



EASTER SUNDAY 2018

The new law in action

In 2016 the law was changed to allow Councils to decide whether shops could open on Easter Sunday. This report looks back at Easter Sunday 2018 and considers how well the new rules work. While the new regime has been successful at guaranteeing the right of workers to a day off, it is still confusing for everyone.

SHOP WORKERS HAVE SPECIAL RIGHTS

Shop employees are the only group of workers with a legal right to turn down work on Easter Sunday. Research shows that they are able and willing to exercise that right.

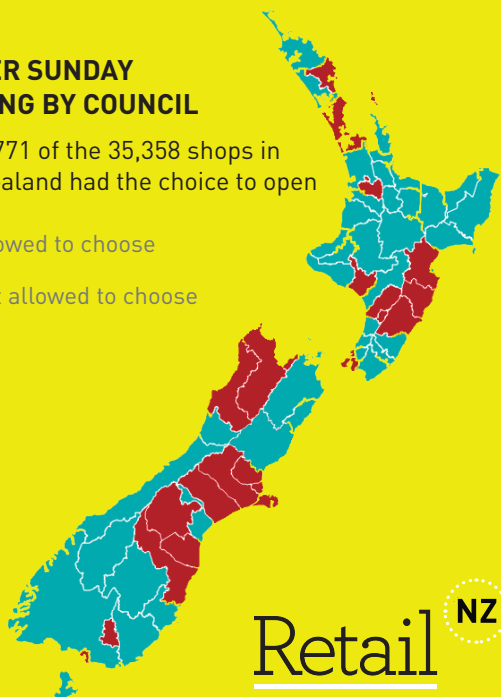
In 2018, eight per cent of retailers that sought to open had employees which declined to do so.

This shows that shop workers are able to choose to take Easter Sunday off if it has importance to them.

EASTER SUNDAY TRADING BY COUNCIL

Just 9,771 of the 35,358 shops in New Zealand had the choice to open

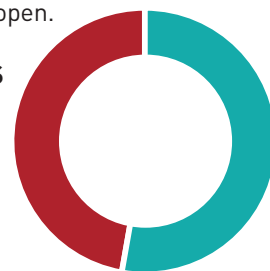
- Allowed to choose
- Not allowed to choose



Delegating decision-making to local Councils, while maintaining a host of exemptions has created commercial unfairness, and has led to significant confusion. A survey of Retail NZ members held in the lead up to Easter 2018 showed that 47 per cent of business owners did not understand whether they were allowed to open.

DO YOU KNOW WHETHER YOUR STORES ARE ALLOWED TO OPEN THIS EASTER SUNDAY UNDER THE NEW RULES?

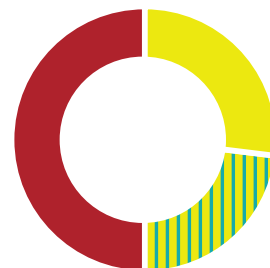
- Yes (53%)
- No (47%)



There is strong demand for shopping, either online or in those stores that were open. Research by Nielsen* showed that 50 per cent of all New Zealanders (and 62 per cent of people aged 25-39) undertook some form of commercial activity on Easter Sunday 2018.

HOW MANY SHOPPED ON EASTER SUNDAY 2018?

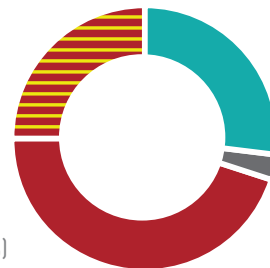
- Engaged in at least one commercial activity (27%)
- Engaged in two or more commercial activity (23%)
- Did not shop on Easter Sunday (50%)



Nielsen research* also shows that 69 per cent of New Zealanders either think the Government should not require shops to close on religious holidays, or don't care either way. The small proportion of the population that doesn't want to shop or work on Easter Sunday is fully able to exercise that right under the new law.

DO YOU THINK THE GOVERNMENT SHOULD REQUIRE SHOPS TO BE CLOSED ON RELIGIOUS HOLIDAYS?

