



REPORT

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards—Award stage—Group 4 awards— Substantive Issues (AM2017/60)

GENERAL RETAIL INDUSTRY AWARD 2010 [MA000004]

JUSTICE ROSS, PRESIDENT

SYDNEY, 21 DECEMBER 2018

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues –
General Retail Industry Award 2010*

[1] This Report deals with the substantive claims to vary the *General Retail Industry Award 2010* (the Retail Award).

[2] The Retail Award was listed for a programming Mention on 20 December 2018. A transcript of the Mention is available on the Commission’s website - [Mention](#).

[3] The following organisations were represented at the Mention:

- Shop, Distributive and Allied Employees Association (SDA)
- Australian Business Industrial and the NSW Business Chamber (ABI)

[4] In a Statement issued on 4 December 2018¹, parties were asked to confirm which substantive matters they intend to pursue following the plain language process for the Retail Award. Written submissions were received from the SDA and the Australian Industry Group (Ai Group).

[5] The SDA confirmed that it would be pressing 4 claims as follows:

- Junior rates (item 4)
- Hours of work (item 6)
- Public holidays (item 14)
- Classifications (item 15)²

¹ [2018] FWC 7385

² SDA submission, 14 December 2018. Item numbers are referenced from the summary of proposed variations document published 23 January 2018.

[6] Ai Group confirmed that its claim regarding ‘flexible part-time’ would be withdrawn.³

[7] The Australian Retail Association confirmed that it would be pressing their claim in relation to ‘flexible part-time’ employment.⁴

[8] A claim by an individual relating to public holidays is also being pressed.⁵

[9] ABI confirmed at the Mention that it did not have any claims to press, however would be responding to claims.

[10] In correspondence dated 21 November 2018 the SDA expressed a preference for the plain language exposure draft (PLED) of the Retail Award to become operational as soon as possible so that the outstanding substantive issues can be heard using the PLED instead of the current modern award. It was confirmed at the Mention that the PLED would not become operational prior to the substantive issues being heard. This is due to a number of changes that are still to occur to PLEDs and award stage exposure drafts. It was advised at the Mention that parties will be able to file their substantive claims referencing either the PLED or the current General Retail award. In early 2019 the Commission will issue a Statement setting out the process for finalising the Review of all awards.

[11] Parties were advised that the Commission would publish draft directions for comment. Draft Directions are attached (see **Attachment A**). Interested parties are to file any comments regarding the draft directions by no later than **4.00 pm on Friday 1 February 2019**. Final directions will then be published.

[12] A revised summary of proposed variations will be published shortly.

PRESIDENT

³ Ai Group submission, 14 December 2018

⁴ ARA correspondence, 20 December 2018

⁵ See item 16 of the summary of proposed variations document published 23 January 2018



DRAFT DIRECTIONS

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4 yearly review of modern awards–Award stage–Group 4 awards–

Substantive Issues

(AM2017/60)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 1 FEBRUARY 2019

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues –
General Retail Award 2010*

It is directed that:

1. Interested parties are to file in the Commission a draft variation determination outlining each of the claims they are seeking on or before **4.00 pm on Friday 8 February 2019**.
2. Interested parties are to file in the Commission evidence and submissions in support of their claims on or before **4.00 pm on Friday 19 April 2019**.
3. Interested parties are to file in the Commission evidence and submissions in reply on or before **4.00pm on Friday 12 July 2019**.
4. A mention will be held on 22 July 2019, listing to be issued separately.
5. All submissions must be sent to amod@fwc.gov.au
6. The matter will be heard on **1 and 2 August 2019** in Melbourne.

PRESIDENT