

## **Holiday Shopping Public Consultations**

|                          |   |
|--------------------------|---|
| <b>Date:</b>             | October 17, 2012                                  |
| <b>To:</b>               | Holiday Shopping Subcommittee                     |
| <b>From:</b>             | General Manager, Economic Development and Culture |
| <b>Wards:</b>            | All   |
| <b>Reference Number:</b> |   |

### **SUMMARY**

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At its meeting on September 14, 2011, the Economic Development Committee established a subcommittee of the Economic Development Committee to work with the General Manager, Economic Development and Culture, to develop and undertake the consultation process on holiday shopping. This report completes that task.

Between November 2011 and July 2012 consultations on holiday shopping took place through stakeholder meetings, telephone poll, online survey and public meetings. The consultations provided a forum for a frank and respectful exchange of views among all stakeholders, many with strongly held views. Although there was no consensus among the stakeholders, the consultations were successful in soliciting input from stakeholders and produced a better understanding and appreciation of the range of perspectives on this topic.

Under the guidance of the Holiday Shopping Subcommittee, this review incorporates the most comprehensive consultation of holiday shopping conducted by the City of Toronto to date. Through the consultations, the Holiday Shopping Subcommittee heard from one or more representative from each of the stakeholder groups identified by City Council.

### **RECOMMENDATIONS**

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The General Manager, Economic Development and Culture recommends that:

1. Holiday Shopping Subcommittee receive this report for information.

## Financial Impact

There are no financial implications resulting from the adoption of this report.

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## DECISION HISTORY

On June 12, 2006, the Ontario Provincial Government passed Bill 53, *The Stronger City of Toronto for a Stronger Ontario Act*, 2006. This gave the City of Toronto the authority to regulate business hours of retail establishments at any time.

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_06c11\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c11_e.htm)

On December 5 and 6, 2006, as a temporary measure, City Council adopted a report to regulate retail holiday hours essentially in the same manner as the Ontario *Retail Business Holidays Act*.

<http://www.toronto.ca/legdocs/2007/cc/bgrd/20061205-cc1.3.pdf>

[http://www.toronto.ca/legdocs/municode/1184\\_510.pdf](http://www.toronto.ca/legdocs/municode/1184_510.pdf)

On March 3, 2008 City Council received a report on the first consultations on holiday shopping.

<http://www.toronto.ca/legdocs/mmis/2008/ed/bgrd/backgroundfile-10674.pdf>

On May 11 and 12, 2010, City Council received a second report on holiday shopping and requested further public consultation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.ED29.4>

On September 14, 2011, Economic Development Committee established a subcommittee of the Economic Development Committee to work with the General Manager, Economic Development and Culture, to develop and undertake consultations on holiday shopping.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.ED7.8>

On April 23, 2012, the Holiday Shopping Subcommittee endorsed the holiday shopping consultations held to date, and approved the June public meetings schedule.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EH1.2>

On May 17, 2012, the Holiday Shopping Subcommittee, and City Council members, received a presentation by the Acting Director, Strategic Growth and Sector Development on the Holiday Shopping Consultations 2011-2012.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EH2.1>

## ISSUE BACKGROUND

On December 5 and 6, 2006 City Council asked staff to undertake a consultation process on holiday shopping to seek input from the public, retail industry, retail sector employees, small business interests, BIAs and the tourism industry and recommend a new regulatory framework for holiday shopping.

On March 3, 2008 City Council received a report on the first consultations on holiday shopping. This consultation included a telephone poll through Environics Research Group, a questionnaire to tourism businesses through 'The Premier Ranked Tourism Destination Framework Audit', solicited feedback through direct email to 350 different stakeholders, and one public meeting at Toronto City Hall.

On May 11 and 12, 2010, Council requested further public consultation with all stakeholders, including Business Improvement Areas, existing community groups, the Workers Action Centre, Legal Clinics and others who represent employees, and Members of Council, on the topic of holiday shopping.

## COMMENTS

Between November 2011 and July 2012, further consultations on holiday shopping were held to clarify concerns and seek feedback on the development of a fair and equitable long-term holiday shopping policy.

The City of Toronto received 7,846 responses to an online survey, polled 500 people by telephone through Environics Research Group, and more than 220 people attended 15 meetings that took place across the city. The City of Toronto received 9 letters, 1 petition, and 50 emails from business, labour, organizations and Toronto residents. The consultation process and results are summarized below.

