

This table is an updated summary of proposed variations lodged for *General Retail Industry Award 2010*.

A [Statement](#) was issued on 27 November 2017 directing interested parties to file submissions confirming the proposed variations they wish to pursue. This table has been updated to include submissions received as at 21 December 2017.

### REVISED PROPOSED VARIATIONS RAISED BY EACH PARTY

#### Australian Industry Group:

| ITEM              | PARTY | DOCUMENT                    | CLAUSE | SUMMARY OF ISSUE   | THEIR REF | NOTES    |
|-------------------|-------|-----------------------------|--------|--|-----------|----------|
| 1A.<br>(New Item) | AIG   | <a href="#">Sub-07Dec17</a> | 12     | <p><b>Part-time employees</b></p> <p>Seeks to remove clause and introduce a new flexible part-time clause.</p> <p>A draft Determination will be filed shortly.</p> | Paras 2-4 | New item |

#### Australian Retailers Association:

| ITEM              | PARTY | DOCUMENT                    | CLAUSE | SUMMARY OF ISSUE  | THEIR REF | NOTES    |
|-------------------|-------|-----------------------------|--------|---|-----------|----------|
| 1B.<br>(New Item) | ARA   | <a href="#">Sub-07Dec17</a> | 12     | <p><b>Part-time employees</b></p> <p>Proposes an amendment to substantially align the part-time provisions of the GRIA with the part-time provisions of the <i>Hospitality Award 2010</i>, as determined in the Casual and Part-time Decision <a href="#">[2017] FWCFB 6181</a>.</p> <p>A draft Determination with new clause wording is attached to <a href="#">submissions</a>.</p> | Para 2    | New item |

**Shop, Distributive & Allied Employees' Association**

| ITEM | PARTY | DOCUMENT  | CLAUSE | SUMMARY OF ISSUE   | THEIR REF               | NOTES   |
|------|-------|---|--------|--|-------------------------|---|
| 1.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 11     | <p><b>Full-time employees</b></p> <p>Seeks to vary clause to include the requirement for 'agreement in writing at the time of engagement' on a regular pattern of work and the requirements for variation to the pattern of work, as contained in the Award for part-time employees.</p> <p><a href="#">Sub-30Sep16</a> - Proposes wording for clause.</p> <p><a href="#">Sub-211217</a> – Notes the claim may be being addressed as part of plain language re-drafting AM2016/15. If it is addressed, claim can be settled.</p> | Point 4<br>Points 6 & 8 | Outstanding<br><a href="#">GRIA-PLED</a> clause 9 replicates GRIA 2010 provision in this regard with the additional reference to the agreed hours of work arrangement         |
| 2.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 11     | <p><b>Full-time employees</b></p> <p>Seeks to vary clause to include a minimum shift of 4 hours for full-time employees.</p> <p><a href="#">Sub-30Sep16</a> - Proposes wording for clause.</p>   | Point 5<br>Points 7 & 8 | Withdrawn – <a href="#">Sub-211217</a><br><a href="#">GRIA-PLED</a> clause 9 replicates GRIA 2010 provision in this regard. HoW clause does not refer to minimum shift length |
| 3.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 13.4   | <p><b>Casual employees</b></p> <p>Seeks deletion of minimum 1.5 hour shift for secondary students.</p> <p><a href="#">Sub-30Sep16</a> - Not pursuing the claim.</p>  | Point 6<br>Point 10     | Withdrawn - <a href="#">Sub-30Sep16</a>   |

| ITEM | PARTY | DOCUMENT  | CLAUSE             | SUMMARY OF ISSUE  | THEIR REF                | NOTES   |
|------|-------|---|--------------------|---|--------------------------|---|
| 4.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 18                 | <p><b>Junior rates</b></p> <p>Seeks to vary clause to provide for the payment of junior rates to Level 1 employees only.</p> <p>Submits that full adult rates should apply to employees performing work at a higher classification and recognised as having skills and competencies applicable.</p> <p><a href="#">Sub-30Sep16</a> - Proposes wording for clause.</p> <p><a href="#">Sub-211217</a> – Pressing claim.</p> | Point 7<br>Points 11-14  | Outstanding<br><a href="#">GRIA-PLED</a> clause 18 replicates GRIA 2010 provision in this regard      |
| 5.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 20 – new allowance | <p><b>Allowances—airport employees allowance</b></p> <p>Seeks to insert new clause which will provide all retail employees working at airports with an allowance of \$6.52 per day or shift or with parking at the employer’s expense.</p> <p><a href="#">Sub-30Sep16</a> - No longer pursuing claim.</p>   | Point 22<br>Point 37     | Withdrawn - <a href="#">Sub-30Sep16</a>   |
| 6.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 27                 | <p><b>Hours of work</b></p> <p>Seeks to simplify clause by proposing 10pm for the finish time on Monday to Friday instead of 9.00pm or 11.00pm finish.</p> <p><a href="#">Sub-30Sep16</a> - Seeks to delete cl 27.2(b)(iii) and amend finish time to be 10.00pm Monday to Friday in cl 27.2(a).</p>   | Point 13<br>Points 16-18 | Outstanding<br><a href="#">GRIA-PLED</a> clause 15.2(c) replicates GRIA 2010 provision in this regard |

