

House of Representatives

Supplementary Order Paper

Wednesday, 15 May 2002

Shop Trading Hours Act Repeal Act (Abolition of Restrictions) Amendment Bill

Proposed amendment

Kevin Campbell, in Committee, to move the following amendment:

New clause 4 added

To add the following clause:

4 New section 7A substituted

The principal Act is amended by repealing section 7A, and substituting the following section:

“7A Employee may refuse to work on Anzac Day morning, Good Friday, Easter Sunday, or Christmas Day

“(1) This section applies to every shop whether or not it is entitled under section 4 to remain open on all or any part of Anzac Day before 1 pm, Good Friday, Easter Sunday, or Christmas Day immediately before the Shop Trading Hours Act Repeal Act (Abolition of Restrictions) Amendment Act 2002 came into force.

“(2) On each occasion that a shop owner or occupier intends to open a shop on all or part of a day specified in **subsection (1)**, the shop owner or occupier must give a person who is employed to work in, from, or in relation to that shop a sufficient opportunity to advise the shop owner or occupier whether they agree to work on that day.

“(3) On each occasion when **subsection (2)** applies, a person is entitled to refuse to work on all or any part of that day unless the person has expressly agreed to work on that day.

“(4) The express agreement required under **subsection (3)** must not be contained in the person’s employment agreement, whether

that agreement was entered into before, on, or after the commencement of the Shop Trading Hours Act Repeal Act (Abolition of Restrictions) Amendment Act 2002.

- “(5) Despite **subsection (4)**, an employer may offer an employment agreement that provides for a person to work only on all or any part of a day specified in **subsection (1)**, and no other day.
- “(6) In this section, **employment agreement** has the same meaning as in section 5 of the Employment Relations Act 2000.”

Explanatory note

This Supplementary Order Paper amends the Shop Trading Hours Act Repeal Act (Abolition of Restrictions) Bill by adding *new clause 4*, which protects employees from being forced to work in a shop on a prohibited day as a result of restrictions on trading being abolished in certain areas.
