

**SHOP, DISTRIBUTIVE & ALLIED EMPLOYEES' ASSOCIATION
QLD BRANCH | UNION OF EMPLOYEES**

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Education, Employment and Small Business Committee
Parliament House
Brisbane QLD 4000
eesbc@parliament.qld.gov.au

Re: Holidays and Other Legislation Amendment Bill 2019

Submission by

**The Shop Distributive and Allied
Employees Association (SDA Queensland Branch)**

The Shop Distributive and Allied Employees Association (SDA Queensland Branch) is a Registered Trade Union and represents over 32,000 members in Queensland. The overwhelming majority of our members work in retail, fast food and warehousing establishments throughout our coverage area in the State. The SDA is a significant stakeholder in this issue of public holidays throughout parts of the State of Queensland as many workplaces choose to open on Christmas Eve beyond 6pm right across Queensland and expect employees to work on that evening.

The **SDA STRONGLY SUPPORTS** Christmas Eve from 6pm being legislated as a public holiday to provide all workers with deserved time off with family and friends. They deserve respite at an important time of the year just like most other workers.

SDA'S PRIMARY ROLE – THE INTERESTS OF RETAIL WORKERS

As mentioned, the SDA represents the interests of approximately 32,000 retail, fast food and warehouse employees across a vast range of enterprises both large and small. We submit that our membership is an excellent representative sample of workers within the retail and associated industries. The SDA views its primary role is one to ensure its members specifically and other retail workers by extension are protected from the erosion of working conditions and to maintain a reasonable work life balance. Such interests are intrinsically entwined with the expansion of trading hours as the extensions are invariably within what workers view as unsociable hours (i.e., being earlier starts, later finishes, and working across weekends). We should never lose sight of the fact that our children or our children's children may work in the retail industry.

**THE UNION FOR WORKERS IN
RETAIL. FAST FOOD. WAREHOUSING.**

It is a fact that there is a large number of working mothers and sole parents who work in the industry. Many of these workers feel vulnerable and susceptible to coercive pressures in order to hold down their job or maintain their hours of work. That is why public holidays play a vital role in ensuring our members and all workers have the ability to have the night off and still be paid whilst others who choose to, or have to work are fairly compensated.

SIGNIFICANCE OF CHRISTMAS EVE

Christmas Eve is significant to many people for religious reasons. About 30% of the population attends a Christian Church at least twice a year.

If they go as infrequently as twice a year, it is reasonable to conclude that those days are most likely Christmas Evening/Christmas Day and Easter Sunday. It is a fact that Church attendances are significantly higher on those two important times of the year. It is a fact that a significant proportion of the population that attends Church services attends midnight or earlier services on Christmas Eve.

Christmas Eve is also significant to many people who are not religious because it is an important time for family and friends to celebrate the festive season and have some well deserved rest from the extremely frantic working period in the lead up to Christmas.

CHRISTMAS EVE IS RECOGNISED AS A PUBLIC HOLIDAY IN MANY OVERSEAS COUNTRIES.

Many countries overseas recognise Christmas Eve as a public holiday. They include

Luxembourg	Macau	Belarus
Bulgaria	Denmark	El Salvador
Faroe Islands	Greenland	Guatemala
Iceland	Czech Republic	Hungary
Sweden	Finland	Venezuela
USA – several states	India	Slovakia
Lithuania	Estonia	Norway
Philippines	Liechtenstein	Puerto Rico
San Marino	Latvia	

In many European countries, shops are either not permitted to trade on Christmas Eve or many businesses will provide the day off to employees without loss of pay as a holiday to recognise the significance of the day as the festive season is traditionally a cultural time to spend with family and relatives.

CHRISTMAS EVE AND NEW YEAR'S EVE ARE PART-DAY PUBLIC HOLIDAYS IN SA AND NT AND HAVE BEEN SINCE 2012 AND 2016.

To the best of our knowledge, no one has alleged any adverse effects on business from the Christmas Eve public holidays in South Australia and the Northern Territory.

In fact, it is noted in the Regulatory Impact Statement (RIS) for this proposed Christmas Eve public holiday in Queensland, that the South Australian Government commissioned a review of the legislation in 2013 after the first two part-day public holidays in 2012 had occurred and made no changes to the legislation as a result.

The current Marshall Government in South Australia has made no suggestion that it intends to make any changes to the current part-day public holidays in South Australia on Christmas Eve and New Year's Eve; therefore, they are successful and working as intended.

SDA MEMBERS ARE IN FAVOUR OF CHRISTMAS EVE BEING A PUBLIC HOLIDAY IN QUEENSLAND.

The overwhelming majority of SDA members work in the retail, fast food and the warehousing industries.

In 2015 we conducted a survey of SDA members on this important issue to ascertain their views.

It must be noted that 89% of SDA members want Christmas Eve to be a part-day public holiday from 6pm until 12 midnight.

It must be noted that almost 6,000 submissions supporting this proposed public holiday have been made by our members which is a strong endorsement of the proposal.

