

SUBMISSION
to the
SELECT COMMITTEE
ON
RETAIL STORE HOURS

on behalf of



FREEDOM PARTY OF ONTARIO

by

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February 25, 1987

" Freedom of choice...
even on a Sunday! "

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FREEDOM OF CHOICE - EVEN ON A SUNDAY!

Despite the fact that all three of Ontario's traditional political parties fundamentally accept the concept of Sunday closing laws, and that the Supreme Court of Canada has recently (Dec. 18, 1986) ruled Sunday closing laws to be a "justifiable violation" of our religious freedoms, our premier, David Peterson, nevertheless feels that yet another "public consensus" on the issue is necessary.

Most alarming is the fact that THE SELECT COMMITTEE ON RETAIL STORE HOURS, whom I have the honour of addressing upon this occasion of "public consensus", is an "all-party" committee composed, ironically, of all the parties who SUPPORT Sunday closing laws.

What OBJECTIVE PURPOSE can possibly be served by yet another such committee, by yet another sampling of what has so loosely been termed, a "public consensus?" As chief spokesman of one officially-registered political party NOT represented on this "all-party" committee, and one that is strongly opposed to Sunday closing legislation, it is my contention that the "public consensus" being sought is really a ruse to disguise many SUBJECTIVE purposes.

SUNDAY CLOSING LEGISLATION has been with us for many years; first in the form of the LORD'S DAY ACT, and then, after that act was found to be forcing a particular religious view on Canadians, in the form of the RETAIL BUSINESS HOLIDAYS ACT, which effectively was the same law changed to reflect secular wording and thus continue the religious tradition without acknowledging it.

Recently, police all over Ontario have been presenting an unusual "reward" to retailers who have chosen to serve their customers at their customers' convenience: a court summons.

Why? BECAUSE THEIR CUSTOMERS PREFER TO BE SERVED ON A SUNDAY!

Yet, unbelievably, for SOME people in the province of Ontario, operating their businesses on a Sunday has become a crime punishable by police intimidation, legal charges, and a potential \$10,000 fine for each "offence."

We never thought we'd see the day when earning one's livelihood through gainful employment would be considered a crime, but that day repeats itself at least once every week.

FREEDOM PARTY believes that's wrong: making a living through peaceful honest trade should NEVER be considered a crime. For that reason, we think that the RETAIL BUSINESS HOLIDAYS ACT SHOULD BE ABOLISHED.

I know that there are those who would disagree with us. They believe that forced closings on Sundays are beneficial for a variety of reasons, so I'd like to take this opportunity to address a few of their major concerns.

WHY ARE RETAIL BUSINESSES OPENING ON SUNDAYS?

There's only ONE clear, concise answer to this question: because THEIR CUSTOMERS WANT THEM TO.

One of the more prevalent MYTHS surrounding the Sunday closing issue is that retail businesses want to open on Sundays because of greed and because of the profit to be made by doing so. If the truth be known, the FACT is that a MAJORITY OF RETAILERS SUPPORT SUNDAY CLOSING LEGISLATION, even though they may have violent disagreements about HOW, and TO WHOM such laws should apply.

But charges of "greed" and "profiting" are not entirely without foundation; they have simply been misdirected. It is those retailers who SUPPORT Sunday closing laws who should be bearing the guilt of such charges.

I have always identified "greed" as a desire for UNEARNED BENEFITS, benefits which accrue as a result of restricting someone else's freedom of choice --- in other words, by IMPOSING one's will upon others.

The retailers who support Sunday closing laws want the market to be put on "hold" until THEY are willing to participate. Because THEY've chosen to stay home and "rest," they would deny the economic benefits created by working on Sundays to the very people who create those benefits --- all in the name of claiming their "fair share."

Retailers who choose to open their doors to the public on Sundays ARE NOT FORCING THEIR CUSTOMERS to shop in their stores, they ARE NOT FORCING THEIR COMPETITORS to open their stores, and they ARE NOT FORCING THEIR EMPLOYEES to work on Sundays.

The business people and retailers who support Sunday closing legislation are walking a very thin line; by acknowledging that governments have a right to dictate the terms of their business on THIS issue, they are paving the way for government to control their businesses on ANY issue.

