

House of Representatives
Supplementary Order Paper

Thursday, 14 October 2010

Shop Trading Hours Act Repeal (Waitaki Easter Trading) Amendment Bill

Proposed amendment

Jacqui Dean, in Committee, to move the following amendment:

New clause 5A

To insert the following clause after clause 5 (after line 18 on page 2):

5A New sections 7B and 7C inserted

The following sections are inserted after section 7A:

“7B Further consequential protection for other shop workers

“(1) This section—

“(a) applies to a shop that is entitled to remain open on Good Friday and Easter Sunday under **section 4B:**

“(b) does not apply to a shop that, immediately before the commencement of the Shop Trading Hours Act Repeal (Waitaki Easter Trading) Amendment Act **2010, was entitled to remain open on Good Friday or Easter Sunday under section 4 or 4A:**

“(c) overrides an employment agreement or condition of employment (whether entered into, or agreed to, before, on, or after the commencement of the Shop Trading Hours Act Repeal (Waitaki Easter Trading) Amendment Act **2010 to the extent that the employment agreement or condition is inconsistent with this section.**

“(2) On each occasion where it is intended to open a shop on Good Friday or Easter Sunday (or both), the employer of each shop worker must give the shop worker—

“(a) reasonable notice of that intention; and

“(b) a reasonable opportunity to advise the employer whether he or she agrees to work on Good Friday or Easter Sunday (or both).

“(3) A shop worker is entitled to refuse to work on Good Friday or Easter Sunday (or both) unless he or she has expressly agreed to work following notice under **subsection (2)**.

“**7C Refusal by shop worker to work under section 7B**

“(1) This section applies if a shop worker refuses to work on Good Friday or Easter Sunday (or both) under **section 7B(3)**.

“(2) If, by reason of the shop worker’s refusal to work, the shop worker’s employer or a representative of that employer does any thing described in section 104(1)(a) to (c) of the Employment Relations Act 2000 in relation to the shop worker, the shop worker is to be treated as having been discriminated against in the shop worker’s employment for the purposes of section 103(1)(c) of that Act and the provisions of that Act apply accordingly.

“(3) If a shop worker refuses to work on Good Friday or Easter Sunday (or both), the employer may employ another person to work in place of the shop worker only on Good Friday or Easter Sunday (or both).”

Explanatory note

This Supplementary Order Paper inserts a provision to provide explicit protections for employees who may choose not to work on Good Friday or Easter Sunday (or both) in addition to those available to employees under the Employment Relations Act 2000 and the Holidays Act 2003.
