

This submission replaces the one filed on 11 November 2020 noting changes made at pages 5 and 6 and Annexure A

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Sent: Friday, 13 November 2020 3:25 PM

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Cc: Sue-Anne Burnley <sue-anne@sda.org.au>

Subject: AM2017/60 - 4 yearly review of modern awards - General Retail Industry Award 2020 - Substantive Issues

Dear AMOD and colleagues,

We refer to the SDA's Outline of Submissions filed on Wednesday, 11 November 2020 which were responsive to directions issued by the Full Bench on 8 October 2020.

We have regrettably identified an error in Annexure A to the SDA's submissions where there was a double counting of awards and an award omitted in the analysis pertaining to the awards providing for tradespersons.

Those errors have been corrected in the attached documents and, where relevantly referenced, in the body of the Submissions.

We enclose herewith a marked up version of Annexure A and the two pages of the outline of submissions affected by the correction. We also attach further clean versions of the two documents which we would ask you to substitute for the versions earlier filed.

We apologise for the failure to identify the errors prior to filing.

Yours faithfully,

A J MACKEN & CO.

The following analysis critiques the Information Note – Junior Rates in Modern Awards dated 5 November 2020 prepared by the Fair Work Commission, noting that the document does not purport to be a comprehensive discussion of the issues involved or necessarily reflective of any view of the Commission on any issue.

- 1, The Commission's Information Note identifies 50 awards that contain junior rates with no limitations
2. It is submitted that one identified Award should not be included in this list of 50, namely the *Maritime Offshore Oil and Gas Award 2020*.
- 3, This award provides at Clause 13 Minimum rates and classifications. The number of total classifications is 96, across various types of vessels/areas described in categories a -h.
- 4, Only 3 classifications have a junior rate which relate to being 'under 18 years' or over 18 years.
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- 5, This means there are 49 awards that fall within the Information Note's stated parameters of awards not having classification limitations/exclusions regarding junior rates.
6. Awards however have other dimensions that effectively limits junior rate applicability. Obviously, the age at which adult rates commence to apply necessarily restricts the applicability of junior rates.
7. The SDA has analysed the 49 remaining awards identified by the Commission to provide the following summary.
8. Awards 18yr Rate – 100%

Of the 49 Awards, ~~13~~ 12 provide for full adult wage rates from 18 years.

1. *Aluminium Industry Award 2020*
2. *Black Coal Mining Industry Award 2020*
3. *Contract Call Centres Award 2020*
4. *Hair and Beauty Industry Award 2010*
5. *Hydrocarbons Industry (Upstream) Award 2020*
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7. *Mining Industry Award 2020*
8. *Oil Refining and Manufacturing Award 2020*
9. *Port Authorities Award 2020*
10. *Poultry Processing Award 2020*
11. *Rail Industry Award 2020*
12. *Telecommunications Services Award 2020*
13. *Wine Industry Award 2010*

9. Awards 19yr Rate – 100%

Of the 49 awards, 5 provide for full adult wage rates from 19 years.

1. *Pharmaceutical Industry Award 2020*
2. *Racing Industry Ground Maintenance Award 2020*
3. *Salt Industry Award 2010*
4. *Seafood Processing Award 2020*
5. *Storage Services and Wholesale Award 2020*

10. Awards 20yr Rate – 100%

Of the 49 awards, 13 provide for full adult wage rates from 20 years

1. *Amusement, Events and Recreation Award 2020*
2. *Aquaculture Industry Award 2020*
3. *Cemetery Industry Award 2020*
4. *Dry Cleaning and Laundry Industry Award 2020*
5. *Fitness Industry Award 2010*
6. *Gardening and Landscaping Services Award 2020*
7. *General Retail Industry Award 2020¹*
8. *Horticulture Award 2020*
9. *Meat Industry Award 2020*
10. *Nursery Award 2020*
11. *Pastoral Award 2020*
12. *Timber Industry Award 2020*
13. *Travelling Shows Award 2020*

11, Therefore ~~34~~ 30 awards have junior rates restricted to 19 years or below, ~~18~~ 19 awards have junior rates applying up to 21 yrs.

¹ This award has a 90% rate applying to a 20 yr old who has had less than 6 months experience.

12. There are however further limitations on the applicability of junior rates in some of these ~~48~~ 19 awards that apply a junior wage rate for employees up to 21 years. Qualified trades people, for example, receive adult rates regardless of age in some of these awards.

