

Sunday Closing or Opening of Retail Establishments

Jurisdiction	Applicable Statutory Provisions
<p>Alberta</p> <p><i>Municipal Government Act</i></p>	<p>There is no specific legislation restricting work or retail business on Sundays.</p> <p>However, under the Act, 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)¹.</p>
<p>British Columbia</p>	<p>The <i>Holiday Shopping Regulation Act</i> was repealed in 2003.</p>
<p>Manitoba</p> <p><i>Retail Business Holiday Closing Act; Employment Standards Code</i></p>	<p>Retail business establishments must generally be closed on Sunday.</p> <p>EXEMPTIONS:</p> <ol style="list-style-type: none"> 1. Many businesses are exempted from the requirement to close on Sundays, including the following: businesses whose principal business is providing/selling living accommodation or prepared meals; establishments authorized to sell liquor; retail business establishments where the number of persons, including the owner, employed for the sale of goods and services does not exceed four persons at one time; pharmacies; establishments that sell only 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 and other related coin-operated services; businesses renting, servicing or repairing motor vehicles or boats; and educational, recreational, amusement and tourist facilities. 2. Where all of an owner's or operator's retail business establishments are always closed on Saturdays, they may open on Sundays. 3. 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. 4. 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 establishments, subject to any conditions it sets, from the obligation to close on a holiday (including Sundays). 5. 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.².

Jurisdiction	Applicable Statutory Provisions
<p>New Brunswick</p> <p><i>Days of Rest Act; Exemptions Regulation-Days of Rest Act; Municipalities Act; Employment Standards Act</i></p>	<p>Under the <i>Days of Rest Act</i>, a person may not, on a Sunday:</p> <ul style="list-style-type: none"> • 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 so³. <p>EXEMPTIONS:</p> <ol style="list-style-type: none"> 1. The Act and its <i>Exemptions Regulation</i> provide for numerous exemptions, including the following: sporting and recreational activities; transportation; fishing, farming and related activities (e.g. processing); restaurants; 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; and the operation of a business or industry that is, by necessity, engaged in a continuous operation. 2. A person can, on a Sunday, engage in activity that is prohibited under the Act if he/she wishes to do so because he/she could not engage in that activity on one of the other days of the week due to the dictates of his/her conscience or religion.⁴ 3. A municipality may make by-laws permitting or prohibiting the operation of retail businesses on the weekly day of rest if the weekly day of rest is not also a prescribed holiday⁵; 4. Subject to certain conditions, the Minister of the Environment and Local Government may issue a permit authorizing the operation of retail businesses on Sunday in a local district⁶. 5. The right to refuse to work on Sunday applies to employees of a retail business that is exempted from the application of the <i>Day of Rest Act</i> by a municipal by-law or a ministerial permit⁷. 6. 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.
<p>Newfoundland and Labrador</p> <p><i>Shops' Closing Act</i></p>	<p>On January 1, 1998, Sunday opening restrictions for retail businesses were removed from the Act.</p> <p>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>

Jurisdiction	Applicable Statutory Provisions
<p>Nova Scotia</p> <p><i>Retail Business Uniform Closing Day Act; Regulations; and Definitions Regulation</i></p>	<p>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.</p> <p>EXEMPTIONS:</p> <p>There are a number of exemptions from the obligation to close on Sunday, including the following: 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; broadcasting and telecommunication services; the provision of goods and services on an emergency basis; stores in which the principal business is the sale of handcrafts, souvenirs and similar articles, principally to tourists or travelers; and stores primarily selling books, newspapers and magazines.</p>
<p>Ontario</p> <p><i>Retail Business Holidays Act; Employment Standards Act, 2000</i></p>	<p>Retail business establishments may open on Sundays, at their discretion, except where a holiday coincides with a Sunday (e.g. Easter Sunday)⁸.</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 Sunday⁹, except if they agreed to work on Sundays at the time of being hired.¹⁰</p> <p>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>
<p>Prince Edward Island</p> <p><i>Retail Business Holidays Act; Exemptions Regulations</i></p>	<p>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.</p> <p>EXEMPTIONS:</p> <ol style="list-style-type: none"> 1. There are a number of exemptions from the obligation to closed on Sunday, including the following:¹¹ motor vehicle service stations; convenience stores in which no more than three persons, including the owner, are employed at the time of sale; automatic laundries; any restaurant; facilities providing accommodation, camping, recreational services or tourism information; drug stores while a licensed pharmacist is on duty; taxis and other transportation services; telephone, telecommunication and broadcasting services; video stores; bakeries; flower shops; and craft fairs. 2. A person who, for reasons 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. 3. Retail business can open on Sundays from the last Sunday of November until the Sunday before Christmas Day.

Jurisdiction	Applicable Statutory Provisions
<p>Quebec</p> <p><i>Act respecting hours and days of admission to commercial establishments</i></p>	<p>Commercial establishments may open on Sundays from 8:00 a.m. to 5:00 p.m., except where a holiday falls on a Sunday.</p> <p>EXEMPTIONS:</p> <ol style="list-style-type: none"> 1. If the 26th of December fall on a Sunday, commercial establishments may open from 1:00 p.m. to 5:00 p.m. 2. Specified commercial establishments may open on a holiday or operate for longer hours (e.g. pharmacies, grocery stores, convenience stores, antique dealers and hospitals). 3. 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. a festival, fair, show or exhibition).
<p>Saskatchewan</p>	<p>There is no specific legislation restricting work or retail business on Sundays¹².</p>
<p>Yukon Territory</p>	<p>There is no specific legislation restricting work or retail business on Sundays.</p>

Labour Law Analysis
International and intergovernmental Labour Affairs
Labour Program, Human Resources and Social Development Canada
June 2006

¹ s. 7(e) of the Act.

² The application of such a by-law may be limited to a specified period or periods (s. 4.1 (2) (4) of the Act). The Lieutenant Governor in Council may exercise the same powers, by regulation, with respect to a territory outside a municipality if he/she is satisfied that a majority of the inhabitants so desire (s. 4.1 (5) of Act). 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 (*Employment Standards Code*, s. 81).

³ s. 4(1) of the Act.

⁴ s. 4(4) of the *Days of Rest Act*.

⁵ The municipality may also establish hours during which retail businesses may operate on the weekly day of rest (s. 11 (1) e.1) of the *Municipalities Act*).

⁶ Where at least 25 residents of a local service district who are qualified to vote petition the Minister to authorize the operation of retail businesses on Sundays, or the Minister is of the opinion that the residents ought to consider such an authorization, the Minister must, within 30 days, call a meeting of the residents of the area who are qualified to vote. The Minister can issue a permit authorizing the operation of retail businesses on Sundays in that area if at least 50 people or 30% of the people who are eligible to attend (whichever is less) attend the meeting and a majority of them decides in favour of the authorization. Moreover, he/she can make the permit subject to any conditions that he/she considers appropriate, provided they were considered at the meeting (s. 27.7 of the *Municipalities Act*).

⁷ s. 17.1 of the *Employment Standards Act*.

⁸ Amendments to the *Retail Business Holidays Act* in 1993 removed “Sunday” from the definition of “holiday”.

⁹ An employee who agrees to work on a Sunday may subsequently decline to do so, provided that his/her employer is notified at least 48 hours before he/she was to commence to work (s. 73 of the *Employment Standards Act, 2000*).

¹⁰ 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*.

¹¹ A retail business is to be characterized by reference to the principal business it conducts.

¹² The *Urban Municipality Act* was repealed in 2005. The Act allowed municipalities to pass by-laws regulating the closing hours of retail businesses.

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.