

Sunday Trading: Applying the Family Test¹

“Strong and stable families, in all their forms, play an important role in our society. Families have a major impact on the life chances of individuals and strong family relationships are recognised as an important component of individual, community and national wellbeing.”

The Family Test: Guidance for Government Departments, Department for Work & Pensions, October 2014

Key points

- Despite the commitment by Government, including by the Prime Minister personally, to consider the impact of all policy changes on family life, no such assessment has yet been offered of the plans to liberalise Sunday trading.
- People working in retail already have some of the highest rates of working overtime and weekend working in particular. The proposed changes are likely to increase those rates further.
- This will take place in a context where only 25% of parents are content with the balance between work and home life and 77% report that work impinges on the time they could dedicate to core activities with their children, such as homework, taking them to clubs and putting them to bed.
- Single parents and those who do not have close family around them are likely to face particular problems in finding childcare if they have to work more on Sunday.
- Similar challenges exist in relation to caring for elderly relatives and preventing loneliness.
- While technically those working in retail have some protection to opt out of Sunday working, the pressure to work on Sunday is already increasing under the current rules. Liberalising Sunday trading will add to the problem. Moreover, staff can be required to keep working Sundays for 3 months after they have given notice of the opt out; and those staff who do opt out are likely to be offered fewer hours overall.
- Finally, while more Sunday trading – and hence working – may provide some families with additional income and there may be greater convenience for families in general, these positive impacts are likely to be much more limited than the risks. For example, even Government’s own study from 2006 which sets out the benefits of longer Sunday trading suggests that the time savings per family from the greater convenience will be 2 minutes per week.

Introduction

Government is consulting on plans which will ease the restrictions on Sunday trading.² The Sunday Trading Act 1994 currently limits the opening hours of large shops on Sunday to up to six continuous hours between 10am and 6pm. A large shop is one with an internal floor space greater than 280sq m

¹ This paper, published by the Association of Convenience Stores as part of a response to the consultation paper on Sunday trading, draws on research commissioned from the Social Market Foundation.

² Sunday Trading: Consultation on Devolving Sunday Trading Rules, August 2015, Department for Business, Innovation and Skills and Department for Communities and Local Government

or 3,000sq feet. As well as complying with restrictions on trading hours on Sundays, large shops are prevented from opening on Easter Sunday and Christmas Day.

Government has made the case for change to these restrictions on the basis of economic benefits. Government published a study in 2006 which concluded that longer Sunday opening would reduce the unit costs of retailers and increase convenience for consumers. These benefits were estimated at £1.4bn a year.³

It should be noted that this estimate is 10 years old and current benefits are likely to be significantly lower due to the shift towards online shopping over this past decade. The estimate also assumes that Sunday trading restrictions are lifted evenly across the country whereas Government is proposing to devolve the power to lift restrictions. The benefits of any selective liberalisation are much more difficult to estimate and may be negligible. Even the previous estimate is modest in proportion to the ongoing success of the retail sector, i.e. retail sales are in the region of £380bn per year and rising strongly.⁴ Some may therefore question whether there is any pressing case for reform.

In any case Government has not to date applied the family test, despite a commitment made by the Prime Minister in August 2014 “to introduce an explicit family perspective to the policy making process”.⁵ Government has published guidance for departments to use when applying the family test to any policy change; and a set of Family Test Questions to consider before policy is finalised. This short paper examines the potential impact on the family using the relevant Family Test Questions from Government’s own guidance.

Potential impact on the family

The Family Test Questions from Government’s guidance that are relevant to considering the impact of changing Sunday trading laws are numbers 1, 3 and 5. In what follows we consider each of these questions in turn and conclude that the risks to family life are significant.

There may be some scope for mitigating the risks, primarily through the fact that longer Sunday trading will allow those working in larger stores in particular to increase their incomes and thus improve the standard of living for their families. Equally families in general may benefit from the greater convenience of longer Sunday trading. We discuss these countervailing impacts in the last section of the paper but suggest that they may be very limited.

³ The economic costs and benefits of easing Sunday shopping restrictions on large stores in England and Wales, by Brian Williamson, John Hargreaves, Justine Bond and Helen Lay, A report for the Department of Trade and Industry, May 2006

⁴ See, for example, the latest retail sales statistics from the Office of National Statistics, accessible from <http://www.ons.gov.uk/ons/rel/rsi/retail-sales/index.html>

⁵ Quoted in The Family Test: Guidance for Government Departments, October 2014, Department for Work & Pensions

Question 1: What kinds of impact might the policy have on family formation? Policy makers need to think carefully about how they are supporting or constraining couples in making the right choices for them and their families.