13. Looking at the ~~48~~ 19 awards that have junior rates applying up to 21 years there are 5 awards where junior rates don't apply to qualified tradespeople². This means under these awards an 18 or 19 year old tradesperson receives the adult rate of pay:

1. *Electrical Power Industry Award 2020*
2. *Food, Beverage and Tobacco Manufacturing Award 2010*
3. *Graphic Arts, Printing and Publishing Award 2010*
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5. *Vehicle Manufacturing, Repair, Services and Retail Award 2020*

The Dry Cleaning and Laundry Industry Award 2020 also has junior rates not applying to qualified tradespeople but it has been included at paragraph 10.

14. This means there are only ~~43~~ 14 Awards that do not have any relevant restriction or limitation on junior rates applying up to the age of 21 years.

² Some of the 19 awards do not have trades classifications.

The SDA's analysis is in 2 parts. Part A (**Annexure A**) looks at the 50 Awards identified by the Commission as having Junior rates applying in an unlimited way in the particular Award. Part B (**Annexure B**) looks at how apprenticeship rates interact with and work in the 75 Awards that were identified as having junior rates apply.

Part A – Junior Rates Generally

The Commission's Information Note identifies 50 Awards that contain junior rates with no limitations. The SDA submits that one of these Awards should not be included in this list of 50, namely the *Maritime Offshore Oil and Gas Award 2020*.

This Award provides at Clause 13 for the applicable minimum rates and classifications. The number of total classifications is 96, across various types of vessels/areas described in categories a-h there set out. Only 3 classifications have a junior rate which relate to being 'under 18 years' or over 18 years. Therefore, as a broad proposition, junior rates do not apply to this Award.

This means there are 49 awards that fall within the Information Note's stated parameters of awards not having classification limitations/exclusions regarding junior rates.

In examining the 49 Awards it was found that adult rates applied as follows:

| Adult Rate Applies | No. of Awards |
|---------------------------|-------------------------|
| 18 | 13 <u>12</u> |
| 19 | 5 |
| 20 | 13 |

Therefore ~~31~~30 awards have junior rates restricted to 19 years or below, ~~18~~19 awards have junior rates applying up to 21 yrs.

There are however further limitations on the applicability of junior rates in some of these ~~18~~19 awards that apply a junior wage rate for employees up to 21 years. Qualified trades people, for example, receive adult rates regardless of age in some of these awards.

Looking at the [18-19](#) awards that have junior rates applying up to 21 years there are 5 awards where junior rates do not apply to qualified tradespeople. This means under these awards an 18 or 19 year old tradesperson receives the adult rate of pay

This means there are only [13-14](#) Awards that do not have any relevant restriction or limitation on junior rates applying up to the age of 21 years.

Part B - Apprenticeship Arrangements

There are 40 Awards of the 75 Junior Rate awards that include or make separate provision for Apprenticeship arrangements.

The analysis suggests that the majority of qualified trades people who are under 21yrs receive the adult rate of pay applicable to their Award coverage. 34 out of the 40 awards provide for this, expressly or by necessary inference arising from the specified age at which full adult rates of pay are required to be paid.

The Commission's Information Note and the SDA analysis shows there are very few Awards that have junior rates applied in an unlimited method up to the age of 21 yrs. Junior rates in the 75 Awards are restricted by:

- Being limited to certain classification
- Adult rates applying from 18, 19 or 20 years
- Qualified Tradespeople being paid adult rates of pay regardless of age.
- Qualified tradespeople being paid adult rates due to the age when adult rates apply in that award.

This means using these variables that there are only 13 Awards that have unlimited junior rates applying to juniors aged up to 21yrs.

1. Question 4 – the SDA is invited to respond to the ABI's reply submissions in relation to the SDA's equal remuneration submission?

