

Sunday Closing or Opening of Retail Establishments

Jurisdiction	Applicable Statutory Provisions
Alberta	There is no specific legislation restricting work or retail business on Sundays. However, under the <i>Municipal Government Act</i> , municipalities have the power to pass by-laws regulating business activities, including store hours. (Generally, municipalities have not imposed restrictions with respect to Sunday shopping.)
British Columbia	The provisions of the <i>Holiday Shopping Regulation Act</i> dealing with the opening/closing of retail establishments on Sunday were struck down by the B.C. Court of Appeal in 1989. ¹ Even before then, Sunday shopping in the province was widespread. Indeed, the Act (s. 3), passed in 1980, allowed municipalities to adopt by-laws ² permitting retail business on a holiday, including Sundays.
Manitoba	<p>Under the <i>Retail Business Holiday Closing Act</i>, retail business establishments must generally be closed on Sunday. However, there are numerous exceptions. Where all of an owner's or operator's retail business establishments are always closed on Saturdays, they may open on Sundays. Moreover, many categories of businesses are exempted from the requirement to close on Sundays, among them: businesses whose principal business is providing/selling living accommodation or prepared meals; establishments authorized to sell liquor; pharmacies; establishments only selling goods or services for use in the operation of a motor vehicle (e.g., gasoline, motor oil), nursery stock, flowers, garden supplies and accessories, or fresh fruit and vegetables; laundromats; businesses renting, servicing or repairing motor vehicles or boats; educational, recreational, amusement and tourist facilities. Also exempted are retail business establishments where no more than four persons at a time, including the owner, are employed in selling goods and services.</p> <p>The Minister responsible for the administration of the Act may also issue a permit exempting a retail business establishment from the obligation to close on a holiday (including a Sunday) in an emergency or for special events. In addition, the Lieutenant Governor in Council may, by regulation, designate a municipality as a vacation resort area. A municipality with such a designation may adopt a by-law exempting any class of retail business establishment, subject to any conditions it sets, from the obligation to close on a holiday (including Sundays).</p> <p>Municipalities may also adopt a by-law providing that retail business establishments may open on Sundays (except Easter Sunday) and/or other specified holidays (Victoria Day, Thanksgiving Day) between noon and 6:00 p.m. The application of such a by-law may be limited to a specified period or periods. (The Lieutenant Governor in Council may exercise the same powers, by regulation, with respect to a territory outside a municipality.) Employees in certain retail business establishments that are covered by such a by-law may refuse to work on a Sunday if they give their employer at least 14 days' notice. This applies to business establishments where more than four persons, including the owner, are ordinarily employed for the sale of goods and services at any one time (<i>Employment Standards Code</i>, s. 81).</p>

¹ *Canada Safeway Ltd. v. City of Quesnel*, 1989, 58 DLR (4th) 487

² Some conditions applied, such as obtaining the assent of electors.

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<p>New Brunswick</p>	<p>Under the <i>Days of Rest Act</i>, a person may not, on a Sunday (unless exempted), rent, sell or purchase any service, goods, chattels or real estate, carry on or transact business for gain, or do any work, business or labour for gain or employ any other person to do so. However, the Act and its <i>Exemptions Regulation</i> provide for numerous exemptions. These include sporting and recreational activities; transportation; fishing, farming and related activities (e.g., processing); restaurants; hotels; small retail businesses (where three persons or less are working) that only or chiefly sell food products, newspapers, tobacco or confectionery; retail businesses located in a provincial or national park; smaller drug stores; garages and motor vehicle service stations selling fuel; activities related to religious worship; hospitals and fire fighting, police, ambulance and other similar services; mining, concentrating and smelting; oil refining; sugar refining; automatic laundry facilities; telecommunication activities; premises licensed to sell alcohol; licensed breweries, distilleries, and wine making operations; activities related to the preparation of newspaper editions; pulp and paper industry activities; shipping and navigation; ship building and repair; and antique or craft stores and flea markets. In addition, virtually all retail businesses in New Brunswick can open on Sundays (except statutory holidays) from the Sunday immediately preceding New Brunswick Day (celebrated on the first Monday in August) to the second Sunday following Christmas Day. A Board designated by the Lieutenant Governor in Council (currently, the Municipal Capital Borrowing Board) can also issue permits exempting from the application of the Act certain specified businesses (e.g., continuous operations), persons who cannot work or operate a business on another day of the week for reasons of conscience or religion, or retail businesses located in tourist areas. The Board may declare an area of the province to be a tourist area after taking into consideration a number of criteria set by regulation (e.g., municipal support for the designation of a tourist area). Finally, a ministerial permit may be issued allowing retail businesses to open on Sunday in an area where a festival or other special event is being held.</p> <p>Section 17.1 of the province's <i>Employment Standards Act</i> allows employees in most retail businesses to refuse to work on one or more Sundays, if they give their employer at least 14 days' notice, either verbally or in writing. This right to refuse applies where a retail business is authorized to open on Sundays because it is located in a designated tourist area, or as a result of the exemption covering the period from the Sunday preceding New Brunswick Day to the second Sunday following Christmas Day.</p>
<p>Newfoundland</p>	<p>On January 1, 1998, Sunday opening restrictions for retail businesses were removed from the <i>Shops' Closing Act</i>. All retail businesses may now operate on Sundays, except during a statutory holiday (e.g., Easter Sunday).</p>
<p>Northwest Territories and Nunavut</p>	<p>There is no specific legislation restricting work or retail business on Sundays.</p>

