

Waipā DISTRICT COUNCIL

Statement of proposal

Easter Sunday Shop Trading Policy

This Statement of Proposal has been prepared for consultation under section 83 of the Local Government Act 2002 and Part 2, Subpart 1 of the Shop Trading Hours Act 1990.

Easter Sunday Shop Trading Policy

Background

In 2016, the Government changed the Shop Trading Hours Act 1990 (the Act) to allow territorial authorities to decide whether shops in their district, or parts of their district, may open on Easter Sunday. Before this change, most shops across New Zealand were required to remain closed on Easter Sunday, unless they met one of the limited exemptions in the Act.

Waipā District Council considered this matter in 2017 and consulted with the community on whether a local Easter Sunday Shop Trading Policy should be adopted. At that time, the community feedback indicated that there was not support for introducing a policy, and Council did not adopt one.

Council is now testing community views again. If adopted, a new Easter Sunday Shop Trading Policy would allow shops in Waipā to choose whether to open on Easter Sunday. It would not require any shop to open, and it would not require any employee to work.

The proposal

Council is considering whether to adopt an Easter Sunday Shop Trading Policy. If adopted, the policy would allow shops across the district to open on Easter Sunday if they choose to.

If adopted, the policy would only apply to Easter Sunday. It would not apply to Good Friday, Christmas Day, Anzac Day before 1pm, or Easter Monday. Good Friday would remain a restricted trading day, and Easter Monday would remain a public holiday.

What Council can and cannot decide

Under the Shop Trading Hours Act 1990, Council can decide whether to have a local policy that allows Easter Sunday shop trading across the district or in specific parts of the district. Council cannot require shops to open, control which types of shops may open, or set opening hours for shops that choose to trade.

If adopted, the policy would not override other legal requirements. For example, alcohol licensing requirements under the Sale and Supply of Alcohol Act 2012 would continue to apply.

Employee rights

The Shop Trading Hours Act 1990 protects shop employees rights around work on Easter Sunday. All shop employees have the right to refuse to work on Easter Sunday and do not need to give a reason. Employers cannot compel an employee to work on Easter Sunday or treat

them adversely because they refuse to work. Employers must follow the notice requirements in the Act if they want an employee to work on Easter Sunday.

This means that, even if Council adopts a policy allowing Easter Trading in Waipā, individual employees would have the choice not to work that day. If an employer compels an employee to work or treats them adversely because they refuse, the employee may raise a personal grievance under the Employment Relations Act 2000.

Easter Sunday is not a public holiday, so employees who work on the day are not entitled to a time-and-a-half pay and a day in lieu.

Shops that can already open

Some shops are already able to open on Easter Sunday under existing legislation, subject to specific conditions.

Shops that can open under existing legislation and without an Easter Sunday Shop Trading Policy include:

- Small grocery shops (e.g. dairy, superette or fruit and vegetable shop)
- Service stations
- Takeaway bars, restaurants or cafes
- Duty free stores
- Shops providing services, rather than selling goods (e.g. video rental stores, hairdressers)
- Real estate agencies
- Pharmacies
- Garden centres
- Shops at any public transport terminal or station
- Shops in premises where an exhibition or show is taking place
- Shops primarily selling only souvenirs.

We are seeking feedback on whether other shops across the district should also be able to choose to open on Easter Sunday through adoption of the policy.

Options

There are two options being considered:

Option 1: Adopt an Easter Sunday Shop Trading Policy district-wide

Shops in the Waipā district could choose whether to open on Easter Sunday. Employees would retain the right to refuse to work.

Option 2: Do not adopt an Easter Sunday Shop Trading Policy

The current approach would continue. Most shops would remain closed on Easter Sunday unless they already meet an exemption under the Shop Trading Hours Act 1990.

What happens next

Council is seeking feedback from the community before making a decision. Feedback will help Council decide whether an Easter Sunday Shop Trading Policy should be adopted in Waipā.

After consultation closes, Council will consider all feedback received. People who wish to speak to their submission will have the opportunity to do so at a hearing on Wednesday, January 27.

Have your say

We want to know what you think. Should shops across the district be able to choose whether to open on Easter Sunday?

Submissions open on Monday, November 2 and close at 5pm Wednesday, December 2.

You can make a submission:

Online:
letstalk.waipadc.govt.nz

Email:
letstalk@waipadc.govt.nz

Post to:
Waipā District Council
Attn: Easter Sunday Trading submission
Private Bag 2402
Te Awamutu 3840

Delivered to:
Waipā District Council, 101 Bank St,
Te Awamutu

Waipā District Council, 23 Wilson St,
Cambridge