FAIR WORK COMMISSION

Award Review 2014

AM 2017/60

SUBMISSIONS OF THE SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES' ASSOCIATION

1. In its statement of 8 October 2020 [2020] FWCFB 5371 the Full Bench requested that written submissions, including answers to questions posed in the statement, submissions about Dr O'Brien's evidence and submissions about the Survey Report be filed. This submission is made in accordance with that direction.
2. Subject to some minor matters, which will be clarified below, the SDA relies upon the written submissions previously filed.
3. The SDA submission is based on merit arguments and expert evidence.
4. The merit argument starts from the proposition, developed in its written submissions at paragraphs 19-22 and 31-34 that the adoption of junior rates in the *General Retail Industry Award* (GRIA) was not based on a consideration of the merits of the rates introduced, and that further insofar as it was based upon pre-existing awards there was an error in the information used by the Full Bench when assessing those awards.
5. The SDA submissions point to the increase in the 20 year old rate in the 2012 review and the consent position reached in the 2014 review of the *Pharmacy Award* which abolished junior rates above Level 2 (paragraphs 35-39).
6. Next, and importantly, the SDA submissions make the point that in the 2010 decision which dealt with junior rates in respect of the GRIA ([2010] FWCFB 305) the Full Bench did not deal with the SDA's claim in respect of junior employees who were not tradespersons.
7. More significantly the Full Bench operated on an incorrect basis in that two major and one significant award upon which the GRIA was based did not have junior rates above the general shop assistant rate (paragraphs 44-54 of the submissions). Those awards were the Victorian Shops Award, the New South Wales Shops Award and the Retail and Wholesale Industry Award in the ACT.

8. The submissions also analyse the questions with respect to tradespeople.
9. The SDA submissions next deal with the question of equal remuneration. It is accepted that the modern awards objective contained in paragraph (e) is irrelevant to the present application as it is only concerned with equal pay on a gender basis.
10. However, that does not detract from the substance of the point that the SDA makes which is that people who do the same work should be remunerated equally. That principle fits comfortably with the overarching modern awards objective to provide a fair safety net. A wage rate which is set differentially not on the basis of the value of the work performed but on an extraneous and irrelevant fact cannot be described as fair. Fairness is a concept which also looms large in s.3 of the Act.
11. In this regard the submissions made by the SDA at paragraph 78 and following dealing with the rationale for junior rates are important. This was discussed in the junior rates case as set out in the quotation at paragraph 78 of the SDA submissions.
12. Whatever might be said about junior employees working at the lowest level of the GRIA, there is no reason not to assume that employees who are employed at higher levels are employed at those levels because they are competent to perform these duties.
13. The SDA also made submissions about the relevant factors in the modern awards objective.

Responses to submissions of ABI

14. The ABI submissions are summarised at paragraphs 58 to 97 of the Full Bench statement.
15. The first point raised is that this application involves a change to minimum rates and pursuant to s.156(3) of the FW Act minimum rates can only be changed on the basis of work value reasons.
16. This is accepted. However, the position the SDA takes is that it is axiomatic that an employee promoted or appointed above the base level is promoted or appointed to perform the tasks at that level and that there is no room for the existence of junior

rates in those circumstances. When it is recalled that the junior rates were established in the GRIA against a background of their non-existence in the major awards from which the GRIA was drawn it can be readily seen that there is a very strong work value argument for an abolition of the reduction which was imposed in the 2010 award at levels above Level 1.

17. The ABI makes the submission that there may be a number of reasons why employers employ juniors above Level 1. In particular they suggest that this might be simply because juniors are entitled to a lower level of remuneration. This is not a sound reason for retaining the junior rates. Junior rates should be established on the grounds that junior employees are of less value because of their lack of experience. An employer who appoints a junior to do the work at above Level 1 must do so because the work is not Level 1 work but work which comes within the higher classification. To justify a lower rate for juniors in the award because employers would wish to appoint a junior to save money is discriminatory against older workers as well as juniors.
18. As to the next issue raised by ABI, the equal pay question, the SDA relies on its submissions made above at paragraph 9 and 10 above.
19. Finally, the ABI makes the submission that the award met the modern awards objective and the prima facie position should not be disturbed.
20. For the reasons developed in the SDA submissions this contention should not be accepted.
21. For the foregoing reasons the ABI submission should not be accepted.

Submissions as to Dr O'Brien's evidence

22. Dr O'Brien's evidence is summarised at paragraphs 26 to 33 of the Full Bench statement. The Full Bench should find that Dr O'Brien's evidence establishes:
 - The total number of employees in the general retail industry in 2016 was 774,675.
 - The number of employees under 21 years of age was 160,848.

- Of those junior employees, 17,244 or 11% were employed in classifications higher than Level 1 although that figure could be increased by not more than 1,210 employees employed in retail establishments in clerical positions.
- Some (but a small number) of the employees which Dr O'Brien classified as Level 1 may be Level 3 employees.
- Some (but a small number) of the employees who identified themselves as store persons may be Level 2 employees not Level 1 employees.