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<p>Nova Scotia</p>	<p>Under the <i>Retail Business Uniform Closing Day Act</i>, retail businesses must be closed to the public on Sundays and other designated holidays. The Act also specifically prohibits the selling, offering for sale, or purchasing of goods or services by retail on those days. There are, however, a number of exemptions: drug stores (except if located in a department store); motor vehicle service stations; restaurants and facilities providing accommodation, camping, food, beverage, recreation, related services or tourist information; private clubs and organizations; public games or contests; performances and public meetings at which fees are charged (except public dance halls); transportation services; broadcasting and telecommunication services. Also exempted are activities such as the sale of agricultural products (by a producer), maple sugar products and Christmas trees; the publication of a newspaper; and the provision of goods and services on an emergency basis. <i>Regulations</i> under the Act list additional businesses that may operate on Sundays and holidays: local or convenience retail stores primarily selling groceries and operating at all times, with a retail sales area not in excess of four thousand square feet; confectionery stores; stores in which the principal business is the sale of handcrafts, souvenirs and similar articles, principally to tourists or travellers; canteens and fruit stands; flea markets or rummage sales; retail fish stores; laundromats; billiard halls and pool rooms; rentals of video cassettes and video cassette recorders; prefabricated or modular home sales offices; nursery stock and gardening supply stores; stores primarily selling books, newspapers and magazines; antique stores; art galleries; and used clothing stores.</p>
<p>Ontario</p>	<p>Amendments to the <i>Retail Business Holidays Act</i> in 1993 removed “Sunday” from the definition of “holiday”. Consequently, retail business establishments may open on Sundays, at their discretion, except where a holiday coincides with a Sunday.</p> <p>Under section 73 of the <i>Employment Standards Act, 2000</i>, employees in most retail business establishments may refuse to work on a Sunday, except if they agreed to work on Sundays at the time of being hired.³ The right to refuse work on Sunday does not apply to employees working in establishments whose primary retail business is selling prepared meals, renting living accommodation, opening to the public for educational, recreational or amusement purposes, or selling related goods and services on the same premises.</p>

³ However, an employee may still refuse to work on a Sunday for reasons of religious belief or religious observance. Furthermore, an employer may not require that an employee accept to work on Sundays as a condition of employment if this would be contrary to the constructive discrimination provisions of the provincial *Human Rights Code*.

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Prince Edward Island	<p>The <i>Retail Business Holidays Act</i> requires retail businesses to be closed to the public on designated holidays, including Sundays other than the last Sunday in November and all Sundays preceding Christmas Day in December. It also specifically prohibits the selling, offering for sale, or purchasing of goods or services by retail on those days. There are nevertheless a number of exceptions: motor vehicle service stations; convenience stores selling food products, newspapers and magazines, tobacco products and/or confectionery, in which no more than three persons, including the owner, are employed at the time of sale; automatic laundries; any restaurant, dining-room, drive-in restaurant or other eating establishment; facilities providing accommodation, camping, recreational services or tourism information; registered tourism operations; drug stores while a licensed pharmacist is on duty; taxis and other transportation services; telephone, telecommunication and broadcasting services; video stores; bakeries; flower shops; yard sales and flea markets at which second-hand goods, home-made crafts and home-made food products are offered for sale; mobile canteens; roadside fruit and vegetable stands, including stands for the sale of Christmas trees and bedding plants; "open houses" for the purpose of showing real estate to potential purchasers; and craft fairs. A retail business is to be characterized by reference to the principal business it conducts.</p> <p>A person who, on grounds of conscience or religion, observes a day without labour and closes his/her retail business on another day of the week, may operate a retail business during a holiday.</p>
Quebec	<p>Under the <i>Act respecting hours and days of admission to commercial establishments</i>, commercial establishments may open on Sundays from 8:00 a.m. to 5:00 p.m., except where a holiday falls on a Sunday. Specified commercial establishments may open on a holiday or operate for longer hours. Ministerial authorization to open on holidays or to extend opening hours may be granted to local municipalities near the province's territorial limits, to tourist areas, or on the occasion of a special event (e.g., festival, fair, show or exhibition).</p>
Saskatchewan	<p>There is no specific legislation restricting work or retail business on Sundays. However, a municipality may pass a by-law requiring stores to be closed for the whole or any portion of any two days of the week. Such a by-law may exempt any stores or classes of stores on the basis of specified characteristics such as type, size, location and number of persons employed. Nevertheless, even where a by-law requires stores to be closed on Sundays, the owner of a store that is less than 500 square metres in size may open it on that day if, because of the dictates of his/her religion, the store was closed on another business day in the six days immediately preceding the Sunday. (<i>Urban Municipality Act, 1984</i>)</p>
Yukon Territory	<p>There is no specific legislation restricting work or retail business on Sundays.</p>