Employees in the retail industry are the same as other employees in other industries. Retail, fast food and warehousing employees are the same as teachers, clerks, and tradespersons. They value their family time and they want the opportunity to have the day off with pay or to be compensated with the payment of penalty rates if they work on Christmas Eve. They deserve to have a work life balance and be able to spend time with their loved ones on significant days of the year like everyone else.

The impact of retail, fast food and warehouse workers in 2019 is that many continue to have the potential scenario of having to work excessive and unsociable hours leading all the way up to and including Christmas Eve. Workers at Christmas (especially in retail hubs such as major shopping centres) are particularly pressed upon to work what retailers refer as their '*black out period*' (i.e., where workers are generally not encouraged to take or even apply for leave, given limited opportunity to

have any downtime based on business needs and are worked extremely hard in this hectic retail period).

The fact is retail stores are trading more than ever in the lead up to Christmas. Over the Christmas period, they are able to trade up to midnight from the 18th-23rd December and in fact some shopping centres are open for up to 36 hours.

The SDA acknowledges that certain trading periods are extremely important to businesses and Christmas is one (if not the most important) time period in which that occurs. However, the business need must be weighed against the retail worker's personal needs and expectations and is an essential part of the SDA's role to ensure a reasonable work life balance is maintained. The retail industry is one of the largest, if not the largest, private sector employer and it continues to expand. All retail workers are impacted during this period where it is 'all hands on deck'. The limiting or possible denial of the recreational time most of us take for granted does not affect the worker solely but their family also suffers. The SDA suggests that the proposed Christmas Eve public holiday should require the acknowledgement that the Christmas season has business, personal, social, religious and cultural significance that should not be weighted purely on business/commercial criteria.

The SDA strongly supports the introduction of a part-day holiday for Christmas Eve from 6:00pm to midnight giving retail workers the ability to elect to work or not (Voluntary work). The SDA believes that allowing workers the ability to elect to work within any extended hours over Christmas/New Year is warranted when viewing and considering the extent of the trading hour's abovementioned at this hectic time. Most Enterprise Agreements ensure work on a public holiday is voluntary and the General Retail Industry Award (GRIA) Modern Award provides a strong measure of voluntarism.

It is once again relevant and important to note that part-day public holidays have been recognised by governments in both South Australia (2012) and recently the Northern Territory (2016) as well as across the globe.

THE REAL BENEFIT OF PUBLIC HOLIDAYS

Despite the many claims by industry groups who speak against the proposed legislation, the Christmas Eve public holiday will have many positive benefits for Queensland including:

- **Providing valuable respite** and giving workers the opportunity to have time off to spend Christmas Eve with family and friends or participate in religious or cultural events;
- **Allows workers time off to travel** to see their family and loved ones on Christmas Day;

- **Increased wages through penalty rates** - workers who choose to work on the part-day public holiday would receive the benefits of public holiday penalty rates as per the applicable Award or Agreement. These higher rates will provide fair compensation for working these unsociable hours;
- **Increased consumer spending** - the increase in wages through penalty rates will encourage increased consumer demand through an increase in disposable income.
- **Right to refuse to work unsociable hours** - workers will have the opportunity to decline work if they wish. Previously, they may have been required to work.

Some suggest public holidays are argued to cost employers and the economy greatly in lost revenue; however, it is widely acknowledged that this argument is flawed. Australia is not the only nation to debate the economic impact of public holidays. When the UK celebrated an extra bank holiday to mark the Diamond Jubilee of Queen Elizabeth II's reign in 2012, the British Department for Culture, Media and Sport reported that their figures for the impact of the extra holiday ranged anywhere between a net gain of £1.1 billion to a net loss of £3.6 billion.¹

There are challenges in quantifying the impact of public holidays to the economy – both before and after the event. This is because while some parts of economy may face higher labour costs if they remain open, others benefit from additional capacity for spending on leisure activities – particularly those in the leisure, hospitality and retail sectors. It is also important to discern between genuine losses and mere timing effects. For example, someone who might have originally planned to make a significant purchase on Christmas Eve may delay that purchase to Boxing Day sales instead.

But some societal benefits are simply unquantifiable on a balance sheet. “Lifting the national mood, for instance,” cannot be quantified with an economic value, but few would argue against the benefit of doing so.²

A report by the OECD notes, “The amount and quality of leisure time is important for people’s well-being for the direct satisfaction it brings. Additionally, leisure, taken in certain ways, is important for physical and mental health. Leisure also contributes to the well-being of people other than the person directly enjoying leisure”.³

¹Jon Kelly, ‘Do bank holidays cost the economy?’
BBC New Magazine, 5 June 2012

²Jon Kelly, ‘Do bank holidays cost the economy?’
BBC New Magazine, 5 June 2012

³OECD. (2009). *Society at a glance 2009: OECD Social Indicators*, p.20

According to previous research by the McKell Institute into a national portable long service scheme, it found that the benefits to society of workers taking regular time off from work are manifold. Additionally, there has been considerable research into the benefits of a healthy work-life balance for workers and employers, from a productivity perspective as well as a future cost perspective.⁴