The starting point for the application of the family test in this area is to recognise that the UK is already a hard-working country. The average of the usual weekly hours worked by full-time employees in the UK is 42.2. Among European countries, only people in Iceland work more. By contrast the average in Germany, for example, a country that we often admire for high productivity, is significantly lower (39.8); and workers in Denmark or the Netherlands have on average 5 more hours per week away from work to spend on leisure or with their families than those in the UK.⁶

Another way of measuring the intensity of work is to look at what proportion of people in full-time employment work more than 40 hours per week. This is 45% in the UK, a similar proportion to Germany, though much larger than France or especially Denmark, where only 8% of people in full-time employment work more than 40 hours per week.⁷

Liberalising Sunday trading is likely to increase the intensity of work yet further, reducing the time that one or both members of a couple have to make the right choices for them and their families.

Question 3: What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities? Factors for consideration include how policy impacts family members' ability to balance work and family life, the time families can spend together, and the competing demands of caring for elderly family members and children.

The intensity in working lives in the UK already means that people have to make trade-offs between work and the time they spend with their families.

A 2014 survey by the organisation Working Families found that less than a third of families are able to sit down and eat a meal together once per day. Overall, only 25% of parents surveyed were content with the balance between work and home life, with 77% of respondents reporting that work impinged on the time they could dedicate to core activities with their children, such as homework, taking them to clubs and putting them to bed.⁸

It seems that fathers in particular are pressed between working to support their families and having time to spend with them. Previous analysis of the UK Time Use Survey of 2005 found that men with children worked longer hours than those with no children in the household - an average of 326 minutes a day among men with preschool children, compared with just over 261 minutes per day among men with no children in the household.⁹ In other words, men with children are already spending over an hour a day more at work than men without children.

⁶ All averages generated from latest available data published by OECD

⁷ Banding figures extracted from latest available data published by OECD

⁸ Time, Health and the Family, Working Families, 2014

⁹ *The Time Use Survey, 2005: How we spend our time*, by Lader, Short and Gershuny, Newport: Office of National Statistics, 2006.

Unsurprisingly, given these figures, many parents report that they would like to spend less time at work and more with their families. The proposed changes to Sunday trading laws push directly against this conviction.

To get a better picture of how workers in retail specifically are doing in terms of time at work and time with family at the moment, SMF looked at the Understanding Study survey which is run by the University of Essex and covers a large nationally representative panel of over 30,000 households. We found that 63% of people employed in retail are already working overtime, compared to an average across all sectors of 57%. We also found that barely half of people working in retail report being satisfied with the amount of leisure time they have, suggesting that many people are experiencing a squeeze on the time they have available to spend with their partners and children.

Additionally retail has one of the highest rates of weekend working, with 80% of people working some weekends and over half working most weekends. That very high figure on the proportion of people in retail working weekends compares to only 23% of people in general who work most weekends. The rate of working most weekends in retail is, for example, seven times the rate in financial services and five times the rate in construction. Changes to Sunday trading laws are likely not only to entrench these disparities but to make them worse.

In fact there is already evidence that there is increasing pressure on retail employees, even under the current Sunday trading rules, to work on Sunday. A recent survey by the Union of Shop, Distributive and Allied Workers (USDAW) found that 58% of workers in large stores experienced such pressure often or sometimes, the highest figure recorded in response to this question in surveys going back to 2006.

In addition to the challenge of balancing work and family life in general, working on Sunday raises two specific issues for people in relation to their families. The first is that the weekend may often be the only time that people can spend uninterrupted time with their partner or children – having to work on Sunday or work longer hours on Sunday compared to now will disrupt that time. Related to this, there are a range of activities – such as sports clubs or language classes – which run exclusively on Sundays relying on parents as volunteers.

Secondly, for people with children or older relatives who require care, finding suitable childcare or elderly care can be a particular challenge on Sundays. In fact two thirds of the respondents to the USDAW survey reported that arranging suitable care was a challenge when they were working Sundays. This is not surprising. Gingerbread, a charity supporting single parents, reports that Sunday childcare is a big issue for the parents they represent.¹⁰ Citizens Advice Bureau research suggests three quarters of childcare providers are open neither at evenings nor at weekends. Where weekend childcare is available, it is charged at a premium.¹¹

It may be argued that those working on Sundays can take more time off during the week and spend that time with their families. However, studies have shown that this is difficult in practice and that parents, for example, who work atypical hours, including weekends, are not on the whole able to

¹⁰ Single parents and childcare, Gingerbread, <http://www.gingerbread.org.uk/content/675/Policy-work---childcare>

¹¹ The practicalities of childcare, Citizens Advice Bureau, 2014

make up for time lost with their children.¹² Where they do try to make up for this time lost, that time is taken away from time spent together as a couple.

This means people working atypical hours, including Sundays, are presented with a dilemma: to reduce either the time they spend with their partners or the time they spend with their children and elderly relatives. And, potentially, depending on how many atypical hours they have to work, they may have to reduce both.

In terms of childcare specifically, the evidence seems to suggest that there is a split between those who have access to family childcare and those who do not. For those who have a family member who can provide childcare, Sundays might be a perfectly feasible day to work. But, for others who rely on formal childcare, Sundays are a real challenge. This might suggest that longer Sunday trading – and hence working – will have a particularly adverse impact for single parents and others who do not have extensive family support.