### Stakeholder Meetings

Between November 7, 2011 and March 29 2012, the City held 10 stakeholder meetings with representatives from Business Improvement Areas (BIAs), Retail Council of Canada, large retailers, shopping centres, unions and organized labour groups, and faith organizations. These meetings were held across the city to offer the greatest access for stakeholders to participate. In total 56 people attended these meetings.

| <b>Date</b>   | <b>Group</b>     | <b>Location</b>          | <b>Schedule Time</b> |
|---------------|------------------|--------------------------|----------------------|
| Nov. 7, 2011  | BIA              | Etobicoke Civic Centre   | 7-9 pm               |
| Nov. 14, 2011 | Retailers        | Toronto City Hall        | 7-9 pm               |
| Nov. 15, 2011 | BIA              | Scarborough Civic Centre | 4-6 pm               |
| Nov. 23, 2011 | BIA              | Toronto City Hall        | 7-9 pm               |
| Nov. 29, 2011 | BIA              | East York Civic Centre   | 7-9 pm               |
| Nov. 30, 2011 | BIA              | North York Civic Centre  | 7-9 pm               |
| Jan. 17, 2012 | BIA              | Toronto City Hall        | 2-3 pm               |
| Jan. 23, 2012 | Shopping Centres | Toronto City Hall        | 10-12 pm             |
| Jan. 25, 2012 | Labour           | Toronto City Hall        | 2-4 pm               |
| Mar. 29, 2012 | Multi-Faith      | Toronto City Hall        | 2-4 pm               |

The following offers a general summary of the discussion at these sessions.

Business Improvement Area representatives were in favour of giving retailers the choice to open on holidays. They felt that the current by-law is unfair. They also felt that employees have adequate protection under the current Provincial labour laws, and that the current by-law does not recognize the diversity of religious beliefs across the city.

Large retailers were also supportive of permitting stores to open, with one notable exception. Most retailers felt that many of their employees would like the opportunity to work additional hours. One large retailer said that they would prefer to stay closed, and felt that the competitive pressure to maintain their market share would force them to open.

Representatives of faith-based organizations from a number of different faiths said that they believed that the current religious holidays should remain a day of rest. Some also said that most immigrants would like to see their holidays reflected in general society, and that the number of public holidays should be increased.

Shopping centre representatives were in favour of giving retailers the choice to open on holidays. Similar to the BIAs, they felt that the current by-law that allows some areas to open on holidays is unfair, and the system of exemption by size or type of retail establishment is confusing. They noted that retail stores and shopping centers in other jurisdictions such as British Columbia, Alberta, and the United States are allowed to open on holidays. They pointed out that over the years society has accepted Sunday shopping, and that shopping on holidays was common but not uniformly applied.

Labour representatives were strongly opposed to any changes that would allow retailers to open on holidays. They said that Provincial labour laws do not adequately protect workers and that employers would expect employees to work on holidays. They expressed a concern that holidays would become part of the regular workweek and that business owners will eliminate premium pay for working on holidays.

Below is a list of representatives who attended the meetings. Due to the open nature of the meetings, this list may not capture all stakeholders that attended. Names of private citizens who attended the meetings are not included for privacy reasons. Listed in alphabetical order:

- Bethany Church
- Bloor Yorkville BIA
- Bloorcourt Village BIA
- Catholic Charities of the Archdiocese of Toronto
- CAW (Canadian Auto Workers' Union) – Local 414
- Chinatown BIA
- Church-Wellesley Village BIA
- Corso Italia BIA
- Dufflets
- Dundas West BIA
- Eglinton Way BIA
- Future Shop
- Gerrard India Bazaar BIA
- Greek Town on the Danforth BIA
- Hill & Knowlton
- Kingsway BIA
- Liberty Village BIA
- Loblaw
- Mimico by the Lake BIA
- Pape Village BIA
- Parkdale Village BIA
- Queen Street West BIA

- Retail Council of Canada
- Roncesvalles Village BIA
- Rosedale Main Street BIA
- Scarborough Town Centre
- St. Lawrence Market Neighbourhood BIA
- The Bahá'í Community of Canada
- The Canadian Council of Imams
- Toronto Entertainment District BIA
- UFCW Canada – United Food and Commercial Workers Canada
- Urban Metrics
- York Eglinton BIA
- York Region Labour Council
- Yorkdale Shopping Centre

## Telephone Poll

The City of Toronto asked Environics Research Group to conduct a telephone survey between October 27, 2011 and November 12, 2011 on holiday shopping. The survey contacted 500 households across Toronto.

The results of the telephone survey found that 45% of respondents agreed that retail stores should remain closed on major holidays, 38% of the respondents agreed that retail stores should have the choice to open on any holiday, and 15% of the respondents agreed that stores should have the choice to open on specific holidays such as Victoria Day or Canada Day. (2% of the responses were non-applicable.)

| Percent | Question: Currently retail stores are closed on most major holidays. Which of these views is closest to your own?       |
|---------|---|
| 45%     | Agreed that retail stores should remain <u>closed</u> on major holidays   |
| 38%     | Agreed that retail stores should have the choice to open on <u>all holiday</u>  |
| 15%     | Agreed that retail stores should have the choice to open on <u>specific holidays</u> such as Victoria Day or Canada Day |

## Online Survey

The City of Toronto conducted an online survey between November 17, 2011 and July 9, 2012. Background information on holiday shopping was available on the website. In total, the City received 7,846 responses during this eight-month period.

