



Shop Distributive and Allied Employees' Association

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

AM2021/54 - Fair Work Act 2009 Clause 48 of Schedule 1 Casual terms award review 2021

Date Submitted: 23 June 2021

Submitted by: Angelo Pardo
SDA National Office
Level 6
53 Queen Street
MELBOURNE VIC 3000

Telephone: (03) 8611 7000

Email: angelo@sda.org.au

I. INTRODUCTION

1. The Shop, Distributive and Allied Employees' Association ("SDA") refers to the above matter and the Statement and Directions issued by the Fair Work Commission ("FWC") on 22 June 2021 directing at paragraph [4] that parties file a short note identifying which of the provisional views are contested by 4.00pm Wednesday, 23 June 2021.
2. The SDA files this short note in accordance with that Direction.
3. The SDA relies on its previous submissions and wishes to be heard in respect of the following questions.

II. QUESTION 21

4. The SDA notes the provisional view of the FWC regarding question 21, specifically rejecting the SDA's submissions regarding the alternate criteria for regular pattern of hours. With respect, the SDA notes the ability to choose which 6-month period does not exclude the significant advantage that a 12-month averaging period provides to employees and indeed employers.

III. QUESTION 22

5. Insofar as the SDA seeks the retention of the 12-month averaging period in the model clause provision, the FWC is still able to vary the current Award provision so as to operate effectively with the Act.

IV. QUESTION 23

6. The SDA notes its position regarding question 21 and 22 above.