



26 February 2018

Hon. Serge Rousselle
Minister of Local Government
Marysville Place, PO Box 6000
Fredericton, NB
E3B 5H1
Email: serge.rousselle@gnb.ca

Dear Minister Rousselle:

Re: Canada Day 2018

We are writing today to echo and support the position of the Retail Council of Canada (RCC) that retailers should be given the option to close on July 1, 2018 then be open for business on July 2, 2018. Currently, due to unaligned federal and provincial legislation, this is not possible.

Canada Day in 2018 will fall on a Sunday, which creates problems for the retail industry. The New Brunswick *Employment Standards Act* and *Days of Rest Act* adhere to the federal *Holidays Act*, which states that when Canada Day falls on a Sunday, the employer must provide its employees with a paid holiday on July 2. The intent of the *Holidays Act* was to cover businesses where employees only work from Monday to Friday and was based on the now-incorrect assumption that retail businesses were not permitted to open on Sundays.

In New Brunswick, retail is now a seven-day a week business for most retail shop owners. Retailers want to respect the laws of the land and allow their employees to enjoy holidays but they also want to provide service to their customers. As is seen in many other provinces, this balance can be easily achieved through making legislative change that allows the retail sector to respect statutory holidays on the day they fall.

The current federal and provincial *Acts*, combined with the competitive nature of the retail sector and a retailer's desire to serve customers will oblige many New Brunswick retailers to be open for business on Sunday, July 1, 2018. This means that retail workers will not be able to participate in Canada Day festivities and retail shop owners will most likely endure a day of slow sales as most people will be attending Canada Day festivities. Furthermore, the current government *Acts* will ensure that those who work on Sunday, July 1, 2018 will not collect holiday pay.

Compounding the problem is the fact that the outdated sections of these *Acts* will also force retailers to close on Monday, July 2, 2018. As there will likely not be any Canada Day activities on July 2, many New Brunswickers will conceivably want to use at least part of their day off to shop at New Brunswick retail establishments. Regrettably, they will be unable to support most of the retail economy as New Brunswick retailers will be forced to close on a day that could be very profitable for the retail industry.



Retailers are not asking the federal government to change the *Holidays Act*. Retailers 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.

As noted, the retail sector is now a seven day a week industry and thus, retail businesses should have the option to close on July 1, 2018 or on July 2, 2018. Such a simple change would allow retail employees to enjoy Canada Day festivities while offering an opportunity for New Brunswick retailers to enjoy a brisk day of business, generated by New Brunswickers enjoying a day off on July 2, 2018 if they choose to be open.

Many provinces have proactively dealt with the issue through changing legislative / regulatory reference of the term "Canada Day" to the more generic "July 1". If New Brunswick were to legislate that "July 1" is the statutory holiday, workers would receive all the benefits stemming from the laws surrounding statutory holidays and the Monday to Friday workforce would enjoy a day off on July 2, 2018. The provincial government could properly honour our country on July 1 while allowing the retail sector to be open for business on July 2, 2018. The provincial government would also remain compliant with the federal legislation, which only refers to "Canada Day". This simple change in legislation would allow the provincial government to send a pro-business message that it understands the reality for 21st century retailers.

The goal should be to ensure that the provincial government respects the federal *Holidays Act* while allowing retailers the choice to observe statutory holidays on the day that they occur.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keir Clark'.

Keir Clark
Scotia Wealth Management
President, Fredericton Chamber of Commerce

A handwritten signature in black ink, appearing to read 'Krista Ross'.

Krista Ross, CEO
Fredericton Chamber of Commerce

cc: Hon. Stephen Horsman, Deputy Premier, Province of New Brunswick
cc: Jim Cormier, Director, Atlantic Canada, Retail Council of Canada
cc: Ron Drisdelle, President & CEO, Tourism Industry Association of New Brunswick
cc: Trina MacDonald, General Manager, Business Fredericton North
cc: Bruce McCormack, General Manager, Downtown Fredericton Inc.
cc: Sheri Sommerville, CEO, Atlantic Chamber of Commerce