



**New Zealand Chambers of Commerce and Industry**

**Submission to the Department of Labour**

**Easter Trading and Holidays Legislation**

**December 2007**

**Introduction**

The New Zealand Chambers of Commerce (Inc), NZCCI, is an umbrella organisation serving the interests of 30 Chambers of Commerce nationwide. These, in turn, represent over 24,000 businesses around the country. While many of our members are in the SME category our membership includes most of the largest corporations in New Zealand. We would like to appear before the Select Committee to speak to this submission.

**Summary**

NZCCI supports removing the trading restrictions under the Shop Trading Hours Act Repeal Act 1990 and Sale of Liquor Act 1989 for Easter Sunday and maintaining the status quo on the Holidays Act (2003) status of Easter Sunday.

**Submission**

***Trading Restrictions***

NZCCI believes that any business wanting to trade on Easter Sunday should be allowed to. Consequently we support the removal of the trading restrictions under the Shop Trading Hours Act Repeal Act 1990 and Sale of Liquor Act 1989 for Easter Sunday (Option 3, 1<sup>st</sup> discussion area).

We acknowledge the vexed issues raised in the document as to the cultural, social and religious significance of Easter Sunday for many people, as well as the employment issues associated with the day not being a public holiday and employees wanting to be with their families on this day.

With regard to the former, shops and businesses will only open their doors on this day if there is a demand and many customers will chose not to shop or eat out etc because of the day's significance to them. Consequently many businesses will remain closed. Certain sectors and geographical areas, e.g. areas with high visitor numbers, are more likely to want open. We do not believe there is a case for preventing such businesses from opening in these circumstances. If people want to shop on Easter Sunday retailers should be allowed to meet that demand.

Reinstating the exemption-making provision for specific geographical areas for Sunday trading and sale of liquor (option 2, 1<sup>st</sup> decision area) would rectify the problem of certain tourist areas currently missing out. However this is a significantly inferior option, which we do not support. It would open up the potential for disputes over area exemptions and dissatisfaction with arbitrary decisions and criteria. Far better to remove all restrictions and let the people decide.

### ***Employment Issues***

With regard to employment issues associated with working on Easter Sunday, we consider that employers and their staff should be able to work out between them the optimal employment arrangements for Easter Sunday. Good employers will accommodate those staff who do not want to work on this day for family or religious reasons against those who don't have a problem. There is scope for such an arrangement including provision of additional compensation or entitlements to be formalised into employment agreements.

The document suggests that some employees who work on Sundays but not Mondays feel begrudged that because Easter Sunday is not designated a public holiday under the Holidays Act (2003) but Easter Monday is, they miss out on the additional compensation and alternative holiday, yet this is no different than the converse situation whereby people who don't work on Mondays feel begrudged that they miss out on the holidays that often fall on that day. It should be seen as part and parcel of the decision to take a job which requires working on Sundays.

There are currently 11 public holiday days under the Holidays Act (2003). Making Easter Sunday a public holiday would bring the total to 12 days (Option 2, decision area 2). We strongly oppose creating a 12<sup>th</sup> public holiday. This would impose significant costs on employers not only for businesses which would commence trading upon the removal of the trading restriction but also for those businesses which currently already trade on Easter Sunday.

The option of giving Easter Sunday public holiday status and removing another public holiday elsewhere in the year to maintain the number of holidays at 11 days would not be acceptable to employees or the wider public who predominantly work on Mondays not Sundays and so would lose a day's holiday under this scenario.

The idea where employees working on a Easter Sunday can receive the compensatory benefits associated with a public holiday in return for giving them up on Easter Monday or an alternative public holiday (eg Mondayisation) has some merit but whatever is proposed must not raise costs or compliance costs for employers.

We can not over emphasise the importance of a holidays regime that does not impose unfair costs on employers or increase the complexity of complying with the regime. Surveys consistently find that The Holidays Act ranks amongst the most significant concerns for business. Further increases in costs or compliance costs would potentially put employers out of business or discourage employers taking on more staff.

Finally, we would oppose the idea of making Easter Sunday a public holiday for employees currently working on the day but not others as set out in option 4 of decision area 1. This would create an additional anomaly and be perceived as unfair by other employees required to work on Easter Sunday.