Submissions as to the survey report

23. The survey analysis is based upon very few responses to the survey. As such it can receive no weight other than perhaps, anecdotal weight. The results, such as they are, are not inconsistent with Dr O'Brien's report but really add nothing to it.

Questions in the Full Bench statement

24. Question 1 – does any party take issue with the summary of the legislative framework in paragraphs 7 to 22 above?

The SDA does not take issue with the summary of the legislative framework contained in paragraphs 7 to 22.

25. Question 2 – does any party take issue with a summary of the expert report and Dr O'Brien's evidence at paragraphs 26 to 33 above?

The SDA does not take issue with that summary.

26. Question 3 – is the SDA aware of any other modern awards which limit junior rates to particular classification levels?

In addressing the question posed to it, the SDA notes recent published research undertaken by the Fair Work Commission in the above regard (Information Note – Junior Rates in Modern Awards dated 5 November 2020). The comments which follow and which are otherwise expanded upon in Annexures to this submission draw upon that analysis by the Commission.

The SDA's analysis is in 2 parts. Part A (**Annexure A**) looks at the 50 Awards identified by the Commission as having Junior rates applying in an unlimited way in the particular Award. Part B (**Annexure B**) looks at how apprenticeship rates interact with and work in the 75 Awards that were identified as having junior rates apply.

Part A – Junior Rates Generally

The Commission's Information Note identifies 50 Awards that contain junior rates with no limitations. The SDA submits that one of these Awards should not be included in this list of 50, namely the *Maritime Offshore Oil and Gas Award 2020*. This Award provides at Clause 13 for the applicable minimum rates and classifications. The number of total classifications is 96, across various types of vessels/areas described in categories a-h there set out. Only 3 classifications have a junior rate which relate to being 'under 18 years' or over 18 years. Therefore, as a broad proposition, junior rates do not apply to this Award.

This means there are 49 awards that fall within the Information Note's stated parameters of awards not having classification limitations/exclusions regarding junior rates.

In examining the 49 Awards it was found that adult rates applied as follows:

| Adult Rate Applies | No. of Awards |
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Therefore 30 awards have junior rates restricted to 19 years or below, 19 awards have junior rates applying up to 21 yrs.

There are however further limitations on the applicability of junior rates in some of these 19 awards that apply a junior wage rate for employees up to 21 years.

Qualified trades people, for example, receive adult rates regardless of age in some of these awards.

Looking at the 19 awards that have junior rates applying up to 21 years there are 5 awards where junior rates do not apply to qualified tradespeople. This means under these awards an 18 or 19 year old tradesperson receives the adult rate of pay

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Part B - Apprenticeship Arrangements

There are 40 Awards of the 75 Junior Rate awards that include or make separate provision for Apprenticeship arrangements.

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This means using these variables that there are only 13 Awards that have unlimited junior rates applying to juniors aged up to 21yrs.

27. Question 4 – the SDA is invited to respond to the ABI's reply submissions in relation to the SDA's equal remuneration submission?

See above at paragraph 18.

28. Question 5 – does the SDA take issue with any aspect of the above summary of its submissions in relation to the s.134 considerations?

The SDA’s submissions in whole are much broader as summarised above, but the summary is accurate in respect of the s.134 considerations.

29. Question 6 – the SDA is invited to provide an explanation of the basis of the following two assertions in its written submissions:

- (1) At paragraph 29(1) the SDA says that the Commission approved increase in the 20 year old rate to the adult rate “has not shown any detriment to employment”;
- (2) At paragraph 39 the SDA says that the award Level 1 aligns with Certificate II qualification?

