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**CHAIR:**

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4th SESSION, 62nd GENERAL ASSEMBLY  
Province of Prince Edward Island  
55 ELIZABETH II, 2006

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**BILL NO. 14**

**An Act to Amend the Retail Business Holidays Act  
and the Employment Standards Act**

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Honourable Mildred A. Dover  
Attorney General

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GOVERNMENT BILL

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MICHAEL D. FAGAN  
Queen's Printer  
Charlottetown, Prince Edward Island



**An Act to Amend the Retail Business Holidays Act and the Employment Standards Act**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Clause 1(a) of the *Retail Business Holidays Act* R.S.P.E.I. 1988, Cap. R-13.02 is amended by the deletion of the words “and includes every Sunday, except the last Sunday in November and those Sundays preceding Christmas Day in December and such other day as is declared by proclamation of the Lieutenant Governor in Council to be a holiday for the purposes of this Act;” and the substitution of the following:**

- (viii) every Sunday that falls between December 25 of any year and the Friday before Victoria Day of the following year,
- (ix) every Sunday that falls between the Friday before Victoria Day and Christmas during the time period between 12:00 a.m. and 11.59 a.m., and
- (x) such other day as may be declared by order of the Lieutenant Governor in Council to be a holiday for the purposes of this Act;

**2. The *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2 is amended by the addition of the following after section 16:**

**16.1** (1) An employee who, immediately before the day this section comes into force, is employed by an employer engaged in a retail business to which the *Retail Business Holidays Act* R.S.P.E.I. 1988, Cap. R-13.02 applies, may refuse to work on any Sunday for that employer if the employee gives the employer verbal or written notice of refusal at least seven days before any Sunday to which the refusal applies. Refuse to work on Sunday

(2) An employee may give the notice required by subsection (2) in relation to one Sunday, more than one Sunday or any combination of Sundays. Refusal may cover multiple Sundays

(3) No employer, or person acting on behalf of an employer, shall dismiss, suspend, lay off, penalize, discipline or discriminate against an employee because the employee has refused, or given a notice of refusal, to work on a Sunday under subsection (1). Employer shall not penalize

**3. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

**EXPLANATORY NOTES**

**SECTION 1** has two effects:

- (a) to allow Sunday shopping in the province from the Victoria Day weekend until Christmas; and
- (b) to prohibit shopping in the morning hours on a Sunday during the above-described period.

**SECTION 2** provides persons, who were employed before the Act comes into force, with the right to refuse to work on Sunday and prohibits employers from penalizing an employee who makes such a refusal.

**SECTION 3** provides for the commencement of this Act.

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	December 1, 2006
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

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