



EXTENSION OF SUNDAY TRADING HOURS IN BELFAST

NIC-ICTU CONSULTATION RESPONSE

The Northern Ireland Committee of the Irish Congress of Trade Unions wish to submit this response to Belfast City Council's consultation on extending Sunday trading. We wish to acknowledge the expertise of our affiliated trade union USDAW, which offered to take the lead on the NIC response to this policy matter.

We also acknowledge the advice and expertise of our colleagues in the Nevin Economic Research Institute, and its recent paper on the subject:

<http://www.nerinstitute.net/research/assessing-the-quality-of-jobs-in-northern-ireland/>

Please accept this submission in the name of the wider trade union movement in Northern Ireland, and its 24 affiliates with a combined membership of over 200,000 workers.

MAY 2017

EXTENSION OF SUNDAY TRADING HOURS IN BELFAST

The Irish Congress of Trade Unions (ICTU) is the trade union federation and largest civil society organisation on the island of Ireland representing and campaigning on behalf more than 800,000 working people. In Northern Ireland, there are 24 trade unions and Councils of Trade Unions affiliated representing some 200,000 workers. Through Congress, workers play an important role in the economic and social life of our community.

Congress strives to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality.

USDAW is an affiliated trade union with more than 18,000 members working in retail Northern Ireland. Its members have always felt strongly about Sunday trading hours, and we support their opposition to extending Sunday trading for the same reasons which they have outlined in their more detailed paper, with some added reflections behalf of the wider trade union movement as a reflection of society.

General Observations

The initial point to be made is to acknowledge that Sunday mornings in Belfast tend to be quiet and pious. This is still a society with high levels of religious observance. For those without a faith, however, there is little evidence that shopping in supermarkets before 1pm is a substantial demand.

There are things to do on Sundays in Belfast, many of which are healthy, social and provided by Belfast City Council – public services such as parks and walkways. The swings were unchained years ago.

There are some cafes open for tourists or local clients. There are small shops where newspapers and groceries can be bought. This may not seem that much, but it is more than is available in many European cities, most notably those in Germany, France and Italy.

Across the EU, the Working Time Directive encourages workers receiving at least one day off. This Directive has been the target of years of sustained and inaccurate vitriol from the British right-wing press and anti-European politicians. What these same politicians cannot fathom is how, despite the restraint upon employers not being able to force their staff to work more than six days in a row (unless the workers consent), is how productivity is much higher in Germany, France and Italy.

This loathing of the Working Time Directive bears no relation to its real impact. It could be noted, however, that those who attack the Directive also seem to hate the UK Human Rights Act, and European Convention on Human Rights and to support legislation designed to curtail the power and influence of trade unions. One could even speculate that they have a problem with workers having the right to say 'no' to their employer, which brings us to a flaw with the conclusions on the Council's Draft Equality Screening.

The Screening concluded that no EQIA was necessary. We disagree. The same document raised the pitfalls of religious belief and family life, and even acknowledges the legal protections under the legislation:

"They aim to ensure that shop workers are not compelled to work on Sundays against their wishes. The new rights apply irrespective of age, length of service or hours of work."

And also that:

"...dismissal of a shop worker (including dismissal for reasons of redundancy) is unfair if the reason for it was the worker's refusal to work on Sundays. It also provides the right not to suffer any other detriment (such as denial of normal promotion or training opportunities, or refusal to pay seniority bonuses etc) for refusing to work on Sundays."

The Council then evades any responsibility for enforcement or reinstatement:

“Enforcement of the employment rights is by way of complaint to an industrial tribunal. The council does not have the powers to enforce this and it is outside the scope of the council’s responsibilities.”

Legally, that is true. Morally, however, when one opens the door for others to walk through...

The same document uses the language of Section 75 to interpret ‘Equality of Opportunity’ in a narrow way, simply interpreting the same rights as consumers. As workers, however, Equality of Opportunity could be subjectively restricted if they refuse to work on a Sunday. This is even more likely to happen in the current context of work-groups being encouraged by management theorists to think of themselves as ‘teams’ – and everyone wants to be team-player.

Sunday opening will restrict the freedom of choice and the future opportunities of workers, and given the profile of shop workers, that means another obstacle planted in the path of the precarious.

Recent research from our colleagues in the Nevin Economic Research Institute has tried to explore the quality of jobs available in Northern Ireland, rather than the headline figures of employment levels. In her research referred to on the cover of this response, Dr Lisa Wilson identified:

“...that the Northern Ireland labour market creates a situation whereby slightly over one in three adults in paid employment are experiencing poverty, or in insecure employment or working in a poor-quality environment.”