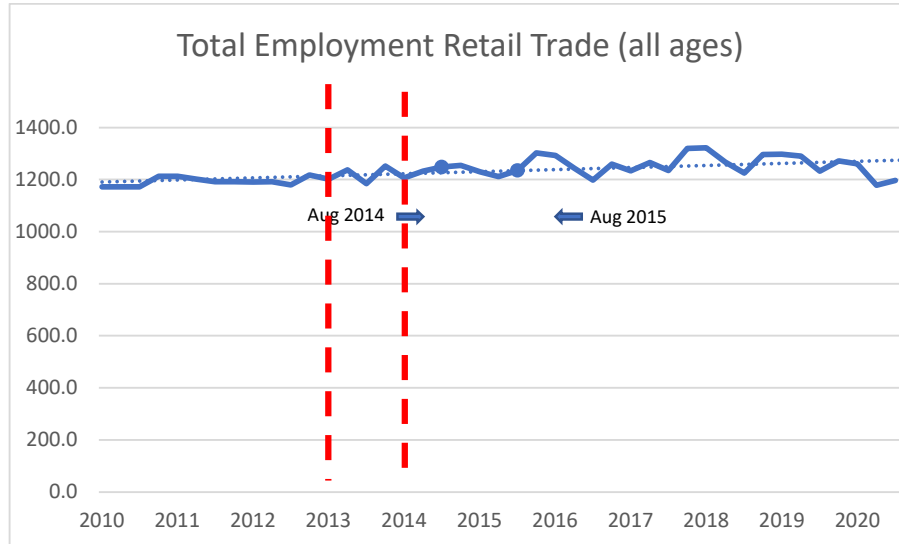
No Detriment to Employment arising from applying adult wage rate to 20 year olds

The SDA in its submission made the statement of no detrimental employment effect with the increase of the 20 year old rate. It formed that conclusion having regard to the following consideration of available ABS data.

Using ABS data¹ for the retail trade the following graph shows no detrimental impact from the change made in July 2014 and July 2015.

Figure 1.

¹ ABS data from 6291.0.55.003 - EQ12 - Employed persons by Age and Industry division of main job (ANZSIC). Casual hours are included under PT. The 2020 data has not been included due to covid changes.



Further the SDA points to and relies upon data relevant to the age brackets of 20-24 yrs and 15-19 yrs. These also show no detrimental impact to these age brackets where (it might be assumed) the increase in rate was most likely to have had some measurable impact.

Figure 2.

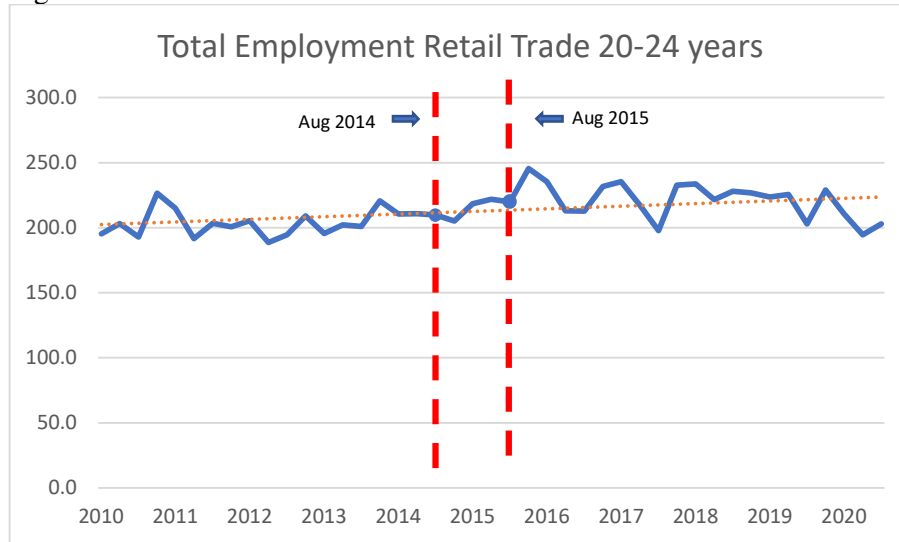
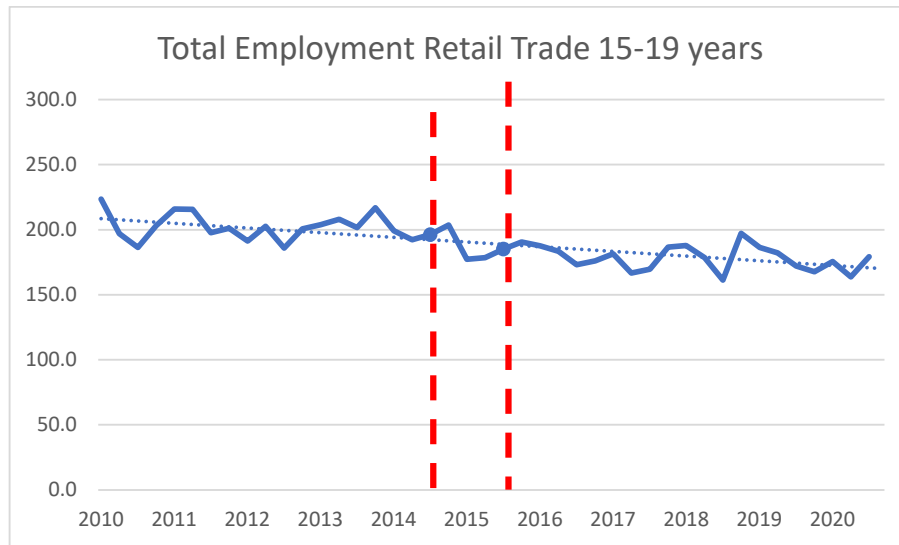


