

Submission to the Department of Labour

on the

Easter Trading and Holidays Legislation

**Interface between the Shop Trading Hours Act Repeal Act 1990,
Sale of Liquor Act 1989 and Holidays Act 2003 Discussion Document**

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Introduction

1. Finsec is the union representing workers in the New Zealand finance sector. Finsec represents 6,500 workers in banks, insurance and finance companies. Members have a broad interest in New Zealand's financial and economic and social wellbeing.
2. We are happy for the contents of this submission to be a matter of public record.
3. We recognise that members of the National Distribution Union (NDU) are likely to be those most affected by any change to the existing legislation. Therefore, we endorse the submission of the NDU.
4. We note that shop trading hours have an impact on the wider workforce, as these businesses require service from the banking sector and others. Bank opening hours continue to increase, and call centre staff are particularly vulnerable to demands for 24 hour, 365 day service. There are also particular demands on staff working in banks in tourist areas, such as Queenstown.

Importance of Easter as a holiday weekend

- 4 Finsec believes it is essential that current long weekends are protected. Easter should be protected as a holiday weekend which allows for

travel or concentrated time for family, sporting or cultural activities rather than isolated individual days off which provide limited opportunity for those activities.

- 5 New Zealanders work some of the longest hours in the world and only have three and a half days shop-free days shops. In our view the balance has shifted too far in favour of commercial interests and away from the rights of workers to enjoy time off during holidays of religious and cultural significance.
- 6 Any liberalisation of shop trading hours will place extra pressure to work staff. We note that while existing staff may not be compelled to work on public holidays, that pressure can be put on staff to accept these duties especially when no new staff are available to fill these roles.
- 7 Public policy is beginning to shift in favour of granting rights for workers to have time off to attend to their other responsibilities in life – whether it be paid parental leave, four weeks annual leave or flexible working arrangements. This change reflects a public mood that working arrangements needs to change in order to better meet life's other responsibilities. This philosophy should also apply to public holidays and shop trading hours.

Inconsistencies between existing legislation

- 8 It is not clear to Finsec what the impact is of any inconsistency between the Shop Trading Hours Act Repeal Act 1990, the Sale of Liquor Act 1989 and the Holidays Act 2003. We are not convinced that there needs to be change in order to align these pieces of legislation.
- 9 If any inconsistency requires action, we are not convinced that this discussion bears any particular relevance to the Easter holiday, as it would surely impact Christmas, ANZAC Day etc. We recommend that these two issues be dealt with separately.

Exemption-making provisions

- 10 We are not convinced that the right to grant exemptions to the existing provisions needs to be extended.
- 11 If the right to grant exemptions is reinstated, we believe that the power should lie with the Minister and be as far removed as possible from local commercial pressures. Decisions should be made in the national interest and especially take into account the inevitable pressures on staff to work on public holidays.

- 12 We believe that existing exemptions should be re-examined to test if they should still apply. We note that there are enough dairies, petrol stations etc open to meet essential needs on public holidays, that tourists don't visit New Zealand in order to shop, and that days on either side of public holidays provide good opportunity for filling shopping needs.

Status of Easter Sunday

- 13 Finsec would support Easter Sunday being made a public holiday. We believe that this would be consistent with the community view of the importance of the day – most New Zealanders probably believe it already is a public holiday. However, we do not believe that this move should be accompanied by any liberalisation of shop trading hours and do not see why the two issues should be linked. There is little point in creating a new public holiday if a large group of the population will be pressured to work on this 'holiday'. While it is important that workers have access to penal rights, workers also need to have rights to days off to spend with their families.
- 13 We also support a wider public discussion about a twelfth or further public holiday, which addresses the long gap between Queen's Birthday and Labour Weekend when there are no public holidays and also allows opportunity to discuss other significant times such as Matariki which could be recognised.

Employee Protection

- 14 Finsec supports greater protection for employees regardless of any other change in this area.
- 15 We strongly support the right for employees to refuse to work on public holidays. This should be extended to all workers regardless of the location or industry in which they work.

Leaseholder Protections

- 16 We support the right of leaseholders to refuse to open on public holidays.

Penalties for breaching current restrictions

- 17 It seems clear that the penalties for breaches of the Act are inadequate, as some businesses seem to accept the small fine as part of their costs for operating on restricted days.
- 18 We would support an increase in fines, and for levels of fines to be tied to the number of staff working on those days.

19 We support granting Labour Inspectors the power to impose instant fines.

Increased powers of enforcement

19 Finsec views it as appropriate that Labour Inspectors should have entry and inspection powers in this area similar to those they have under the Employment Relations Act.