Similar problems arise in relation to those with elderly relatives who require care or are experiencing loneliness. For example, Alzheimer's UK estimates that there are over 670,000 people in the UK acting as primary, unpaid carers for people with dementia and that the value of the care they provide is over £11bn per year.¹³ Longer working hours will reduce the ability of people to provide unpaid care. It is revealing, for example, that almost 1 in 7 people aged over 65 say that Sunday is the part of the week when they are most likely to experience loneliness, suggesting that many families are already struggling to make time at the weekend to visit elderly relatives. Longer Sunday trading hours will be likely to increase this pressure on those working in retail.

Question 5: How does the policy impact those families most at risk of deterioration of relationship quality and breakdown? There is a very wide range of factors that can undermine the quality of family relationships and contribute to breakdown . . . including where family members are finding it hard to balance work with family life and caring responsibilities.

As noted above, retail has one of the highest rates of weekend working. Compared to others, employees will therefore already be finding it harder to balance work with family life and caring responsibilities. Removing Sunday trading restrictions will add to that pressure.

The other dimension of risk is that many people working in retail are on low or middle incomes. Previous work has suggested that these are the people who are least able to reduce their working hours to help protect their family life.¹⁴ Ultimately, they need to work long hours to maintain or improve their incomes. If Sunday trading hours were extended, at best they would be faced with a very significant dilemma between working longer or keeping that time to spend with their families; and many people would in fact be under pressure to work on Sundays regardless of whether they wish to or not.

¹² Working atypical hours? What happens to family life, Matt Barnes, Caroline Bryson and Ruth Smith, National Centre for Social Research, 2006

¹³ http://www.alzheimers.org.uk/site/scripts/documents_info.php?documentID=546

¹⁴ Round the Clock: In-work poverty and the hours question, Lindsay Judge, Child Poverty Action Group, 2015.

It may also be likely that, as longer Sunday trading becomes the norm, then the element of choice will disappear entirely. New jobs in retail may require agreement to working longer hours on Sunday as standard. Given new rules making the receipt of benefits conditional on being available for work, it may even be the case that a person who turns down a job because of a desire to protect Sunday for family life and caring responsibilities will face sanctions.

Mitigating benefits

This report suggests that there are potentially serious adverse impacts on family life from liberalising Sunday trading laws. Nevertheless there may be some mitigating benefits too. Notably, some families may experience the benefit of one or more members of the family earning more as a consequence of working more on Sunday if Sunday trading is liberalised. But this positive impact may be limited.

For a start, survey evidence suggests that very few people working in retail are themselves seeking the benefit of more pay for more work on Sundays. Among respondents to an independent survey carried out for USDAW, less than 5% expressed that wish. There is also evidence to suggest that the premium that was perhaps traditionally attached to working on Sunday has been diminishing. Around 85% of workers in large stores reported receiving premium pay in 2006 and this appears to have fallen to just over half today. That headline change is substantiated by the practice of specific employers; NEXT, for example, stopped paying a Sunday premium to new employees in 2008 and has recently said that no one will receive a Sunday premium.

Finally, there is a suggestion in the 2006 study commissioned by Government that some of the economic benefits of longer Sunday trading consist of time savings to families. These time savings result from reduced congestion in large stores due to longer opening hours; and the ability to fit in other activities at more convenient times. These are plausible claims but even the study concedes that the assumed time savings “amount to approximately 10 minutes per household that shops on a Sunday per week, or 2 minutes per week across all households.” In the context of the other, negative impacts on family life, these time savings might be regarded as negligible.

Opt out from Sunday working

Many of the risks identified in this paper may be mitigated by the protection offered by employment law for those who do not wish to work on a Sunday.¹⁵

But there are a number of gaps and practical issues in relation to this protection. First, the employee must give their employer 3 months’ notice that they want to opt out of Sunday working. They must continue to work on Sundays during the 3 month notice period if their employer wants them to.

Secondly, while an employer is not allowed to discriminate against someone who has opted out of Sunday working, it is likely that those who do opt out will have fewer hours of work offered to them overall.

¹⁵ <https://www.gov.uk/sunday-working>

It is revealing in this context that only 6% of retail workers, according to the latest survey by USDAW, want to work more hours on Sundays; and 91% of employees in large stores oppose longer Sunday trading despite the additional hours that may be on offer to them.

Finally, it is worth mentioning that there is no protection for those working in sectors allied to retail, such as wholesale, distribution and logistics, who may also be expected to work longer hours on Sunday if trading restrictions are lifted.

Conclusion

Announcing the Government's intention to introduce the 'family test' after the London riots, the Prime Minister said, "From here on, I want a family test applied to all domestic policy. If it hurts families, if it undermines commitment, if it tramples over the values that keep people together, or stops families from being together, then we shouldn't do it."

In this context, 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.