

R. v. Big M Drug Mart Ltd.
[1985] 1 S.C.R. 295
Supreme Court of Canada

One Sunday in May 1982, police officers in Calgary visited the premises of Big M, which was open to the public. They witnessed several transactions including the sale of groceries, plastic cups, and a bicycle lock. Big M was then charged with a violation of section 4 of the *Lord's Day Act* by unlawfully selling goods on a Sunday.

In a 1983 trial, a Provincial Court judge dismissed the charge on the ground that the *Lord's Day Act* was unconstitutional. The Crown's appeal to the Alberta Court of Appeal was also dismissed. The Crown then appealed to the Supreme Court of Canada.

In a 6 to 0 decision, the Supreme Court ruled that the *Lord's Day Act* infringed on the freedom of conscience and religion guaranteed in section 2(a) of the *Canadian Charter of Rights and Freedoms*. Having established the infringement, the Supreme Court then had to determine whether or not it was a reasonable limitation under section 1 of the *Charter*.

Two reasons were argued to justify the law as a reasonable limit. First, it was most practical to choose the day accepted by the Christian majority as a universal day of rest. Second, everyone accepts the need for and value of a universal day of rest, and it was just as well to choose the day traditionally observed in Canadian society.

The first test under section 1 is to examine the intent of the law; the second test is to examine its effect. The Court stated that it had long been established by courts that the *Lord's Day Act* is religious in intent. This intent infringed upon freedom of religion by translating Christian values into a law binding on believers and non-believers alike. It was not necessary for the Court to examine the effect of the law, because its purpose was a basic infringement. The Court therefore dismissed the Crown's appeal.

For Discussion

1. Why did all courts hearing this case find that the *Lord's Day Act* was unconstitutional?
2. Under what circumstances do you think the courts might find a law prohibiting certain businesses from opening on Sunday valid?
3. Do you agree with the Supreme Court's decision? Explain.