

1990 BILL 266

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 266

**AN ACT TO ENSURE THE RIGHT TO A  
DAY OF RELIGIOUS OBSERVANCE**

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MR. WICKMAN

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 266  
Mr. Wickman

## BILL 266

1990

### AN ACT TO ENSURE THE RIGHT TO A DAY OF RELIGIOUS OBSERVANCE

(Assented to \_\_\_\_\_, 1990)

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

Right to rest

1 The purpose of this Act is to provide that every proprietor of a business has a right to choose a day of the week to close the business as a day of rest for religious, conscientious, moral or social reasons and that every employee has the right to choose a day of the week as a day of rest for the same reasons.

Business closing

2(1) Any provision in a lease of premises, franchise agreement, agency agreement or any other agreement relating to the operation of a business which purports to prevent the proprietor of a business from closing his business on a day of the week chosen by the proprietor as a day of rest for religious, conscientious, moral or social reasons is void and against public policy.

(2) Any person who terminates or threatens to terminate an agreement mentioned in subsection (1) on the grounds that a party to the agreement closes or announces an intention to close a business on one day of a week for the reasons mentioned in subsection (1) is guilty of an offence and liable on summary conviction of a fine of not less than \$1000 and not more than \$10 000.

Employees' right  
to rest

3(1) An employee has the right at the commencement of employment, or later on 30 days written notice, to designate one day in the week to be a day of rest for that employee for religious, conscientious, moral or social reasons.

(2) Nothing in this section entitles an employee to be paid for a day of rest designated pursuant to subsection (1).

(3) An employer, may, in respect of an employee who has made a designation under subsection (1) either

(a) require the employee to work on a day other than the day designated that would otherwise be a day of rest for the employee in place of the designated day at the normal rate of pay and not at an overtime rate of pay; or

(b) provide that the employee shall work neither on the day designated by the employee nor on the days in the week when the business of the proprietor is closed as a holiday or general day of rest for other employees.

(4) A designation made by an employee may be changed or withdrawn by the employee at any time by giving 30 days written notice.

(5) An employer is not obliged to recognise a change or withdrawal in a designation within 90 days of a previous designation, change or withdrawal having been made.

Employee  
protected

4(1) Any term or condition in a contract of employment that purports to waive an employee's rights accruing under section 3 is void and against public policy.

(2) Any employer who terminates or threatens to terminate an employee on the grounds that the employee has made a designation, change or withdrawal under section 3 is guilty of an offence and liable on summary conviction to a fine of not less than \$1000 and not more than \$10 000.

Coming into force

5 This Act comes into force on January 1, 1991.