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February 5, 2018

Honourable Serge Rousselle
Minister of Local Government
email: serge.rousselle@gnb.ca

Dear Minister:

Re: Canada Day 2018

On behalf of New Brunswick retailers, I am writing to you again regarding retail closing requirements that will be specific to Canada Day in 2018. With only a few months to go until these closing requirements have a negative impact on the largest private sector employer in New Brunswick, Retail Council of Canada (RCC) renews its request for the New Brunswick government to help the retail sector by making necessary changes to the Employment Standards Act and The Days of Rest Act.

You will remember that RCC raised this issue with you during a meeting in 2016 and through correspondence in 2017. In fact, RCC has consistently raised this issue with the New Brunswick government since it last arose in 2012.

As you know, July 1, 2018 will fall on a Sunday. When this occurs, the federal Holidays Act will require that the Canada Day holiday be observed on Monday, July 2nd. The problem for retailers is that the federal Holidays Act harkens back to a time when virtually no business was conducted on Sundays. In today's society, retail is a seven day a week business and the sector falls under the authority of provincial and municipal governments. In recognition of the value that the retail sector brings to provincial economies, RCC asks once again for the New Brunswick government to join with many provincial governments that have already made legislative changes to respect the federal Holidays Act while allowing retailers to observe statutory holidays only on the day that they occur.

During most years, retailers have no issue closing their doors in observance of the statutory holidays listed in The Days of Rest Act. These holidays are observed on the day that they fall, which creates regulatory certainty for retailers and a well-deserved day off for employees. The exception occurs every six years when Canada Day falls on a Sunday yet, the holiday is observed on Monday, July 2nd.

As New Brunswick has no provincial legislation to clarify the true intent of the federal Holidays Act, Sunday, July 1, 2018 will simply be a regular retail shopping day in the province. Retailers expect to have slower sales on this day as most Canadians will be celebrating the holiday with family and friends. While RCC recognizes that retailers will not be required to open on July 1, 2018, the vast majority of merchants will not be in a position to risk losing any sales by closing an additional day. Furthermore, they will lose a day of stronger sales on Monday, July 2, 2018. On this day, many people will have the day off and will want to shop but retail stores will be closed.

Additionally, when every other Canadian is enjoying the July 1, 2018 celebrations in honour of our nation's birthday, retail employees will be required to work for their regular wage. They will not receive the benefit of holiday pay for working on that day.

RCC would like to see the provincial government make changes to the Employment Standards Act and The Days of Rest Act to permit retailers to observe statutory holidays only on the day that they occur. As noted, many provinces have already made such changes in their corresponding legislation to reflect the realities of 21st century society. The changes were relatively simple in that legislative reference of the term "Canada Day" in the relevant Acts was changed to "July 1".

Through legislating that "July 1" is the statutory holiday in provincial legislation, retail workers would receive all the benefits stemming from the laws surrounding statutory holidays, while the province could properly honour our country on July 1. The province would also remain compliant with the federal legislation, which only refers to "Canada Day". This simple change in legislation would allow the province to send a pro-business message that it understands the reality for 21st century retailers. In today's society, retailers should have the choice to open and customers should have the choice to shop on Monday, July 2, 2018.

To be clear, RCC is not asking the federal government to change the Holidays Act. Our members believe it is logical for the many industries that operate during traditional hours of operation (eg: not on Sundays) to provide a day off to employees on July 2nd when Canada Day falls on a Sunday. The federal legislation ensures that these employees gain the benefit of the statutory holiday. If retailers were allowed to be closed on July 1, 2018 and open for business on July 2, 2018, New Brunswick retailers could benefit from a brisk day of business, generated by New Brunswickers enjoying a day off on July 2, 2018.

When this issue last occurred in 2012, RCC received countless calls from retail employers of all sizes and from retail employees across the province expressing their anger and frustration at this unfairness. Society has changed and thus, RCC is once again, asking the New Brunswick government to proactively deal with the issue by making simple legislative changes that oblige retailers to only be closed on the day in which the statutory holiday falls.

It is our hope that you will take the opinions of New Brunswick's retail sector into consideration on this issue. Should you have any questions or comments regarding the information provided in this letter, please feel free to contact me at (902) 422-4144.

Sincerely,



Jim Cormier
Director (Atlantic)
Retail Council of Canada

cc: Premier Brian Gallant
Deputy Minister, Local Government
Susan Holt, NB Jobs Board Secretariat
Blaine Higgs, Leader of Official Opposition
RCC Members in New Brunswick