When people enter the retail profession, they should realize that their hours and obligations must reflect the needs of their customers, and not their own personal preferences. In the retail business, the store that best serves the customer wins. And when that happens, the customer wins too.

But the myths surrounding our Sunday closing laws are persistent, driven by forces of protectionism, favouritism, laziness, ignorance, and political opportunism.

Among the many myths being perpetuated are the following:

THAT GIVEN THE CHOICE OF OPENING THEIR DOORS ON SUNDAY, ALL RETAIL OUTLETS WILL BE "FORCED" TO OPEN:

In the first place, no one is proposing laws to force businesses to open on Sunday, nor would it be appropriate to do so --- for all the same reasons that it is inappropriate to force Sunday closings.

The fact that someone's competition is open Sunday does not "force" him to open as well. If anything, what's at play here --- and what is improperly being labelled "force" --- is the retailer's guilty conscience: he knows what his customers want, but is unwilling to offer it on their terms.

Retailers who lose money on Sunday openings will simply stop opening on Sundays. Those who find it to their advantage to open Sundays will continue to do so. It's as simple as that and anyone who says different has ulterior objectives.

THAT EMPLOYEES WILL BE "FORCED" TO WORK ON SUNDAYS:

Interestingly, this is the LEFT WING corollary to the RIGHT WING argument just discussed. But despite some wishes to the contrary, the rules, hours, and obligations of the retail profession apply just as much to its employees as to the merchants themselves.

Admittedly, there are many people who prefer not to work on Sundays, but the reverse is also true. There's no reason why a little common sense scheduling can't accomodate both.

An expanded retail market requires an expanded workforce. Many major retailers, in anticipation of Sunday openings, had already announced that they would be increasing their part-time staff to cover the extra hours. Regrettably, the December 18 Supreme Court decision dashed those hopes, and the potential new employment opportunities that went with them.

THAT THE TRADITION OF HAVING SUNDAY AS A DAY OF REST IS BEING THREATENED:

While "resting" on a Sunday may have become a tradition for some, fining and throwing people in jail for NOT resting on Sundays

has never been a "tradition" in this country.

In any event, it's not entirely correct to say that Sundays have traditionally been a COMMON day of rest. This was (and is) a CONVENIENCE enjoyed only by SOME segments of the retail industry: Employees of theatres, restaurants, convenience stores, gas stations, gardening centres, etc., are examples of those who have different "traditions."

Other industries have no traditional day of rest at all. Ever since this country was founded, people in all walks of life worked whenever the need arose. Farmers tilled their land, homes were built, housework was done, and new opportunities were created.

What has happened to our once-free, competitive, and prosperous province? It used to be that we REWARDED those in our community who worked overtime and extra days to get ahead. We were allowed the incentive to work harder to make a better life for ourselves and our families.

The REAL tradition that this country was built on was a willingness to work when needed. No one had to ask for permission to provide for his family, or to expend a little extra effort to get ahead in life.

You want TRADITION?

THAT'S the tradition that we'd like to see preserved.

THAT SUNDAY OPENINGS WILL DESTROY THE FAMILY UNIT:

This is possibly the most desperate justification for Sunday closing laws of them all. Surely, family units are bound together by much stronger ties than whether or not Sunday shopping is legally allowed.

There's no question that having a day of rest --- particularly a COMMON day of rest with our families, friends, and loved ones --- is a desirable thing for many. But to restrict the rights of our fellow citizens to achieve that end is not the proper or tolerant action to take in a free and democratic society.

Ironically, lack of income is the single leading cause of marital breakdowns, a problem that, in a small way, can be alleviated by the increased opportunities presented by Sunday openings.

THAT CONSUMERS CAN BUY ALL THEY NEED IN SIX DAYS:

For that matter, consumers could probably buy everything they need in ONE day, but it would be VERY inconvenient if they were forced to do so. Conversely, giving people the maximum available

time to shop would be most convenient.

Goods and services aren't the only things that customers are looking for when they go shopping: they want flexibility and convenience --- and they're more than willing to spend their money at a business that offers them the most for their money.

THAT "CONVENIENCE" IS NO JUSTIFICATION FOR CHANGING THE LAW:

Absolutely true.