The results of the online survey found that 67% of respondents are in favour of maintaining the current regulations requiring stores to close on holidays, 25% of respondents are in favour of changing the regulations so that retail stores have the choice to open on all holidays, and 8% of respondents are in favour of changing the regulations so that retail stores have the choice to open on some holidays.

| <b>Percent</b> | <b>Question:<br/>Are you in favour of the City of Toronto making changes to Holiday Shopping regulations to permit retail stores to open on all or some Retail Holidays?</b> |
|----------------|--|
| 67%            | Favour maintaining the current regulations requiring stores to <u>close</u> on holidays  |
| 25%            | Favour amending the regulations so that retail stores have the choice to open on <u>all holidays</u>   |
| 8%             | Favour amending the regulations so that retail stores have the choice to open on <u>some holidays</u>  |

The results of the survey found that 75% of respondents indicated that stores should remain closed on Christmas Day.

| <b>Percent indicated stores should remain closed</b> | <b>Question:<br/>Please indicate which holidays stores should be permitted to open and which days they should remain closed.</b> |
|--|--|
| 58%  | Family Day   |
| 58%  | Victoria Day   |
| 64%  | Labour Day   |
| 67%  | Good Friday  |
| 68%  | Thanksgiving Day   |
| 68%  | Canada Day   |
| 68%  | Easter Sunday  |
| 68%  | New Year's Day   |
| 75%  | Christmas Day  |

## Public Meetings

Through a competitive process, the City of Toronto hired an independent consultant, Swerhun Facilitation & Decision Support, to lead the public meetings and report on the results. From June 18 to June 25, 2012, five public meetings took place across the city to exchange a full spectrum of views on this topic. Consultations took place in the evenings at facilities that were fully accessible. Staff from Economic Development and Culture, and Municipal Licensing Enforcement attended all of the public meetings. See Attachment 1 for the full report.

| <b>Date</b>   | <b>Group</b> | <b>Location</b>          | <b>Schedule Time</b> |
|---------------|--------------|--------------------------|----------------------|
| June 18, 2012 | Public       | North York Civic Centre  | 7-9 pm               |
| June 19, 2012 | Public       | Scarborough Civic Centre | 7-9 pm               |
| June 20, 2012 | Public       | East York Civic Centre   | 7-9 pm               |
| June 21, 2012 | Public       | Etobicoke Civic Centre   | 7-9 pm               |
| June 25, 2012 | Public       | Toronto City Hall        | 7-9 pm               |

In total, 170 people attended these meetings. Examples of groups that attended the public consultation included union and labour groups, retail employees, Workers Action Centre, Parkdale Community Legal Services, Retail Council of Canada, residents, and retailers.

Below is a list of representatives who attended the meetings. Due to the open nature of the meetings, this list may not capture all stakeholders that attended. Names of private citizens who attended the meetings are not included for privacy reasons. It should be noted that many representatives who attended the Stakeholder consultations also attended the public meetings. Listed in alphabetical order:

- Cadillac Fairview
- Campbell Strategies
- Canadian Tire
- CAW (Canadian Auto Workers' Union)  
– Local 414
- Goodwill
- Morguard Investments
- Oxford Properties
- Parkdale Community Legal Services
- Retail Council of Canada
- Sheppard Centre
- Sherway Gardens
- Shoppers Drug Mart
- Urban Metrics
- Workers Action Centre

## Media Coverage and Advertising

Information promoting the public meetings in June included a dedicated City web page, news releases, and advertisements in 16 newspapers including six translated advertisements in the following languages: Korean, Italian, Punjabi, French, Mandarin and Cantonese. Promotion also included flyers in 156 community centres and 96 libraries, email invitations to over 300 people who contacted the City about this topic, email invitations to Members of Council and the Mayor's Office, and 5,730 invitations mailed to retail businesses. Media coverage of the consultations included: CityTV, Global TV, CP24, OMNI News Mandarin Feature, 680 News, CBC Radio Here & Now, Toronto Sun and Toronto Star.

