

DRAFT EASTER SUNDAY SHOP TRADING POLICY	
Approved by:	Council
Department:	-
Date Approved:	9 February 2017
Next Review Date:	8 February 2022
Relevant Legislation:	Employment Relations Act 2000 Shop Trading Hours Amendment Act 2016 (16/39)
Clutha District Council Documents referenced:	NIL

PURPOSE

The purpose of this policy is to allow shops to open on Easter Sunday.

This policy will:

- support Council’s strategic economic goal of “An economic environment that encourages growth in a way that sustainably supports the community.”
- recognise the needs of the retail and tourism sectors;
- apply a consistent and simple approach to Easter Sunday shop trading within Clutha District.

These aims are consistent with the Council’s strategic direction.

SCOPE

This policy applies to all shops in the Clutha District.

DEFINITIONS

Term	Meaning
Shop	<p>A shop is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:</p> <ul style="list-style-type: none"> • private home where the owner or occupier's effects are being sold (by auction or otherwise); or • a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or • a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.
Employer	Has the same meaning as in section 5 of the Employment Relations Act 2000.

Term	Meaning
Employment Agreement	Has the same meaning as in section 5 of the Employment Relations Act 2000.
Shop employee	Means an employee within the meaning of s6 of the Employment Relations Act 2000 who works in or from a shop.
Clutha District	Is the area depicted in Appendix 1.

1. Background

- 1.1. In 2016 the Shop Trading Hours Amendment Act 2016 (the Act) was enacted. The amendment enables Councils to introduce a policy permitting shops trade on Easter Sunday.
- 1.2. Under the Act Council can apply a policy to the whole District, or just to a particular region or regions.
- 1.3. A policy cannot define specific opening hours, what types of shops may open, or for what purposes a shop may open.

2. Policy

- 2.1. This policy allows all shops in Clutha District to trade on Easter Sunday.

3. Right to refuse to work

- 3.1. Under the Act, shop employees have the right to refuse to work on Easter Sunday and they are not required to provide employers with a reason for not working. Employers are not allowed to compel any shop employee to work on Easter Sunday, or treat them adversely if they elect not to work.
- 3.2. If an employer wants a shop employee to work on an Easter Sunday, the employer must give notice to the shop employee of his or her right to refuse to work. This has to be in writing, and it must usually be given between 4-8 weeks before the relevant Easter Sunday. If the shop employee does not want to work on Easter Sunday, they must also give written notice to their employer, typically no later than 14 days from when they were notified about their right not to work. The notice given by employers and shop employees must be delivered in person, sent via email, or carried out in the manner specified in the shop employee's employment agreement.

4. Scope

- 4.1. This Policy applies to the whole of the Clutha District. A map outlining the boundaries of the Clutha District is included as Appendix 1.
- 4.2. This Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

5. Review

- 5.1. This Policy will be reviewed within five years of adoption. The Act requires the use of the Special Consultative Procedure when adopting, reviewing and determining whether to amend, revoke, replace or continue the policy.

6. Version History

Date:	Action:	Authoriser:	Version number:
8 December 2016	Initial Draft approved	Council	(Draft) 1
9 February 2017	Policy adopted	Council	1

APPENDIX 1

Map of the Clutha District boundaries

