

Response to request for a CAJ submission in respect of the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Repeal Law 202-

1. We have not been consulted previously on this issue.

2. For consumers who choose to engage in Sunday shopping in Jersey, the repeal of the above law is likely to be welcome. Potentially it could mean that existing shops will be able to trade for longer hours and the reduced restrictions may also lead to additional retail businesses trading on a Sunday.

In terms of workers, we are not aware that a high incidence of conflict exists between employees and employers specifically in the sphere of Sunday working. Jersey Advisory & Conciliation Service may have a different view. However, we recognise that whilst the above law is in force, only a relatively small number of businesses presently choose to open on a Sunday. Should the above law be repealed a greater number of workers may be involved in Sunday working and issues for employees could become apparent.

3. Some employees may engage positively with their employer even if their employment contract does not stipulate that they are obliged to work on a Sunday. Also, with the cost-of-living issue, some workers may welcome taking a second job on a Sunday. On the flip side, other workers may prefer not to, perhaps those with family or religious commitments. For this group, there are no specific legislative protections against discrimination for employees in Jersey refusing to work on a Sunday. If a shop worker is faced with an unwelcome request to start working on a Sunday then it will come down to the terms that are contained in the employment contract.

4. It is our understanding that employees having contracts limiting work between Monday to Saturday cannot be expected to undertake Sunday work unless with the employee agreement even if the law comes into effect. For new contracts of employment, for retail workers, we suggest that a clause is included which clearly addresses the issue of Sunday working & Public holidays which both parties have agreed upon. Also, should the law be repealed, where Sunday working is not addressed in the existing contract & provided that the employee and employer both agree, then this should form an amendment. In the UK, we understand that employees who do not have Sunday work requirements stipulated in their contracts cannot be forced to work it and they cannot be denied promotion or overtime for exercising their right to refuse Sunday work.

5. We feel that the idea of the proposed Code of Conduct being prepared by the Chamber of Commerce is likely to be a good way forward for consumers but we are unsure as to whether it will benefit workers.

6. We note the provisions in 3A of the Employment (Jersey) Law 2003 which could allow an employee who is bound to work on a Sunday under the terms of their employment contract to request flexible working arrangements. This would involve an employer consultation period re amendment of contractual terms and may enable the employee not to work on a Sunday albeit that the employer is not obliged to agree to the employee's request. In terms of possible extra guidance being made available in the event of the law being repealed, we feel that JACS should be consulted on this issue.

7. There could be more pressure placed on employees if the law is repealed particularly if shop businesses open for longer hours over days including Sundays as they will be allowed to do, and are not able to attract enough workers.