### Public Meeting Promotion

| <u>Media Type</u>  | <u>Dates</u>               |
|--|----------------------------|
| Civic Engagement Twitter Account                         | June 14, 2012              |
| Korean Times Daily – ( <i>Korean trans.</i> ) (1/4 page) | June 11, 2012 (weekly)     |
| Corriere Canadese – ( <i>Italian trans.</i> ) (1/4 page) | June 11, 2012 (weekly)     |
| Hamdard – ( <i>Punjabi trans.</i> ) (1/4 page)           | June 11, 2012 (weekly)     |
| L'Express – ( <i>French trans.</i> ) (1/4 page)          | June 11, 2012 (weekly)     |
| Ming Pao – ( <i>Chinese trans.</i> ) (1/4 page)          | June 11, 2012 (weekly)     |
| Sing Tao – ( <i>Chinese trans.</i> ) (1/4 page)          | June 11, 2012 (weekly)     |
| Metro (section banner)                                   | June 11 & 15, 2012 (daily) |
| 24 Hours (1/4 banner)                                    | June 11, 2012 (daily)      |
| Beach Mirror (1/4 page)                                  | June 7, 2012 (weekly)      |
| Bloor West Villager (1/4 page)                           | June 7, 2012 (weekly)      |
| City Centre Mirror (1/4 page)                            | June 7, 2012 (weekly)      |
| East York (1/4 page)                                     | June 7, 2012 (weekly)      |
| Etobicoke Guardian (1/4 page)                            | June 7, 2012 (weekly)      |
| North York Mirror (1/4 page)                             | June 7, 2012 (weekly)      |
| Parkdale Liberty Villager (1/4 page)                     | June 7, 2012 (weekly)      |
| Scarborough Mirror (1/4 page)                            | June 7, 2012 (weekly)      |

|  |                       |
|--|-----------------------|
| York Guardian (1/4 page)                               | June 7, 2012 (weekly) |
| Flyers to 5,730 retail business in Toronto             | June 4, 2012          |
| 303 E-invites to people who contacted the City         | May 29, 2012          |
| Packages of flyers to 51 BIAs for local distribution   | May 28, 2012          |
| 45 E-invites to Councillors and Mayor's Office*        | May 28, 2012          |
| Posted flyers in 156 City of Toronto Community Centres | May 24, 2012          |
| Posted flyers in 96 City of Toronto Public Libraries   | May 24, 2012          |
| City of Toronto Holiday Shopping website               | May 18, 2012          |
| City of Toronto Civic Engagement website               | May 18, 2012          |
| City of Toronto Business Portal website                | May 18, 2012          |

\*All councillors were invited all to send information about the consultations through their networks.

## News Articles on Holiday Shopping Consultations:

### 2011

- Dec. 23 - Toronto Star <http://www.thestar.com/News/GTA/cityhallpolitics/article/1106471>
- Dec. 23 - Global Toronto <http://www.globaltoronto.com/holiday+shopping/6442548011/story.html>
- Dec. 23 - Inside Toronto <http://www.insidetoronto.com/print/1269841>
- Dec. 23 - CBC news <http://www.cbc.ca/news/canada/toronto/story/2011/12/23/shopping-hours-holiday.html>

### 2012

- Sept. 13 - Now Toronto <http://www.nowtoronto.com/news/story.cfm?content=188614>
- June 25 - CityTV and Global TV interviews with Randy Maclean at City Hall consultation
- June 22 - <http://www.insidetoronto.com/news/local/article/1379874--rules-for-retail-holidays-discussed-at-scarborough-consultation-meeting>
- June 19 - Global news:  
<http://www.globaltoronto.com/toronto+considers+allowing+retail+shops+to+be+open+during+stat+holidays/6442663936/story.html>
- June 19 - CP24 noon hour feature interview with Councillor Fragedakis at 12:50 p.m.
- June 18 - Citytv feature online and with video -  
<http://www.citytv.com/toronto/citynews/news/local/article/210825--city-seeks-public-input-on-holiday-shopping>
- June 18 - CBC TV and CP24 at Public Consultation
- June 18 - <http://www.640toronto.com/Channels/Reg/NewsLocal/Story.aspx?ID=1723037>
- June 18 - CBC Radio Here & Now - Interview with Councillor Fragedakis
- June 18 - City-TV Feature - <http://www.citytv.com/toronto/citynews/videos/210874>
- June 18 - Toronto Sun feature - <http://www.torontosun.com/2012/06/17/holiday-shopping-debate-heats-up-2>
- June 13 - OMNI News Mandarin Feature - <http://ontario.omnionews.ca/?language=3> (13 min. 22 secs. into broadcast)
- June 13 - Toronto Star feature - <http://www.thestar.com/news/article/1210242--holiday-shopping-in-toronto-city-wants-to-hear-your-opinions>
- June 12 - 680 News item - <http://www.citytv.com/toronto/citynews/news/local/article/210079--city-council-seeking-public-input-on-holiday-shopping-regulations>
- June 12 - <http://www.openfile.ca/toronto/blog/2012/city-wants-talk-about-extending-holiday-shopping-now-nobodys-running-anything>
- May 18 - <http://toronto.ctv.ca/servlet/an/local/CTVNews/20120517/toronto-committee-holiday-shopping-120517/20120517?hub=TorontoNewHome>



May 18 - Toronto Star – mention within article about York Region  
<http://www.thestar.com/news/article/1180196--york-region-grants-mall-a-holiday-exemption>  
 May 17 - ctvtoronto.ca - <http://toronto.ctvnews.ca/city-considers-allowing-shopping-on-holidays-1.828540#axzz1yuZCGLxG>  
 April 27 - InsideToronto.com <http://www.insidetoronto.com/news/cityhall/article/1344211--have-your-say-on-holiday-store-closings>  
 April 23 - Toronto Sun <http://www.torontosun.com/2012/04/23/public-gets-say-on-torontos-holiday-shopping-rules>  
 January 1 - Toronto Star <http://www.thestar.com/Opinion/Editorials/article/1109008>