But it's not justification for RETAINING the law either. The only legitimate reason for changing the law is because IT CLEARLY VIOLATES INDIVIDUAL RIGHTS, and throughout history, many laws have rightly been changed for this reason.

CONVENIENCE is simply another consequence of having the freedom to exercise choice. FREEDOM OF CHOICE SHOULD BE ENSHRINED IN OUR LAWS, NOT PROHIBITED BY THEM. Those advocating Sunday closing legislation are simply demanding laws that impose what THEY regard as "convenient" on others.

As you can see, the "convenience" argument rubs both ways, and that's why convenience has nothing to do with the debate. It's a matter of individual right; no more, no less.

THAT THE PRICE OF GOODS WILL GO UP TO COVER THE EXTRA COSTS OF OPENING SUNDAYS:

In all probability, the REVERSE is more likely to be the case. In any event, prices can't rise if consumers refuse to pay them.

Open or not, retailers still pay taxes, rent, and utilities for every day they occupy their premises. The only EXTRA cost incurred by opening on Sundays is increased staffing. Those who will be open Sundays will only be open because of extra profits to be made by doing so. Those profits, in turn, make businesses more competitive, giving them the leverage necessary to LOWER prices, attract even more customers, and produce even greater profits. It's a "win-win" situation: the RETAILER benefits; the CUSTOMER benefits.

Thus, while operating costs will nominally rise, the PRICES of goods will continue to be controlled on Sundays, just as every other day of the week, by COMPETITION.

As always, it's the CUSTOMER who decides.

THAT THE ECONOMIC ACTIVITY OF SIX DAYS IS SIMPLY BEING STRETCHED OVER SEVEN:

IF THIS WERE TRUE, then of all possible days in the week to pick for a common pause day, SUNDAY WOULD BE THE WORST! Tuesday or Wednesday would be much more logical choices using this argument. After all, most non-retail businesses do not operate on Sundays; their employees thus have a FULL DAY of free time in which to shop, as opposed to the limited few hours that any evening has to offer. What more could any retailer want?

Many businesses that rely on impulse buying will see a definite increase in consumption because of an increase in customer traffic; people will buy more, resulting in more employment and opportunity in both retail AND manufacturing.

In addition, many tourists who are already present in Ontario communities on Sundays, will now be able to patronize local businesses who were previously forced to be closed by law. It is ironic that our governments spend so many of our tax dollars promoting tourism while limiting tourists' opportunities to spend their money when they're here.

As you can see, an extra day of retail openings will actually INCREASE economic activity.

And always remember, those who reap NO benefits from opening Sundays always have the freedom to keep their stores closed.

Those who use the argument of "stretching economic activity" to justify, of all things, SUNDAY closings, are stretching their case a little beyond credibility.

FREEDOM OF CHOICE

VS

THE LAW

Some of the key issues forced by the Sunday closing controversy have to do with our laws, the manner in which these laws treat our citizens, and the manner in which many citizens are reacting to such laws:

ARE RETAILERS SUBJECT TO THE RETAIL BUSINESS HOLIDAYS ACT "FLOUTING" THE LAW BY OPENING ON SUNDAYS?

On the contrary, they're simply exercising the rights provided by the supreme law of the land. Our CANADIAN CHARTER OF RIGHTS AND FREEDOMS guarantees that "Everyone has the following fundamental freedoms: (Sec.2a) freedom of conscience and religion;" and "(Sec.2d) freedom of association."

Additionally, the right to open on Sundays is further reinforced by the LEGAL RIGHTS and EQUALITY RIGHTS sections of the Charter, to wit: "(7) Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice," and "(15)(1) Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination..."

IS THE EXISTING LAW FAIR?

Certainly not if our CHARTER OF RIGHTS AND FREEDOMS has any meaning or substance. Having one law for large retailers, another for smaller retailers, and yet another for churches, etc., is really the same as having no law at all.

Not only is the law unfair and discriminatory, to advocate such a law is morally wrong since it deprives selected individuals of their most fundamental and cherished right: the right to choose.

What can possibly be "fair" about allowing factories, flea markets, convenience stores, and restaurants to open, but not allowing bookstores, supermarkets, or clothing shops to open? Why can you order a meal in a restaurant, but not buy food at a supermarket to make a meal at home? Why can you buy magazines at a convenience store, but not books in a bookshop?