Figure 3.



Level 1 Alignment with Certificate II qualification

During the Award Modernisation process of 2008 the SDA draft award had a detailed classification structure that covered Retail, Pharmacy, Fast Food and Hairdressing streams. This sought to align various classifications across the various retail sectors.

The Pharmacy retail sector had a largely certificate qualified classification structure which was not in broad terms disputed. The other Retail industry sector did not have this qualification requirement. The first level of the retail stream was not disputed. It did not require a qualification. The first formal qualification is at the trades level.

In the SDA award various levels were proposed across the various industry streams. The Retail stream provided as the first level an all encompassing general shop assistant. In the Pharmacy stream the classification which aligned with this level was a Pharmacy Assistant Competency Level 1 >6 months

A Pharmacy Assistant Competency level 1 is an employee who has acquired the competencies listed for a holder of Certificate I in Community Pharmacy as determined from time to time by the National Quality Council or any successor thereto, working in a community pharmacy. (extract from SDA draft award August 2008)

In the Pharmacy stream an Employee with a Certificate II is at a higher level

*A **Pharmacy Assistant Competency level 2** is an employee who has acquired the competencies listed for a holder of Certificate II in Community Pharmacy, as determined from time to time by the National Quality Council or any successor thereto. (extract from SDA draft award August 2008)*

This aligned with level 2 retail.

The SDA draft award did not include at retail level 2, a person with a Certificate II.

This has had the consequence that the retail level 1 (which is now GRIA level 1) encompasses both employees with and without a Certificate II.

Attached to this submission (**Annexure C**) are the extracts from the SDA draft award showing the wages table alignment across all streams (Clause 15) and a table based on Clause 9 with the classification definitions for retail level 1 and 2 and the corresponding Pharmacy classification definitions.

30. Question 7 – under the Retail Award what is an apprentice paid if they are 19 years old on the completion of their apprenticeship?

A tradesperson who has completed his or her apprenticeship is classified as a retail employee Level 4. In their third year of apprenticeship they are entitled to 80% of the standard weekly rate (Level 4). In their fourth year of apprenticeship they are entitled to 90% of that rate. Upon the completion of their apprenticeship at age 19 the relevant payment would be 80% of the level 4 rate as junior rates apply to them under GRIA.

The SDA in submissions over 2008² and 2009³ pointed to this issue. The employer submissions over this time opposed this proposition⁴. The FWA decision issued in 2010 did not specifically address this issue. However, if it is the effect of the award then it is an anomaly that should be addressed.

31. Question 8 – what is the minimum rate for a 20 year old tradesperson under the retail award? Is this rate the same as the C10 rate in the Manufacturing and Associated Industries and Occupations Award 2020 (\$862.50)?

² SDA Submission AM2008/10 10 Oct 2008 PN 35-51

³ SDA application and submission AM 2009/77

⁴ AM 2009/77 NRA submission 20 Nov 2009 PN 6, AFEI submission 23 Nov 2009 PN 5

The minimum rate for a 20 year old tradesperson under the GRIA depends upon whether or not they have been employed more than six months with their employer. If they have not been employed more than six months their minimum rate is 90% of the adult rate. If they have been employed more than 6 months the minimum rate is 100% of the adult rate.

There is current differential in the tradespersons rate due to the Annual Wage Review 2020. Both Awards had the base trades rate as \$862.50 until 30th June 2020. This equilibrium position will not return until February 2021. For the purposes of answering the question posed the rates as at 30th June 2020.