## Additional Feedback

In addition to the stakeholder consultations, telephone poll, online survey and public meetings, the City of Toronto received additional feedback from the public through 9 letters, 1 petition and 50 emails.

| Letter and Petitions   | Date Received      |
|--|--------------------|
| Roncesvalles Village BIA   | Nov. 18, 2011      |
| Downtown Young BIA   | Nov. 21, 2011      |
| Toronto Resident   | Feb. 1, 2012       |
| UFCW Canada  | Mar. 19, 2012      |
| The United Church of Canada, Toronto Conference  | April 18, 2012     |
| Etobicoke Strategy Community Initiative  | June 21, 2012      |
| 1 Petition to Maintain By-law<br>Signed by 108 people comprised of Toronto residents, voters, workers in the retail sector, and shoppers | June 21, 2012      |
| Shoppers Drug Mart   | June 28, 2012      |
| Toronto Resident   | June 29, 2012      |
| Shoppers Drug Mart   | September 10, 2012 |

| Email, Vociemail and Tweets                             | Total |
|---|-------|
| Total Number of Tweets                                  | 1     |
| Total Number of Comments Received by Voicemail          | 4     |
| Total Number of Participant Workbooks Received by Email | 9     |
| Total Number of Comments Received by Email              | 50    |

## Conclusion

The purpose of this review was to develop and undertake further consultations on holiday shopping. Under the guidance of the Subcommittee on Holiday Shopping this review incorporates the most comprehensive consultation of holiday shopping conducted by the City of Toronto to date.

## **CONTACT**

Randy McLean, A/Director  
Strategic Growth and Sector Development  
Tel: 416-392-3397  
Email: [rmclean@toronto.ca](mailto:rmclean@toronto.ca)

## **SIGNATURE**

Michael H. Williams, General Manager  
Economic Development and Culture

## **ATTACHMENTS**

Attachment 1 – Holiday Shopping Public Meetings Summary Report (August 3, 2012)  
by Swerhun Facilitation & Decision Support

# Holiday Shopping Public Meetings

## Summary Report

**August 3, 2012**

Public Meetings:

Monday, June 18, North York Civic Centre  
Tuesday, June 19, Scarborough Civic Centre  
Wednesday, June 20, East York Civic Centre  
Thursday, June 21, Etobicoke Civic Centre  
Monday, June 25, Toronto City Hall

All meetings were held from 7 – 9 pm

*This summary report, prepared by SWERHUN Facilitation & Decision Support, was sent for review in draft format to the participants who attended the public meetings, or sent email comments between May 17 and June 30, 2012, before it was finalized.*

*A copy of this summary report has been posted on the City of Toronto website at [www.toronto.ca/holidayshopping](http://www.toronto.ca/holidayshopping).*

*The Holiday Shopping Sub-Committee is comprised of Councillors Mary Fragedakis (Chair), Josh Colle and Sarah Doucette. A final report on Holiday Shopping Public Consultation is expected to be submitted to the Economic Development Committee in the fall 2012.*



## Introduction and Background

The Economic Development and Culture Division of the City of Toronto held a series of five public meetings in North York, Scarborough, East York, Etobicoke and downtown from June 18<sup>th</sup> to 25<sup>th</sup>, 2012. The purpose of these meetings was to seek feedback to help inform the development of a fair and equitable long-term holiday shopping policy.

Feedback was sought in three parts:

1. Review and discussion of the “lenses” or perspectives that should be considered when making a policy recommendation;
2. Review and discussion of the different options that City staff are considering in determining how best to make the City’s temporary holiday-shopping policy into a long-term policy; and
3. Any other advice.

Approximately 170 people participated in these meetings representing the following perspectives and interests: retail employees, business owners from a variety of retail sub-sectors (e.g. drug stores, general merchandise, etc.), labour rights advocacy groups, retail property owners and developers, shopping malls, business improvement areas, and residents. Roughly half of all participants identified themselves as members of a union local.

A number of councillors also attended the meetings, including Councillor Sarah Doucette, Councillor Mary Fragedakis and Councillor Chin Lee. Representatives from Councillor Josh Colle, Councillor Mike Del Grande and Councillor John Filion’s offices also attended meetings.