Of particular note, for the purposes of this consultation, is this finding:

“Those in semi-routine/routine occupations, those in part-time employment and those with low working hours have a higher risk of having low levels of control or flexibility over one’s work. Low satisfaction is also more common amongst those with below degree (30%) or no educational qualifications (20%), when compared to those with degree level or higher qualifications (18%). Those aged between 18-24 are also most at risk of having low job satisfaction (39%) or reporting low control/flexibility with one’s job (66%). Furthermore, lone parents are most likely to report low satisfaction (44%) and low control/flexibility (69%).”

The less qualified, the younger, the more precarious you are, the less control you feel you have. Because you see what is in front of you. You do not have meaningful control over your working environment as an individual worker. That is why trade unions are essential. That is also why, without naming names, many large retailers are very hostile places for union organisers to operate.

More shopping opportunities will not improve the lifestyles of precarious workers. Collective bargaining, a realistic Living Wage and quality public services will, however, and the best thing the Council can do would be to encourage such positive public goods across the commercial life of Belfast.

Expert analysis from retail workers

The remainder of this paper is a reiteration of the case made by our colleagues in USDAW.

In November 2016 Usdaw conducted a survey of a representative group of over 600 of our members working in retail in Northern Ireland. The results of this survey clearly demonstrate the strength of feeling of Usdaw members, and retail workers, on this subject:

- 81% of respondents currently **work at least some Sundays** whilst over a quarter work every Sunday.
- 85% of respondents thought that shops **should not open longer on Sundays**.
- Almost two thirds of respondents said that they **already come under pressure** to work on Sundays.
- Over half of respondents have some form of **caring responsibilities**, either for children or sick or elderly relatives. Of these, over three quarters work some Sundays already and over two-thirds are under pressure to work on Sundays. 41% find it difficult to arrange suitable alternative care whilst they are at work.

The recent intensifying of competition in retail, the squeeze on costs and overall staffing reductions have led to more widespread practices of changing staff hours 'to suit the needs of the business' and increased flexibility demanded of staff to match their working hours to the times when shops are most busy.

Many retail workers are parents and/or carers. Sundays are important family time when children are not at school and few care options are available. Most staff have to work on Saturday, retail's busiest day, so Sundays are very important to them.

If Belfast City Council allow opening for longer hours, some large stores would open to gain competitive advantage over others, who would then be forced to open as well.

There would be a detrimental impact on small and convenience stores, who can already open longer hours on Sundays and many of which are vital to their local communities. These stores rely on the small boost in trade they get on Sundays to keep going.

There would be a heavy toll on staff who work in large shops who would come under even more pressure to work on Sundays, on families who would have less time to spend together (especially those with children at school) and on communities which would be less able to organise sports and leisure activities on Sundays.

Sundays would lose a lot of what makes them special and we do not believe that Belfast City Council should pass these proposals.

Crucially, even the proponents of extended Sunday opening hours have not been able to show it will lead to economic benefits or job creation – longer opening hours do not mean people have more money to spend, so large stores have higher opening costs, but similar takings. Retailers are used to changing staffing hours to suit shopping times, so staff would simply lose working hours in the week and have to work on Sundays.

The link between a strong retail sector and a city's tourist appeal is nuanced and debatable. It is not as simple as saying that a strong retail sector automatically translates to a strong offer to tourists.

In many ways a diverse and balanced retail sector, with unique and independent local businesses, complementing cafes, bars, and other cultural attractions is the most desirable combination when developing and marketing a city to tourists.

In response to the UK Government's proposed changes to the law that would have allowed councils in England and Wales to deregulate Sunday trading in a similar manner to the current proposal from Belfast City Council, the Social Market Foundation tested the proposals against the principles of the 'families test'. The findings were that:

“The risks to family life posed by Government's proposed change to Sunday trading laws are significant. Retail is already a sector where workers are working long and atypical hours, putting pressure on their ability to achieve a balance between work and family life. Working for longer on Sunday will add to that pressure, hurting families by stopping them from spending time together; and the countervailing benefits are small.”

Conclusion

There is good reason to believe that should the powers in the Shops (Sunday Trading & c) (Northern Ireland) Order 1997 be used to designate either the centre or entire area of Belfast City Council as a 'holiday resort' and consequently Sunday trading hours be extended, that not only would the express aim of improving Belfast's tourist offer not be achieved, but that there would be a negative impact on shopworkers and local communities.

In addition, the consideration of the proposal, specifically including the Draft Equality Impact Assessment, appears to have made unwarranted assumptions about the underlying economic benefits and failed to adequately reflect the impact of the proposals on a number of Section 75 categories.

Based on this evidence, we do not believe that any part of the Belfast City Council area should be designated as a 'holiday resort'.