Why are only retailers charged under the law? Why not their customers, to whose demands they are responding? --- or newspaper and

media advertisers who knowingly publicize this "crime" before it's even committed?

Is the law "fair"? Not by a long shot.

BUT WHAT ABOUT "RESPECT FOR THE RULE OF LAW" AS THE CORNERSTONE OF OUR DEMOCRACY?

The funny thing about the people who express this concern is that, in supporting the continued prosecution (and persecution) of those defying the law, they are supporting the very thing that is directly responsible for the breeding of that disrespect for law: the Sunday closing legislation itself.

"Respect" is a two-way street. If laws do not respect the rights of individuals --- to their lives, their property, and their freedom of choice --- then those individuals have no obligation to respect those laws. In fact, "contempt" for the law is about the only available response left to them.

A recent LONDON FREE PRESS editorial observed that "respect for the law should not be allowed to degenerate into a numbers game," yet completely ignored the fact that the very law in question, the RETAIL BUSINESS HOLIDAYS ACT, was CREATED by a "numbers game." And just as, according to the same editorial, democracy "would soon crumble if interest groups routinely disobeyed laws they found unsuitable," so too will a democracy crumble if interest groups routinely enact legislation to restrict the choices of their fellow citizens that they find unsuitable.

In fact, the argument about "respect for the rule of law" really boils down to one rule: OBEY.

Hardly the "cornerstone" of any FREE democracy.

THE ISSUE OF PROPERTY RIGHTS:

Sunday closing legislation violates fundamental principles of property rights: retail business and property owners have been told that, every Sunday, they will not be permitted to exercise the right to the peaceful use of their property and that, regardless of how they may feel about it, and without their consent, they must relinquish the normal use of their property or face legal consequences that very few REAL criminals would ever have to face.

How would we all feel if some politician came up to us and demanded that, for one day out of every seven, we would not be allowed to turn our TV sets on, or not be allowed to use our living rooms, or drive our cars, etc.? Would we just sit back and "obey the law" and allow those with no regard whatever for our rights to make

all our decisions for us?

If we wouldn't, then there's no reason why retailers should either.

HIDDEN COSTS / HIDDEN LOSSES:

The hidden costs of Sunday closing legislation affects each and every one of us. Costs can be measured not only in monetary terms, but also in terms of lost opportunities and the destruction of our freedom to choose.

To begin with, in addition to the obvious legal costs and fines imposed on retailers, there is the drain on police manpower, clogged courts, and the breeding of an environment of disrespect for law and order.

Most importantly, we all lose when our freedom of choice is restricted. A free nation cannot exist for long when we accept laws that destroy the rights of some for the comfort of others.

Why? Because it establishes a dangerous precedent. When we allow the rights of SOME individuals to be restricted --- even for the convenience of a majority! --- it's just a matter of time before even the majority finds its rights being eroded away.

The whole point of living in a free democracy is to have a political environment where people have their individual freedoms protected, EVEN IF A "MAJORITY" DISAGREES WITH THE CHOICES MADE BY A MINORITY!

That's what FREEDOM is all about!

SUBMISSION
to the
SELECT COMMITTEE

WHAT MAKES FREEDOM PARTY DIFFERENT FROM THE OTHER POLITICAL PARTIES?

You may have noticed that up till now, I've generally focussed my attention on only TWO ''parties'' in the discussion of Sunday closing legislation: the customer and the retailer. That's because FREEDOM PARTY believes they're the only two parties that have a right to decide what goes on between them.

But there are THREE other parties who want their say on what goes on between the other two: LIBERALS, CONSERVATIVES, and NEW DEMOCRATS alike are all in agreement that it is THEY who should be in the position of making the choice of whether to open on a Sunday or not.

FREEDOM PARTY believes that the legitimate business of others is none of its business because:

FREEDOM PARTY believes that the PURPOSE OF GOVERNMENT is to PROTECT our freedom of choice, NOT to restrict it.

Governments of FREE nations have no right to impose the values and choices of others on any of us. Whether we choose to remain home, to work, to shop, or to attend the church of our choice, we think that choice belongs only to each and every one of us --- even on a Sunday!

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