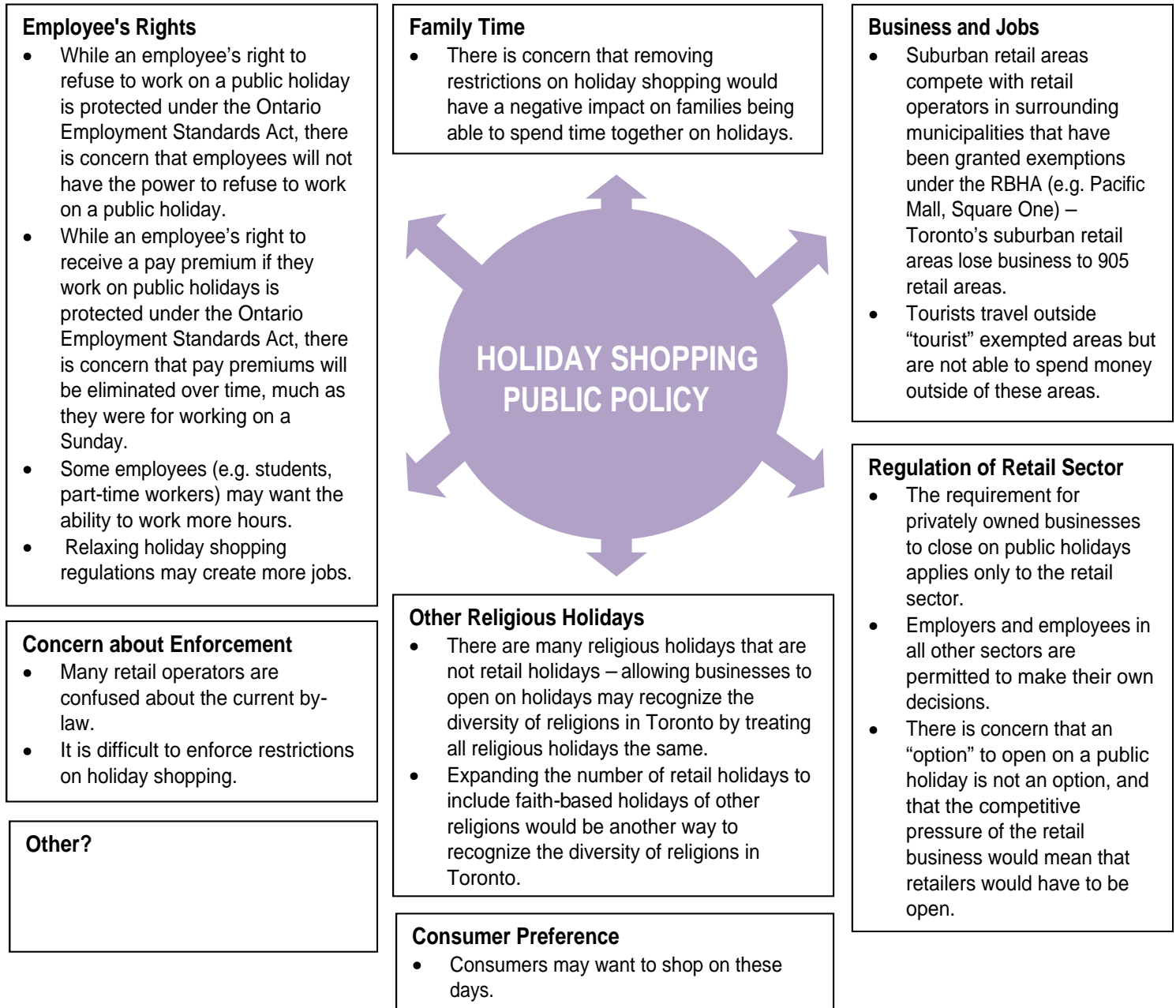
In addition to the five public meetings, there was an opportunity to submit feedback via the holiday shopping email [holidayshopping@toronto.ca](mailto:holidayshopping@toronto.ca). Feedback received via emails, letters, and telephone messages received from May 17<sup>th</sup> to June 30<sup>th</sup>, 2012, has been incorporated in this report.

The consultations facilitated the exchange of a wide range of different perspectives and opinions; the meetings were respectful discussions amongst participants that held strong views and a diversity of positions. This report compiles and summarizes feedback from these public meetings and additional submissions from this consultation period.

# 1. Feedback On "Lenses"

The first part of the discussion at the meetings focused on the different lenses through which various stakeholders look at Holiday Shopping. To start this discussion, a summary of these lenses was presented by the City. There was general agreement among participants that the graphic below accurately reflected the topics and perspectives that exist. Additional nuance to these lenses and suggestions for new lenses were provided by the participants and are described on pages 4 and 5.

## "Lenses" Presented at the Public Meetings



## Feedback from Participants on nuances to existing Lenses

### • *Employee's Rights*

- Employees might not be able to refuse to work on public holidays for fear of losing their job, having their hours reduced, or not being given opportunities for advancement.
- Employees in the retail sector need protection because they are already vulnerable.
- Premium pay on holidays could be a positive opportunity for some employees.
- Premium pay on holidays could disappear as it did with Sunday shopping. Employees were formerly paid a premium to work Sundays, they now are expected to work Sundays with no premium.

### • *Family Time*

- Increased holiday shopping could have a negative impact on families, reducing leisure time spent together and negatively affecting the development of children who now have less time with their parents.

