

Retail Closing Days and the Right to Refuse to Work

Retail Closing Days

Some retail businesses are not allowed to open on certain days of the year. These days are:

New Years Day	Good Friday
Easter Sunday	Canada Day
Labour Day	Thanksgiving Day
Christmas Day	Boxing Day

The Right to Refuse to Work

The Labour Standards Code gives employees of these retail businesses the right to refuse to work on the closing days listed above. For example, if a retail business were to schedule an employee to stock shelves while the business was closed on New Years Day, the employee could refuse to work on that day.

The Labour Standards Code also gives employees of these same retail businesses the right to refuse to work on Sundays.

Employees who have agreed to work on Sundays or closing days must give their employer seven days notice of their intent not to work on Sundays or closing days in general or on a particular Sunday or closing day. If an employer provides an employee with less than seven days notice that the employee is scheduled to work on a Sunday or closing day, the employee must notify the employer of his/her intent not to work that day, within two days of being informed of the schedule.

Employees who have the right to refuse to work are protected against retaliation and can be reinstated to their job with back pay if they are fired because they refused to work on Sundays or closing days.

Exceptions

Retail businesses that are not required to close and whose employees do not have the right to refuse to work on closing days and Sundays include:

- grocery stores that at no time operate in an area greater than 4000 square feet. Note: if two or more stores selling groceries are owned by related persons and are in the same building or are adjacent or in close proximity to one another, they are considered to be one store for the purposes of determining whether the store must close and whether employees have the right to refuse to work
- drug stores if they do not have more than 2000 square feet dedicated to food items, are not larger than 20,000 square feet in total, and are not in a department store
- farm sales of agricultural products
- Christmas tree sales
- retail gas stations (motor vehicle service stations)
- restaurants, bars, taverns etc., and tourism/hotel services
- confectionary stores
- stores selling handicrafts and souvenirs to tourists
- canteens
- fruit and vegetable stands selling local produce
- flea markets and rummage sales
- retail fish stores
- laundromats
- billiard and pool halls
- video or DVD rental places
- modular (prefabricated) home sales
- nursery and plant stores
- the sale of books, newspapers, magazines
- antique stores
- art galleries
- used clothing stores

- private clubs, veterans and other clubs, but not clubs set up for the purpose of retail sales
- public games for gain and reward
- public performances, cinemas
- excursions
- car rental and boat rental operations
- buses, trains and other modes of transportation
- ferry operations
- telephone and telegraph operations
- broadcasting
- newspaper publication
- retail businesses providing goods and services on an emergency basis

Note: The right to refuse to work on closing days and on Sundays does not apply to employees who work under a collective agreement.

Remembrance Day

Remembrance Day has different closing rules. Generally, retail businesses are required to close on Remembrance Day, with the following exceptions:

- drug stores, except those in department stores
- service stations
- the hospitality industry
- stores with no more than three persons at any one time operating them
- the operation of a bakery for the baking of products for sale on the next day
- broadcasting
- other retail businesses can remain open until 6am on Remembrance Day to finish a regular shift that started the previous day or to begin, after 9:00pm on Remembrance Day, a regular shift that continues into the following day

The Labour Standards Code does not give employees the right to refuse to work on Remembrance Day.

The Nova Scotia Department of Justice is responsible for enforcing the rules regarding businesses being required to close on Remembrance Day.