

## **PE1780/C**

Scottish Retail Consortium submission of 5 November 2020

The SRC does not support this petition. Where there is demand from customers and availability of staff then stores should be able to decide themselves whether they should open some or all of their stores on New Year's Day if they so wish. Some of our members open some of their shops on New Year's Day, some do not, and others are considering it given the awful trading they have experienced this year. Those who do open tell us trade has improved on that day in recent years.

### **Workers**

Whilst we acknowledge some of the points raised by the petitioner, we would take issue with some of the contentions. Whilst some who work in the industry may not wish to work on New Year's Day, conversely some do look for the opportunity. The chance to earn more or higher pay (e.g. time-and-a-half or double-time), or for seasonal workers the extra hours, can make working at New Year desirable for some, especially those in a younger demographic. Others may welcome the opportunity to work in order to minimise loneliness at that time of year, which presumably will be exacerbated by Covid restrictions on in-door socialising etc. We understand demand from store colleagues often outstrips the available hours on New Year's Day.

Closing stores does not ensure there will be no one working on New Year's Day, indeed our understanding of the Christmas Day & New Year's Day Trading Act is that non-customer facing work could continue. Some workers may still need to work e.g. replenishing shelves, fulfilling online orders which is increasingly done in store – so retailers will be accruing running costs that day without the ability to off-set that with revenue generating sales.

Retailers have invested significantly in physical distancing and hygiene measures during the pandemic. Reducing the number of days that people can physically shop does not seem sensible at a time of maintaining social distancing measures in stores, it would compress the time available for shopping and presumably lead to more crowded stores or more queuing outside in the days either side of New Year's Day.

### **Economic Impact**

In contrast to the petitioner's perspective New Year's Day is an important trading opportunity – especially in towns, cities and tourist destinations. An open retail offering provides a complementary option to the wider Hogmanay and winter/festive celebrations increasingly promoted by Government over recent years to promote Scotland as a visitor destination at that time of year.

Bank holidays are a popular day for shopping, and retailers look to those holiday events as a strong opportunity. The combination of 2 bank holiday days back to back is an important retail event, historically heralding the commencement of January sales.

For grocery retailers, many of whom tend to close early for Hogmanay, they often provide an essential service for consumers who may need items on New Year's Day (e.g. pharmacy), perhaps because they work unsociable hours (e.g. emergency services, taxi drivers etc) or just need their groceries or their daily newspaper.

We would note retail sales, especially in city centres, has struggled in recent times, and restricting trade further by banning trading on New Year's Day is very unhelpful at a time where many retailers are struggling for survival and when we hope to see a retail recovery over the next couple of years. We know of one member for example who is considering opening on New Year's Day for the first time given they were shuttered for 16 weeks in the Spring lockdown.

## **Market Issues**

This measure will of course not impact on digital retailers who would be in a position to benefit from store closures.

If working on New Year's Day is something some retail workers should not be permitted to do, we struggle to understand the rationale whilst other businesses should be able to trade. We do not understand the justification for closing some shops but not others – and the petitioner has not provided an explanation why retail workers in large stores are uniquely likely to face compulsion to work. Logic alone would indicate if a store has over a hundred workers it is easier to find volunteers than if a store has few workers.

If the Committee agrees with us that retail workers should be allowed to choose whether they work, as takes place under the status quo, then the petition should be rejected. However, if the Committee assents to USDAW's view that workers are unfairly compelled to work, we do not understand why that would not apply to other businesses and sectors. Service businesses have to trade at times where other workers are able to take time off.

If the Committee believes some retail workers need protected, they should take further views on whether that should apply to all workers in the economy. We do not understand why it is unreasonable to ask someone to work in a shop on New Year's Day, for a shift USDAW believe is quiet, but it is reasonable to ask someone to work in a bar on Hogmanay and on New Year's Day, or in a hotel, restaurant, visitor attraction, cinema, museum, or indeed in public services?