### • *Business and Jobs*

- Net economic benefit is unclear. Would stores being open bring in more money, or would the same amount of money simply be shifted around and spent on different days or in different locations? Would the cost of being open (wages, electricity, etc.) be covered by additional sales if stores were open?
- The policy should encourage retail customers to shop in Toronto.
- Regional tourism groups may have an interest in the topic.
- The business and jobs impacts are not the same in the suburbs and downtown – tourism has a heavy impact on the downtown area, while competition with surrounding municipalities is a prominent topic in the suburbs.

### • *Regulation of the Retail Sector*

- The less government interference in the business environment the better.
- The option to be open may be a false choice: it may force all retailers to open due to competitive pressures.
- Businesses in other sectors are free to do what suits them best - most are closed on holidays even though they could be open.

### • *Consumer Preference*

- Consumers may not need an additional nine days to shop, 356 days a year should be adequate.
- The increasing use of online shopping could reduce the need for stores to be open on holidays.

## Feedback from Participants on new topics and perspectives to add to the Lenses

### • *Fairness as a Guiding Principle*

- “Levelling the playing field” is good because all businesses are treated the same.
- “Fairness” has a different meaning for employees than for retailers. What is “fair” for business may be “unfair” for employees.
- Exemptions based on geography are unfair. Similar businesses are treated differently based on location, as are their staff (some can earn premium pay, some can’t).

### • *Municipal Infrastructure and Policy*

- If restrictions on holiday shopping were lowered, there would need to be an increase in public transit service on holidays with an associated increased cost to taxpayers.
- Without an increase in Toronto Transit Commission (TTC) service there would be increased traffic and parking topics on holidays.
- Many retail employees, particularly single parents, would face a challenge if restrictions on holiday shopping were reduced as many childcare services are not open on holidays.
- Essential services (such as Firefighters, Police) need to be available and increased if stores were open on additional days, with additional cost as well.
- Holiday shopping policy should support and be aligned with other Economic Development and Culture policies.

### • *Health Impacts on Consumers and Workers*

- Pharmacies provide key support (continuation of healthcare outside of hospitals, access to prescription medication as well as non-prescription medical products and services) and health records and should be open. If a patient does not have access to his or her health records due to pharmacy closure it creates a safety risk.
- There is a negative impact on employee health if they do not have adequate time off.

### • *Work-Life Balance and Civic Culture*

- Holidays are important days to spend time with families and in the community by participating in cultural events.
- Shopping 24/7 creates a culture where materialism is placed above all other values.
- Having statutory holiday, and a time for common pause, is an element of “Canadian” culture.
- Labour Day was created to celebrate labour; this day should be maintained as a workers holiday.
- If employees have to go to work on religious holidays they are not free to attend places of worship.

### • *Environmental Impacts*

- Additional resources (e.g. energy, water, etc.) would be consumed by stores open on holidays.
- Increased vehicle traffic would have a negative environmental impact.

### • *Provincial Jurisdiction Regarding Labour Topics*

- While the City has the jurisdiction to change the holiday shopping by-law, the Province has an important role to play in mitigating potential impacts of a change (e.g. enforcing the *Employment Standards Act*).

### • *Human Rights*

- It was noted that several of the lenses, including workers’ health, religion and family time, could be grouped under a human rights lens.

## Feedback from Participants on prioritizing the Lenses

- In terms of prioritizing the lenses, there was a range of opinion on which topics and perspectives, if any, were more important to consider than others.
- *Employee rights* and *family time* were mentioned by a number of participants and often mentioned together as the most important lenses to consider.
- *Business and jobs*, reduced regulation of the retail sector and religious holidays were all also mentioned as priority lenses.
- Several participants felt that *all of the lenses were equally important* to consider when making a decision about holiday shopping.

## 2. Feedback on Options

The second part of the discussion at the meetings focused on the different options to be considered in determining a long-term Holiday Shopping policy. To start this discussion, three different options were presented:

Option 1. **Repeal by-law.** With this option, no by-law will exist and businesses will have the option to operate as they choose.

Option 2. **Maintain existing temporary by-law (no change).** With this option, the current temporary by-law would be made permanent.

Option 3. **Amend by-law.** With this option, the City would still regulate which retailers can and can't open on retail holidays but they would amend certain aspects of the by-law.

Participants were asked for their views on the strengths and challenges of the options and what types of amendments they would like to see considered. This feedback is listed below.

