relief of sickness or suffering;

(b) the operation of a facility licensed under the *Day Care Act*;

(c) the operation of drug stores except in department stores;

- (d) the operation of service stations;
- (e) the work of police officers, firefighters, prison guards, furnace tenders, watchmen, janitors or domestic servants;
- (f) the effecting of emergency repairs;
- (g) the hospitality industry;
- (h) conveying of goods or travellers on railways, buses or other public conveyances, and work incidental thereto;
- (i) the caring for perishable products and live animals;
- (j) the operation of a shop or store for the sale of goods if no more than three persons are in the shop or store at any one time for the purpose of operating it;
- (k) the operation of a dairy, a milk processing plant or a dairy manufacturing plant and the distribution of its products directly to the consumer;
- (l) the operation of a bakery for the baking of products for sale on the next succeeding day;
- (m) the conducting, in fish plants or meat packing plants, of those processes that cannot be postponed without serious deterioration of product quality, and the carrying on of such other operations as are necessary in receiving, paying for and shipping such products;
- (n) the doing of any work without the doing of which on Remembrance Day electric current, telephone service, heat, fuel oil, gas, gasoline, light or water cannot be continuously supplied;
- (o) work incidental to the conducting of commemorative or religious services;
- (p) the operation of the office of a broker who is registered as such under the *Securities Act* and who, in the conduct of his business, has occasion on behalf of clients to transact business on Remembrance Day on stock exchanges outside the Province;
- (q) broadcasting as defined by the *Defamation Act*;
- (r) the publication of newspapers including all work necessary for, or incidental to, the preparation, printing and distribution thereof;
- (s) the completion, before six o'clock in the forenoon of Remembrance Day, of a regular shift or tour of duty commenced on the previous day, or the beginning, after nine o'clock, on the afternoon of Remembrance Day, of a regular shift or tour of duty continuing into the next following day. R.S., c. 396, s. 4.

Restriction on serving alcohol or performing

5 Notwithstanding anything contained in this Act, no person shall

(a) carry on, give, produce or conduct a performance; or

(b) sell, offer for sale or serve in a commercial establishment an alcoholic beverage,

before twelve o'clock noon on Remembrance Day. R.S., c. 396, s. 5.

Holiday with pay for employee required to work

6 An employer of an employee in an industry who

(a) is required to work on Remembrance Day; and

(b) has received or is entitled to receive wages for at least fifteen days during the thirty calendar days immediately preceding Remembrance Day,

shall grant the employee a holiday with pay on the working day immediately following the employee's annual vacation or another day agreed upon by the employee and the employer. R.S., c. 396, s. 6.

Three minute suspension of operation

7 Every employer carrying on or engaged in an industry to which Section 3 does not apply shall, subject to Section 8, relieve the employees in the industry from duty, and suspend the operations of the industry, for a period of three minutes, at one minute before eleven o'clock in the forenoon on Remembrance Day. R.S., c. 396, s. 7.

Permit in emergency

8 In circumstances beyond human control and for which no other arrangements can be made, the Minister of Labour may grant a permit for the doing of work required in the circumstances to meet an emergency, and the Minister may attach such conditions as he deems fair and reasonable in the circumstances. R.S., c. 396, s. 8.

Offence and penalty for non-compliance

9 (1) Any person who contravenes, disobeys, or refuses, neglects, omits, or fails to observe and comply with any provision of this Act is guilty of an offence and is liable, on summary conviction, to a fine not exceeding one thousand dollars.

Offence and penalty on employer

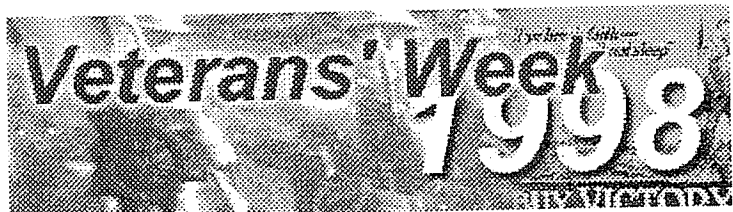
(2) An employer who authorizes, directs or knowingly permits anything to be done in violation of any provision of this Act is guilty of an offence and is liable, on summary conviction, to a fine not exceeding fifteen thousand dollars. R.S., c. 396, s. 9.





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Facts on Remembrance Day

- Remembrance Day commemorates Canadians who died in the First and Second World Wars and the Korean War. It is held every November 11.
- The first Remembrance Day was conducted in 1919 throughout the Commonwealth. Originally called Armistice Day, it commemorated the end of the First World War on Monday, November 11, 1918 at 11 a.m.: the eleventh hour of the eleventh day of the eleventh month.
- From 1923 to 1931, Armistice Day was held on the Monday of the week in which November 11 fell. Thanksgiving was also celebrated on this day.
- In 1931, M.P. Allan Neill introduced a bill to hold Armistice Day on a fixed day - November 11. During the bill's introduction, it was decided the word "Remembrance" would be used instead of "Armistice". The bill passed and Remembrance Day was conducted on November 11, 1931. Thanksgiving Day was moved to October 12 that year.
- The poppy is the symbol of Remembrance Day. Replica poppies are sold by the Royal Canadian Legion to raise money for needy veterans.

Last Modified: 1999-2-22

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