

NATIONAL ASSEMBLY
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1992, chapter 55

AN ACT TO AMEND THE ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

Bill 59

Introduced by Mr Gérald Tremblay, Minister of Industry, Trade and Technology

Introduced 26 November 1992

Passage in principle 8 December 1992

Passage 18 December 1992

Assented to 18 December 1992

Coming into force: 18 December 1992

Act amended:

Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1)





CHAPTER 55

An Act to amend the Act respecting hours and days of admission to commercial establishments

[Assented to 18 December 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. H-2.1,
s. 2,
replaced

1. Section 2 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1) is replaced by the following section:

Hours and
days of
admission

“2. Subject to sections 5 to 14, the public may be admitted to a commercial establishment only between the hours of

(1) 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays, and 8:00 a.m. and 9:00 p.m. on the other days of the week;

(2) 8:00 a.m. and 5:00 p.m. on 24 and 31 December;

(3) 1:00 p.m. and 5:00 p.m. on 26 December where it falls on a Saturday or a Sunday, and 1:00 p.m. and 9:00 p.m. where it falls on another day of the week.”

c. H-2.1,
s. 3, am.

2. Section 3 of the said Act, amended by section 18 of chapter 26 of the statutes of 1992, is again amended by replacing paragraph 3 by the following paragraph:

“(3) Easter Sunday;”.

c. H-2.1,
s. 4,
repealed

3. Section 4 of the said Act is repealed.

c. H-2.1,
s. 5, am.

4. Section 5 of the said Act is amended

(1) by striking out the words “and on Sundays” in the second line of the first paragraph;

(2) by striking out the second paragraph.

c. H-2.1,
s. 6, am.

5. Section 6 of the said Act is amended

(1) by striking out the words “and on Sundays” in the second line of the first paragraph;

(2) by striking out the words “or other grocery products, and” in the sixth and seventh lines of the first paragraph;

(3) by striking out the words “and on Sundays” in the ninth line of the first paragraph;

(4) by striking out the second and third paragraphs.

c. H-2.1,
s. 7, am.

6. Section 7 of the said Act is amended

(1) by striking out the words “and on Sundays” in the second line of the first paragraph;

(2) by adding, at the end of subparagraph 1 of the first paragraph, the words “, and provided that not more than 4 persons attend to the operation of the establishment outside the hours set out in section 2 and on the days listed in section 3”;

(3) by replacing the second, third, fourth and fifth paragraphs by the following paragraph:

Interpreta-
tion

“For the purposes of subparagraph 1 of the first paragraph, the word “persons” excludes professionals governed by the Pharmacy Act (chapter P-10) and persons assigned exclusively to the preparation of medicaments.”

c. H-2.1,
s. 8, am.

7. Section 8 of the said Act is amended

(1) by striking out the words “and on Sundays” in the second line of the first paragraph;

(2) by replacing the word “only” in the third line of the first paragraph by the word “principal”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) antiques.”;

(4) by striking out the second paragraph.

c. H-2.1,
s. 9, am.

8. Section 9 of the said Act is amended

(1) by striking out the words “and on Sundays” in the second line of the first paragraph;

(2) by replacing the last three lines of the first paragraph by the words “listed in section 3, provided that the principal items offered for sale at all times are foodstuffs or other products as accessories to services rendered for the performance of a leasing contract for goods or services.”;

(3) by striking out the second paragraph.

c. H-2.1,
s. 10, am.

9. Section 10 of the said Act, amended by section 170 of chapter 21 of the statutes of 1992, is again amended

(1) by striking out the words “and on Sundays” in the second line;

(2) by replacing paragraph 1 by the following paragraph:

“(1) a place where sports activities are held or a cultural centre, provided that the principal products offered for sale at all times are products connected with the activity being carried out;”.

c. H-2.1,
s. 11,
repealed

10. Section 11 of the said Act is repealed.

c. H-2.1,
ss. 12 to
14, am.

11. Sections 12 to 14 of the said Act are amended by striking out the words “and on Sundays” wherever they appear.

c. H-2.1,
s. 28, am.

12. Section 28 of the said Act is amended by adding, at the end, the following paragraph:

Provisions
applicable

“The first paragraph shall cease to apply on 18 December 1997. However, in the case of a lease or other agreement which, on 18 December 1992, is binding on a person operating a commercial establishment, the first paragraph shall cease to apply on the date on which the lease or agreement expires, where that date is later than 18 December 1997.

c. H-2.1,
s. 28.1,
added

13. The said Act is amended by inserting, after section 28, the following section:

Prohibition

“28.1 No person operating a commercial establishment may dismiss, suspend or transfer a person in his employ on 18 December 1992, practise discrimination or take reprisals against that person, or impose any other sanction upon him on the ground that, during the period from 18 December 1992 to 18 December 1995, the person refused to work on a Sunday or between 7:00 p.m. and 9:00 p.m. on a Monday or a Tuesday.

Enforce-
ment of
rights

Any person who believes he has been the victim of a practice prohibited by the first paragraph may enforce his rights before a labour commissioner appointed under the Labour Code (chapter C-27), in the same manner as if it were a case of the imposition of a sanction upon an employee by reason of the exercise by the employee of a right arising from the Labour Code. Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146.1 and 150 to 152 of the Labour Code then apply, with the necessary changes.

Offence and
penalty

Any person operating a commercial establishment who contravenes the first paragraph or who orders, authorizes, advises or consents to such a contravention is guilty of an offence and is liable to the penalties set out in section 24.

Exception

This section does not apply in respect of a commercial establishment to which any of sections 5 to 14 applies, except an establishment in which the principal products offered for sale at all times are the products referred to in section 6 and the operation of which is attended to by more than 4 persons at any time during the day.

Application
of s. 19

Section 19 applies for the purposes of this section.”

Time limit

14. A person operating a commercial establishment which, under the Act respecting hours and days of admission to commercial establishments, was governed by standards less restrictive than the standards resulting from the amendments made by sections 1 to 11 of this Act, has until 17 January 1993 to comply with the new standards.

Coming into
force

15. This Act comes into force on 18 December 1992.