| ITEM | PARTY | DOCUMENT  | CLAUSE     | SUMMARY OF ISSUE  | THEIR REF                                | NOTES   |
|------|-------|---|------------|---|--|---|
|      |       |   |            | <a href="#">Sub-211217</a> – Pressing claim.  |  |   |
| 7.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 28         | <p><b>38 hour week rosters</b></p> <p>Seeks to clarify the applicability of rostering provisions to all employees by rearranging current provisions.</p> <p>Proposed wording of clause in submission.</p> <p><a href="#">Sub-211217</a> – Notes the claim may be being addressed as part of plain language re-drafting AM2016/15. If it is addressed, claim can be settled.</p> | Point 15<br>Points 19 - 21               | <a href="#">GRIA-PLED</a> clause 15 largely rearranges current provisions<br>Seek confirmation from SDA |
| 8.   | SDA   | <a href="#">Sub-2Mar15</a>                                | 23         | <p><b>Payment of wages</b></p> <p>Seeks to vary clause so that all wages shall be paid on a regular pay day within 4 days of the end of the pay period.</p>   | Point 9                                  | Referred to Payment of Wages full Bench <a href="#">AM2016/18</a>                                       |
| 9.   | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 29         | <p><b>Overtime and penalties</b></p> <p>Seeks to insert wording to ensure there is no ambiguity as to the payment of overtime for all permanent and casual employees performing work which goes beyond the times and patterns considered “ordinary” as per the award.</p> <p>Seeks to provide casuals with overtime rates for work in excess of 38 hours per week.</p>          | Point 16 (a) & (b)<br>Point 22 (a) & (b) | Being dealt with in Casual Full Bench <a href="#">AM2014/197</a>  |
| 10.  | SDA   | <a href="#">Sub-2Mar15</a>                                | 29.2(a)(i) | <b>Overtime and penalties</b>   | Point 16(c)                              | Withdrawn – <a href="#">Sub-211217</a>  |

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|------|-------|---|---------------------|---|----------------------------|---|
|      |       | <a href="#">Sub-30Sep16</a>                               |                     | Vary clause to provide payment of double time after 2 hours worked.   | Points 22(c) & 23          | <a href="#">GRIA-PLED</a> clause 25 replicates GRIA 2010 provision in this regard   |
| 11.  | SDA   | <a href="#">Sub-2Mar15</a>                                | 29.4                | <b>Overtime and penalties</b><br>Seeks full casual loading for such employees at all times which incur penalty rates – currently on Sundays the loading is fully absorbed by the 25% penalty rate and on Saturdays the loading is reduced by 15%.   | Points 17 & 18             | Item determined in <a href="#">AM2014/197 – PR598494</a>  |
| 12.  | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 32 – new subclauses | <b>Annual leave—blood donor leave and bone marrow donor leave</b><br>Seeks to include Blood and Bone Marrow Donor leave clauses.  | Point 23<br>Points 38 - 46 | Dismissed - Blood Donor Leave <a href="#">Decision</a> in Full Bench <a href="#">AM2016/36</a> .<br>Withdrawn – Bone Marrow leave letter dated <a href="#">5 April 2017</a> in Full Bench <a href="#">AM2016/36</a> . |
| 13.  | SDA   | <a href="#">Sub-2Mar15</a><br><a href="#">Sub-30Sep16</a> | 33                  | <b>Personal/carer’s leave and compassionate leave</b><br>Seeks to vary clause to include terms ‘foster parent’ and ‘step parent’; increase leave entitlement from 2 to 3 days; insert wording which clearly states casual are to be re-engaged following such leave; include additional leave of absence for eligible interstate and/or overseas deaths; and provide that paid compassionate leave includes any applicable penalty rates. | Point 19<br>Points 27 - 29 | Withdrawn – <a href="#">Sub-211217</a><br><a href="#">GRIA-PLED</a> clause 33 replicates GRIA 2010 provision in this regard   |