Labour productivity is understood to be significantly improved by regular time off from both annual leave, and more regular shorter holidays such as long weekends and public holidays. Regular time off results in allowing workers to recharge and regroup, by having more time to spend in leisure with family and friends.⁵

Conversely, long hours of work without adequate leave have been associated with adverse health outcomes such as stress-related illnesses, heart disease and stroke. Safe Work Australia found that the most expensive form of workers' compensation are from mental stress claims, primarily due to the lengthy periods of work absence typical of these compensation claims.⁶ An easy solution for avoiding mental stress is to allow workers to take regular holidays that are spaced throughout the year.

Studies have shown that employees who take leave are more likely to exhibit higher levels of productivity and fewer symptoms of workplace stress than those who do not.⁷

In 2014, a report conducted by Oxford Economics into paid time off in the USA presented evidence that productivity rates amongst workers who took paid time off were more productive than those who did not. The survey conducted found that there was a significant rate of increase in productivity both before and after leave was taken, the former perhaps driven by a need to meet deadlines, and the latter suggesting that workers felt refreshed and with a better attitude from their return.⁸

There is growing research into the value of a good work life balance and this is why many organisations are now investing large amounts of money into programs that encourage employees to manage their various commitments. "Work life balance

⁴Ray Markey et al, 2013, *The Case for a National Portable Long Service Leave Scheme in Australia*, The McKell Institute.

⁵Ray Markey et al, 2013, *The Case for a National Portable Long Service Leave Scheme in Australia*, The McKell Institute.

⁶Ray Markey et al, 2013, *The Case for a National Portable Long Service Leave Scheme in Australia*, The McKell Institute.

⁷Ray Markey et al, 2013, *The Case for a National Portable Long Service Leave Scheme in Australia*, The McKell Institute.

⁸ Oxford Economics "An assessment of paid time off in the US" 2014 www.oxfordeconomics.com/myoxford/projects/280061

feeds passion for the workplace and contributes to a better overall work environment and morale. When there is separation of...personal and professional life, employees feel more appreciated. In turn, they are happier, more committed, more productive, and therefore will likely stay with the company for a longer period of time".⁹

Charles Hobson and colleagues¹⁰ list the risk factors for workers who struggle to balance busy work schedules with other commitments as:

- Higher rates of absenteeism and turnover;
- Reduced productivity;
- Decreased job satisfaction;
- Lower levels of organisational commitment and loyalty; and
- Rising healthcare costs.

Moreover, research into work-life balance has shown that the introduction of new public holidays is likely to lead to a small increase in health and a drop in absenteeism.¹¹

Finally, OECD data indicates that Australia has a relatively high level of productivity yet is on the lower end of the scale of total average hours worked per year. This data has been the focus of a New Zealand Productivity Commission report into declining productivity in that country, which compares Australia and New Zealand's similar employment growth with the divergence of our productivity growth.¹²

FINAL SUPPORTING STATEMENTS

We believe that the majority of Queenslanders accept that Christmas Eve is a day of significance and should be a public holiday from 6pm onwards.

Workers, as stakeholders including SDA members, have the right to have their interests taken into account.

⁹ Quote from Mike Steiner in Jacquelyn Smith, 'The best big companies for work-life balance,' *Forbes*, 4 June 2013.

¹⁰ Hobson et al, 2001, 'Compelling evidence of the need for corporate work/life balance initiatives: results from a national survey of stressful life-events,' *Journal of Employment Counseling*, Vol. 38, No. 1, p 39.

¹¹ TUC, 'Why the UK can afford a Community Day: The economic case for a new public holiday with a community and volunteering theme,' *ESAD*, August 2008. Accessed online 30 June 2015: www.tuc.org.uk/sites/default/files/extras/bankholidaybusinesscase.pdf p 6.

¹² New Zealand Productivity Commission, 'Productivity by the numbers: The New Zealand experience: Commission Research Paper,' September 2013.

Many countries overseas have made Christmas Eve a public holiday or part-day public holiday and South Australia and the Northern Territory have recognised its importance to the community and the economy over the long term.

We contend overall this additional part-day public holiday will have a greater benefit to productivity and society than the losses experienced through wage increases or the closure of some businesses for six hours. Evidence shows that spending is often not lost, merely withheld for a few days, and productivity is also not affected on a longer term basis.

It is also important for employees working during the significant and stressful trading periods of Christmas to be able to spend some valuable time with their families at this important time of the year.

In these circumstances, there is a strong basis for Christmas Eve to be legislated as a part-day public holiday in Queensland and we applaud the Palaszczuk Government for listening to working families and implementing good Government policy.

Yours Faithfully,



Chris Gazenbeek
SDA QLD Branch Secretary-Treasurer