- No (45%)
- Yes (27%)
- Don't care (24%)
- Don't know (4%)



By Easter Sunday 2018, around 60 per cent of Councils had allowed shops to choose to open, but this impacted just 27 per cent of shops. This is because, aside from Dunedin, major cities wanted to continue a ban on shopping on Easter Sunday. In total, just under 9,800 stores could choose to open their doors this Easter Sunday. Anecdotal evidence suggests many did, but also that many chose to remain closed. This is the law working as it should.

PROPORTION OF STORES ALLOWED TO OPEN

- Yes (27%)
- No (73%)



Marketview data showed a **23 per cent increase in spending on Easter Sunday 2018** (excluding fuel), compared to the previous year. This was largely driven by discretionary categories such as appliances, department stores & apparel.

BACKGROUND

Easter Sunday is not a public holiday. Historically however, the Government has tried to ban shopping on this day, while creating all sorts of exemptions to allow some stores to open.

This led to absurdities and inequities: certain shops within the Carnegie Centre in Dunedin were able to open yet it is no longer a retail destination, shops in Queenstown and Taupo could open, but not on Queen Street. Shops on Parnell Road in Auckland could open, but not on Queen Street. Garden centres were allowed to open, but not hardware shops that had a garden centre inside them. There were never any restrictions on the opening hours of online retail stores or businesses in other sectors.

In 2016, the Government delegated decision-making to local Councils. Unfortunately, the new law is just as confusing. The existing exemptions remain, but now our 67 local Councils have their own rules about whether shops can open: **we still lack a simple nationwide solution on Easter Sunday shopping.**

What's more, requiring every Council to consult and create a policy has been costly for retailers and Councils - the Auckland Council alone spent close to \$60,000 not counting staff time deciding that it wouldn't even go out and consult on the issue. Across the country, we estimate this issue has consumed hundreds of thousands of ratepayer dollars. The policies are required to be reviewed within five years of being adopted, which will incur another round of time and expense for all involved.

Retail NZ strongly supports the right of retailers, shoppers and workers to make their own decisions - in the 21st century, the Government and Councils should not be trying to regulate shopping.



THE ARGUMENTS AGAINST SHOPPING ON EASTER SUNDAY DON'T STACK UP:

ARGUMENT	COMMENT
Workers need a day off	<p>Shop workers (but only shop workers) have special rights under the law and are guaranteed Easter Sunday off if they want to.</p> <p>However, most workers in the economy aren't affected by the requirement for shops to close because shop workers account for just 10 per cent of New Zealand's workforce. The ban on shops opening doesn't affect workers from other sectors. Swimming pools, cinemas, theatres, hairdressers, beauticians, communications companies, broadcasters and local Councils are just some of the businesses that are all allowed to be open on Easter Sunday - and workers in these industries have no legal right to a day off on Easter Sunday.</p>
Easter Sunday has religious significance	<p>While Easter Sunday is an important religious day for our Christian community, Nielsen research* shows that just 27 per cent of New Zealanders think that the Government should require shops to close on religious holidays.</p> <p>New Zealand is a diverse and multicultural society, individuals choose to celebrate religious and cultural events that have significance to them. Events such as Hannukah, Diwali, Ramadan and Chinese New Year are celebrated without the Government banning physical shops from opening; individuals choose to keep their shops closed, or to refrain from shopping themselves.</p>
Too much consumerism	<p>Shopping is an essential activity for those needing to purchase food or other essential items and, for many, it is an important social activity, providing an opportunity to engage with friends and family. Nielsen research* shows that 50 per cent of New Zealanders chose to undertake commercial activity on Easter Sunday 2018.</p> <p>Allowing shops to open on a nationwide basis simply provides choice, and does not require anyone to go shopping, open their shop or to work in a shop.</p>
Small business owners will be forced to open	<p>Under the law, the owners of small businesses have special protections that mean they can't be forced to open their doors on Easter Sunday. Businesses are free to remain closed, if they wish to do so.</p>

* Source: Nielsen Online Omnibus survey conducted in April 2018, n=700 representative nationwide sample aged 15 years and over.