| ITEM | PARTY | DOCUMENT   | CLAUSE     | SUMMARY OF ISSUE   | THEIR REF                             | NOTES   |
|------|-------|--|------------|--|---------------------------------------|---|
|      |       |  |            | <p><a href="#">Sub-30Sep16</a> - Seeks to delete cl. 33.3; renumber clause; insert new cls. 33.2 &amp; 33.5; amend cl. 33.4.</p> <p>Provides wording in submission.</p>  |                                       |   |
| 14.  | SDA   | <a href="#">Sub-2Mar15</a>   | 34         | <p><b>Public holidays</b></p> <p>Seeks to vary clause so work on a public holiday is to be at the election of the employee.</p> <p>Also seeks to insert a provision which would allow an employee who works on a public holiday to elect to be paid time and a half and receive equivalent day or time off in lieu.</p> <p><a href="#">Sub-211217</a> – Pressing claim.</p>  | Point 20                              | <p>Outstanding</p> <p><a href="#">GRIA-LED</a> clause 36 replicates GRIA 2010 provision in this regard</p>  |
| 15.  | SDA   | <p><a href="#">Sub-2Mar15</a></p> <p><a href="#">Sub-30Sep16</a></p> | Schedule B | <p><b>Classifications</b></p> <p>Seeks to insert into the Classification structure for all employees (Retail Employee Level 1 – 8) wording to ensure that employees cannot be required to exhibit clothes or other fashion articles/accessories of a revealing or indecent manner, as this is not part of retail duties and functions.</p> <p><a href="#">Sub-30Sep16</a> - Provides wording to be inserted.</p> <p><a href="#">Sub-211217</a> – Pressing claim.</p> | <p>Point 21</p> <p>Points 32 - 36</p> | <p>Outstanding</p> <p><a href="#">GRIA-LED</a> Schedule A replicates GRIA 2010 provision in this regard</p> |

**Stephanie Barridge:**

| ITEM | PARTY              | DOCUMENT                   | CLAUSE<br>(current<br>award) | SUMMARY OF ISSUE  | THEIR<br>REF | NOTES   |
|------|--------------------|----------------------------|------------------------------|---|--------------|---|
| 16.  | Stephanie Barridge | <a href="#">Sub-5Jan17</a> | 34                           | <p><b>Public holidays</b></p> <p>Seeks to insert additional arrangements for full-time employees as follows:</p> <p>A full-time employee whose rostered day off falls on a public holiday must either:</p> <ul style="list-style-type: none"> <li>- be paid an extra day's pay or</li> <li>- be provided with an alternative day off within 28 days or</li> <li>- receive an additional day's annual leave</li> </ul> | 2.2          | <p>Outstanding</p> <p><a href="#">GRIA-PLED</a> clause 36 replicates GRIA 2010 provision in this regard</p> |

**Fair Work Ombudsman:**

| ITEM | PARTY | DOCUMENT                   | CLAUSE<br>(current<br>award) | SUMMARY OF ISSUE  | THEIR<br>REF                   | NOTES  |
|------|-------|----------------------------|------------------------------|---|--------------------------------|--|
| 17.  | FWO   | <a href="#">Sub-2Mar15</a> | 29.1(a) & 29.2               | <p><b>Overtime and penalties</b></p> <p>Clauses unclear if exclusion of casual employees in 29.1 affects whether casual employee can work overtime hours, and if overtime hours may be worked, whether overtime rates in clause 29.2 apply (or if these</p> | Group 4<br>Table -<br>Point 17 | <p><a href="#">GRIA-PLED</a> clause 25.1(a) provides for full-time employees; clause 25.1(b) provides for part-time employees.</p> <p>No reference to casuals in the re-</p> |

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|      |       |                            |                              | hours should be otherwise paid at ordinary time rates of pay).  |                                | drafted clause.<br>Seek confirmation from FWO.   |
| 18.  | FWO   | <a href="#">Sub-2Mar15</a> | 29.4(d)(ii)                  | <p><b>Penalty payments – public holidays</b></p> <p>Confusion about the amount of time off an employee is entitled to for the performance of work on a public holiday.</p> <p>FWO has received enquiries re what is considered “equivalent day” or “equivalent time off” – is the calculation based on 1:1 ratio or taking into account applicable penalties (eg 1 hr at 150% = 1.5 hours of time off work)</p> | Group 4<br>Table -<br>Point 18 | <p><a href="#">GRIA-PLED</a> clause 26.2 re-drafts the provision to be clearer without changing the legal effect.</p> <p>Seek confirmation from FWO.</p> |
| 19.  | FWO   | <a href="#">Sub-2Mar15</a> | 30.1                         | <p><b>Shiftwork</b></p> <p>Unclear of meaning of term “specifically employed as shiftworkers” – whether it is sufficient that employee is rostered to work shiftwork hours or whether employee must be expressly told they have been employed as a shiftworker.</p>   | Group 4<br>Table -<br>Point 19 | <p><a href="#">GRIA-PLED</a> clause 28.1 re-drafts the provision to be clearer without changing the legal effect.</p> <p>Seek confirmation from FWO.</p> |
| 20.  | FWO   | <a href="#">Sub-2Mar15</a> | 30.2                         | <p><b>Shiftwork</b></p> <p>May be unclear whether under cl 30.2 “shiftwork” is defined to mean: <b>a shift</b> starting at or after 6.00pm on one day and <b>(finishing)</b> before 5.00am on the following</p>   | Group 4<br>Table -<br>Point 19 | <p><a href="#">GRIA-PLED</a> clause 28.2 re-drafts the provision to be clearer without changing the legal effect.</p>                                    |