### Feedback from Participants on Options

- *Repeal Temporary By-law*

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| <ul style="list-style-type: none"><li>• <b>The <i>positive</i> impacts:</b></li><li>• Fairest option for retailers</li><li>• Levels the playing field for retailers</li><li>• Gives business owners choice</li><li>• Gives consumers the option to shop</li><li>• May strengthen Toronto's economy</li><li>• Will provide employees with more income</li><li>• Transparent and uncomplicated</li><li>• Reduces confusion</li><li>• Does not require regulation</li></ul> | <ul style="list-style-type: none"><li>• <b>The <i>negative</i> impacts:</b></li><li>• Would lead to a "wild west" situation with no regulation at all</li><li>• Employees may not have a choice as to work or not on holidays</li><li>• Employees may eventually lose the wage premium for working on holidays</li><li>• Employers would not have a choice to open due to competitive pressure to maintain their market share</li><li>• Additional infrastructure that would be required to support shopping on holidays is lacking</li><li>• Employers and employees would not have holiday time to relax and/or be with their family</li></ul> |
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- *Maintain Temporary By-law*

- **The *positive* impacts:**
  - Status quo has the least negative impact on employees
  - Provides family time
  - Provides common days of rest
  - Gives a chance for smaller, mom and pop stores to “catch up” to larger corporate stores
- **The *negative* impacts:**
  - Status quo is not a long-term policy
  - Current by-law is inconsistent and is not properly enforced
  - Limits the ability of people who would like to take advantage of extra income from working on holidays
  - Current exceptions on retail categories and store sizes are arbitrary/outdated
  - Inequity in access for consumers to products/services between exempted and non-exempted areas
  - No process in place for new exemptions
  - Criteria for tourist designation is not clear
  - The options for shoppers and retailers are limited and the current holidays are not reflective of the diversity of Toronto’s population

- *Amend Temporary By-law*

**Criteria: Change exemptions/exceptions so that criteria are clear and well defined**

- The by-law could be amended to remove the current tourism/geographic exemptions as they were granted with outdated criteria, and there are many things for tourists to do on holidays (e.g. visit parks, museums, waterfront, zoos, etc.) other than shop.
- Additional exemptions could be granted based on cultural/religious/ethnic concentrations – i.e. where there is a concentration of a certain group in the City, restrictions on certain holidays could be removed (one participant cited Paris as an example of a city where this is done).
- It was suggested that the pharmacy exception could be changed to allow all pharmacies to stay open on holidays without restrictions on size. Some were concerned that this would not be fair to other types of retailers, as many pharmacies now include a product selection that goes far beyond medicine and competes with the product selection of other types of retailers. Granting an exception for all pharmacies but only allowing the sale of pharmaceutical goods was suggested as a work-around.
- Lastly, it was felt that any additional exemptions should be based on clear and transparent criteria.

**Application Process: Develop a process whereby businesses could apply for an exemption**

- Additional exemptions could also be based on an application process, potentially online, involving BIAs or merchant groups although some felt that an application process would be too burdensome for businesses. It was suggested that a fee for opening on the holidays could be used as part of the application process and that this revenue would be a benefit to the City.

***Days: Change the days that are designated as holidays, add additional holidays or allow individual businesses to determine which nine days per year they will be closed.***

- Additional holidays could be added to reflect the different cultures and religions in Toronto. Others felt that there needs to be a balance between respecting different cultures and religions through granting additional holidays and the ability to maintain Toronto as a competitive place to do business.

- Rather than having nine set days where stores must be closed, the by-law could be amended so that retail businesses still had to be closed at least nine days a year, but these days would be at the choice of individual businesses. Others felt that maintaining the existing nine days is important as it is a right that “people had fought for” and also made sure everyone knew which days are the common holidays. Others also felt that the specific holidays themselves were not the topic, rather than having nine known and common holidays was what mattered.

***Pilot: Use a pilot program to test the proposed policy before finalizing it***

- With any amendment undertaken, a pilot program should be used so that the impacts can be measured and the amendment tweaked based on the results.

***Enforcement: Develop more rigorous enforcement of existing by-law***

- Enforcement could be improved through amendments to the by-law. These amendment ideas included increasing fines and/or receiving a fine on the first offense (i.e. removing the caution/warning). Others felt that a greater number of by-law officers should be assigned to enforcing the by-law.

### 3. Other Feedback

- A number of participants thought that it was important to look at holiday shopping policy in other places, including neighbouring jurisdictions, other provinces and other countries before making recommendations. Participants also felt that this was a decision that would have province-wide impact, in terms of setting a precedent, and encouraged policy discussion at the provincial level.

- It was suggested that the recommendation to Council should be delayed so that there is more time to gather information and ensure that the voices of all people who will be impacted by a decision are heard. A referendum was suggested as a means of achieving a decision on holiday shopping.

- Participants expressed a desire for additional detail on how the decision making process would proceed, including the role the survey results and consultation feedback would play in informing the final recommendation. Others asked about whether economic impact studies had been used or would be used in determining the policy, to understand the positive and negative economic impacts of different policy options. Participants were also interested in more background information on the history of holiday shopping and how the statutory holidays came to be in the first place.

- Some participants were unsatisfied with the communication methods used to raise awareness of the consultations and felt that retail workers and retail owners were not present in representative numbers. Others pointed out that online access was not an option for all residents, and that accessibility topics could be more thoroughly considered.