

## **PE1780/F**

Petitioner submission of 3 December 2020

Usdaw is writing in response to comments made by the Scottish Retail Consortium (SRC) and the Minister for Business, Fair Work and Skills in relation to petition PE1780.

Usdaw is disappointed that the SRC does not support the calls of the petition to launch a consultation on banning large stores from opening on New Year's Day. As previously stated, Usdaw believes that such a consultation is long overdue, having been included in the Christmas and New Year's Day Trading Act 2007.

### **Workers**

The SRC states that some in the industry may want to work on New Year's Day. However, Usdaw's survey of retail workers shows that 99% of our Scottish retail members believe that stores in Scotland should be closed on New Year's Day with 79% saying they are not happy to work on New Year's Day or 2 January 2021. Based on these figures, we entirely dispute the SRC's claim that, "demand from store colleagues often outstrips the available hours on New Year's Day."

Whilst we understand that, where stores are banned from opening on New Year's Day, other work may continue, our experience of similar arrangements on Christmas Day shows that this is unlikely to happen. Furthermore, the Christmas and New Year's Day Trading Act only has remit to ban stores from opening, there is no provision within the Bill to ban all operations within stores.

In terms of social distancing measures, Usdaw is entirely optimistic that such measures will not be a requirement on New Year's Day 2022, which would be the first date such a ban could be in force. As such, we do not believe the current Coronavirus measures should be a consideration when looking at this petition.

We are disappointed that the SRC has not taken the opportunity to recognise the incredible contributions of key workers throughout the pandemic or acknowledge the need for them to have an opportunity to celebrate New Year with loved ones.

### **Economic Impact**

The evidence from our survey would dispute the SRC's assertion that New Year's Day is an important trading opportunity. In fact, 72% of our members reported that their store was fairly or very quiet on New Year's Day. Usdaw understands the tourist attraction of Hogmanay and New Year's celebrations in Scotland, however, our data would suggest that this attraction is not specifically linked to the Retail Sector.

In terms of January sales, in recent years, these types of sales have moved forward in the calendar, typically starting on Boxing Day. Very few, if any, retailers wait until New Year's Day to commence post-Christmas sales.

Where the SRC makes mention of essential purchases on New Year's Day, these could continue to be covered by the convenience sector which is not in scope of the relevant Act.

Again, in terms of the impact from lockdown measures and other Coronavirus restrictions, we believe this is a temporary factor affecting the sector. We are optimistic that such issues will be historical by the time any change to legislation comes into effect, which is expected to be New Year's Day 2022 at the very earliest.

### **Market issues**

Whilst we would support also closing digital retailers on New Year's Day, unfortunately, this is not within the provisions of the Act. If workers in other industries wish not to work on New Year's Day, we would encourage them to engage in the political process to take up the case.

Usdaw represents workers in the retail sector and, on their behalf, we are seeking to utilise the provisions which have already been passed in the Act.

In conclusion, Usdaw does not believe that the SRC has provided any compelling argument to oppose a consultation on banning large shops from opening on New Year's Day.

### **Response from the Minister**

Usdaw is pleased to see that the Minister is looking to engage with the industry on the issues raised in the petition. In particular we note his comments:

"It is still therefore vitally important that any decisions taken that may affect this cohort of retail companies is done with regard to other issues which are having or could have an economic impact."

And

"However, I am seeking further views and opinions from unions and retailers and will advise the committee of my findings."

Usdaw believes that the intention of both of these comments would be best served through a formal consultation exercise, led by the Department for Business, Fair Work and Skills and overseen by the Minister.

A consultation exercise would allow a transparent process of gathering views and fully understanding the economic impact of the proposal. A formal consultation exercise would also generate publicity, ensuring that all relevant stakeholders were aware of the proposal and able to formally submit their views.

As such, we believe that the Minister's comments endorse the petition's proposal.