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|------|-------|----------------------------|------------------------------|---|--------------------------------|--|
|      |       |                            |                              | day or <b>any shift</b> commencing either after 6.00pm or before 5.00am.  |                                | Seek confirmation from FWO.  |
| 21.  | FWO   | <a href="#">Sub-2Mar15</a> | 31.2(b)                      | <b>Breaks between work periods</b><br>Unclear as to the appropriate calculation method of this penalty in instances where the employee would be entitled to additional payments.                                      | Group 4<br>Table -<br>Point 20 | Outstanding<br><a href="#">GRIA-PLED</a> clause 16.6 replicates GRIA 2010 provision in this regard.<br><br>A question to parties has been included seeking clarification of the provision. |
| 22.  | FWO   | <a href="#">Sub-2Mar15</a> | 32.3(b)                      | <b>Annual leave loading</b><br>Unclear whether the two entitlements are to be compared on a daily basis with each day of annual leave being assessed separately or as a whole over the entire period of annual leave. | Group 4<br>Table -<br>Point 21 | <a href="#">GRIA-PLED</a> clause 32.3 re-drafts the provision to be clearer without changing the legal effect.<br><br>Seek confirmation from FWO.  |

**National Retail Association:**

| ITEM | PARTY | DOCUMENT                   | CLAUSE<br>(current<br>award) | SUMMARY OF ISSUE  | THEIR<br>REF | NOTES  |
|------|-------|----------------------------|------------------------------|---|--------------|--|
| 23.  | NRA   | <a href="#">Sub-2Mar15</a> | 8.1                          | <b>Consultation regarding major workplace change</b><br><br>Vary clause to reflect historical award | Point 5      | Withdrawn – <a href="#">Sub-07Sep17</a><br><a href="#">GRIA-PLED</a> includes standard |

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|------|-------|----------------------------|------------------------------|--|--------------|---|
|      |       |                            |                              | provisions.  |              | clause regarding consultation.  |
| 24.  | NRA   | <a href="#">Sub-2Mar15</a> | 12                           | <b>Part-time employees</b><br>Vary clause to introduce flexibility in rostering part-time employees.   | Point 5      | Referred to Part-time and Casuals Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a>   |
| 25.  | NRA   | <a href="#">Sub-2Mar15</a> | 20.2(b)                      | <b>Special clothing allowance</b><br>Vary clause to confirm its applicability to the dry cleaning of garments.   | Point 5      | Withdrawn – <a href="#">Sub-07Sep17</a><br><a href="#">GRIA-PLED</a> clause 23.3 replicates GRIA 2010 provision in this regard.                           |
| 26.  | NRA   | <a href="#">Sub-2Mar15</a> | 28                           | <b>38 hour week rosters</b><br>Vary clause to address ambiguity and uncertainty around its application.<br><i>[NRA do not provide details of the ambiguity and uncertainty they wish to address]</i> | Point 5      | Withdrawn – <a href="#">Sub-07Sep17</a><br><a href="#">GRIA-PLED</a> clause 15.6 re-drafts the provision to be clearer without changing the legal effect. |

**Transport Workers' Union of Australia:**

| ITEM | PARTY | DOCUMENT                   | CLAUSE<br>(current<br>award) | SUMMARY OF ISSUE  | THEIR<br>REF | NOTES  |
|------|-------|----------------------------|------------------------------|---|--------------|--|
| 27.  | TWU   | <a href="#">Sub-2Mar15</a> | 4 & 16                       | <p><b>Coverage and classifications</b></p> <p>Party proposes variations to clauses as there is potential overlap in the functions described in two awards – the <i>General Retail Award 2010</i> and the <i>Road Transport and Distribution Award 2010</i>.</p> | Page 1       | Withdrawn – <a href="#">Sub-14Dec17</a><br><a href="#">GRIA-PLED</a> clause 4 replicates GRIA 2010 provision in this regard. |