

Remembrance Day Act

CHAPTER 396 OF THE REVISED STATUTES, 1989

as amended by

2018, c. 33, s. 25



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CHAPTER 396 OF THE REVISED STATUTES, 1989
amended 2018, c. 33, s. 25

**An Act Respecting the
Observance of Remembrance Day**

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WHEREAS our heritage of freedom and human dignity has, under Providence, been preserved through the unselfish devotion of those who sacrificed health, limb and life itself in World War One, World War Two and the Korean Conflict;

AND WHEREAS the eleventh day of November has traditionally been set aside throughout Nova Scotia as a day to be kept and observed in each and every year under the name “Remembrance Day”;

AND WHEREAS it is fitting that on Remembrance Day the people of Nova Scotia should pay grateful tribute to the memory of those who have died, cherish those who have suffered grievous injury, and dedicate themselves anew to the maintenance and furtherance of the great ideals hallowed by those sacrifices:

Short title

1 This Act may be cited as the *Remembrance Day Act*. R.S., c. 396, s. 1.

Interpretation

2 In this Act,

(a) “employee” means a person who is in receipt of, or entitled to, compensation for labour or services performed for another in an industry, but does not include an independent contractor;

(b) “employer” means a person, firm, corporation, agent, manager, representative, contractor, sub-contractor or principal, having control or direction of, or who is responsible directly or indirectly for, the employment of an employee in an industry;

(c) “goods” means personal property;

(d) “hospitality industry” means the provision of accommodation, camping, food, beverage, recreation, related services and facilities, and tourist information and includes a private club, fraternal organization and veteran’s organization;

(e) “industry” means a business, trade or profession except

(i) farming,

(ii) fishing and aquaculture,

(iii) Christmas tree operations,

(iv) tree harvesting, logging and forest industry as defined by the *Labour Standards Code*,

(v) industrial undertakings as defined by the *Labour Standards Code*;

(f) “performance” includes any game, match, sport, contest, exhibition, entertainment, dance, program, theatrical presentation or motion picture presentation;

(g) “Remembrance Day” means the whole of the eleventh day of November in each year. R.S., c. 396, s. 2.

Prohibited activity on Remembrance Day

3 Except as herein provided, no person shall, on Remembrance Day,

(a) sell, offer for sale or purchase any goods or real property; or

(b) for gain or reward engage as employer or employee in any industry. R.S., c. 396, s. 3.

Section 3 does not apply

4 Section 3 does not apply to

(a) the operation of hospitals or work for the relief of sickness or suffering;

(b) the operation of a facility licensed under the *Early Learning and Child Care Act*;

(c) the operation of drug stores except in department stores;

(d) the operation of service stations;

(e) the work of police officers, firefighters, prison guards, furnace tenders, watchmen, janitors or domestic servants;

(f) the effecting of emergency repairs;

(g) the hospitality industry;

(h) conveying of goods or travellers on railways, buses or other public conveyances, and work incidental thereto;

(i) the caring for perishable products and live animals;

(j) the operation of a shop or store for the sale of goods if no more than three persons are in the shop or store at any one time for the purpose of operating it;

(k) the operation of a dairy, a milk processing plant or a dairy manufacturing plant and the distribution of its products directly to the consumer;

(l) the operation of a bakery for the baking of products for sale on the next succeeding day;

(m) the conducting, in fish plants or meat packing plants, of those processes that cannot be postponed without serious deterioration of product quality, and the carrying on of such other operations as are necessary in receiving, paying for and shipping such products;

(n) the doing of any work without the doing of which on Remembrance Day electric current, telephone service, heat, fuel oil, gas, gasoline, light or water cannot be continuously supplied;

(o) work incidental to the conducting of commemorative or religious services;

(p) the operation of the office of a broker who is registered as such under the *Securities Act* and who, in the conduct of his business, has occasion on behalf of clients to transact business on Remembrance Day on stock exchanges outside the Province;

(q) broadcasting as defined by the *Defamation Act*;

(r) the publication of newspapers including all work necessary for, or incidental to, the preparation, printing and distribution thereof;

(s) the completion, before six o'clock in the forenoon of Remembrance Day, of a regular shift or tour of duty commenced on the previous day, or the beginning, after nine o'clock, on the afternoon of Remembrance Day, of a regular shift or tour of duty continuing into the next following day. R.S., c. 396, s. 4; 2018, c. 33, s. 25.

Restriction on serving alcohol or performing

5 Notwithstanding anything contained in this Act, no person shall

(a) carry on, give, produce or conduct a performance; or

(b) sell, offer for sale or serve in a commercial establishment an alcoholic beverage,

before twelve o'clock noon on Remembrance Day. R.S., c. 396, s. 5.

Holiday with pay for employee required to work

6 An employer of an employee in an industry who

(a) is required to work on Remembrance Day; and

(b) has received or is entitled to receive wages for at least fifteen days during the thirty calendar days immediately preceding Remembrance Day,

shall grant the employee a holiday with pay on the working day immediately following the employee's annual vacation or another day agreed upon by the employee and the employer. R.S., c. 396, s. 6.

Three minute suspension of operation

7 Every employer carrying on or engaged in an industry to which Section 3 does not apply shall, subject to Section 8, relieve the employees in the industry from duty, and suspend the operations of the industry, for a period of three minutes, at one minute before eleven o'clock in the forenoon on Remembrance Day. R.S., c. 396, s. 7.

Permit in emergency

8 In circumstances beyond human control and for which no other arrangements can be made, the Minister of Labour and Advanced Education may grant a permit for the doing of work required in the circumstances to meet an emergency, and the Minister may attach such conditions as he deems fair and reasonable in the circumstances. R.S., c. 396, s. 8; O.I.C. 2008-161; O.I.C. 2011-15.

Offence and penalty

9 (1) Any person who contravenes, disobeys, or refuses, neglects, omits, or fails to observe and comply with any provision of this Act is guilty of an offence and is liable, on summary conviction, to a fine not exceeding one thousand dollars.

(2) An employer who authorizes, directs or knowingly permits anything to be done in violation of any provision of this Act is guilty of an offence and is liable, on summary conviction, to a fine not exceeding fifteen thousand dollars. R.S., c. 396, s. 9.