The current minimum rate for a full-time employee at Level 4 is \$862.50 which is the C10 rate for the Manufacturing and Associated Industries and Occupations Award 2020. A 20 year old tradesperson regardless of length of service with an employer receives \$862.50.

| AGE | GRIA Qualified Tradesperson Level 4 | Manufacturing Award Qualified Tradesperson C10 |
|---|--|---|
| 19 Yr old | \$690.00 | \$862.50 |
| 20 yr old less 6 mths working for employer | \$776.25 | \$862.50 |
| 20 yr old more than 6 mths working for employer | \$862.50 | \$862.50 |

32. Question 9 – joint paper.

This has been separately filed.

33. Question 10 – not applicable.

34. Question 11 – not applicable.

35. Question 12 – not applicable.

Dated: 11 November 2020

Shop, Distributive and Allied Employees' Association

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ANNEXURE B

There are 40 Awards of the 75 Junior rate awards that include Apprenticeship arrangements.

These are:

1. *General Retail Industry Award 2010*
2. *Airline Operations-Ground Staff Award 2010*
3. *Airport Employees Award 2020*
4. *Alpine Resorts Award 2010*
5. *Aluminium Industry Award 2020*
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7. *Black Coal Mining Industry Award 2020*
8. *Cemetery Industry Award 2020*
9. *Children's Services Award 2010*
10. *Dry Cleaning and Laundry Industry Award 2020*
11. *Educational Services (Post-Secondary Education) Award 2010*
12. *Educational Services (Schools) General Staff Award 2010*
13. *Electrical Power Industry Award 2020*
14. *Food, Beverage and Tobacco Manufacturing Award 2010*
15. *Gardening and Landscaping Services Award 2010*
16. *Graphic Arts, Printing and Publishing Award 2010*
17. *Hair and Beauty Industry Award 2010*
18. *Health Professionals and Support Services Award 2010*
19. *Higher Education Industry-General Staff-Award 2010*
20. *Horse and Greyhound Training Award 2020*
21. *Hospitality Industry (General) Award 2020*
22. *Hydrocarbons Industry (Upstream) Award 2020*
23. *Local Government Industry Award 2020*
24. *Manufacturing and Associated Industries and Occupations Award 2010*
25. *Meat Industry Award 2020*
26. *Mining Industry Award 2020*
27. *Miscellaneous Award 2020*
28. *Nursery Award 2020*
29. *Oil Refining and Manufacturing Award 2020*
30. *Port Authorities Award 2020*
31. *Racing Industry Ground Maintenance Award 2020*
32. *Rail Industry Award 2020*
33. *Registered and Licensed Clubs Award 2010*
34. *Restaurant Industry Award 2010*
35. *Salt Industry Award 2020*
36. *Telecommunications Services Award 2010*
37. *Textile, Clothing, Footwear and Associated Industries Award 2010*
38. *Timber Industry Award 2010*
39. *Vehicle Manufacturing, Repair, Services and Retail Award 2010*
40. *Wine Industry Award 2010*

The Apprenticeship provisions and the interaction with trades rate for each of these 40 awards is provided below.

There are 4 Awards that are silent on what happens to juniors who complete their Apprenticeship. In these Awards, adult rates apply at 21 years of age (or possibly 20 for GRIA) . An employee could finish their Apprenticeship before the age of 21 years, the Award allows for them to only receive a junior rate, despite their trade qualification.

1. *General Retail Industry Award 2020*
2. *Health Professionals and Support Services Award 2010*
3. *Miscellaneous Award 2020*
4. *Local Government Industry Award 2020*

There are 2 Awards where junior rates apply to 'unapprenticed juniors' up to the age of 21 years but that do not have a provision stating what happens to an apprentice who completes the training, is qualified and could be 19 or 20 years old.

1. *Airport Employees Award 2020*
2. *Horse and Greyhound Training Award 2020*

There are 13 Awards that include specific clauses or can be interpreted to say that once an employee has completed their Apprenticeship, they will be entitled to the adult rate.

1. *Airline Operations-Ground Staff Award 2010*
2. *Children's Services Award 2010*
3. *Dry Cleaning and Laundry Industry Award 2020*
4. *Educational Services (Post-Secondary Education) Award 2010*
5. *Educational Services (Schools) General Staff Award 2010*
6. *Electrical Power Industry Award 2020*
7. *Food, Beverage and Tobacco Manufacturing Award 2010*
8. *Graphic Arts, Printing and Publishing Award 2010*
9. *Higher Education Industry-General Staff-Award 2010*
10. *Hospitality Industry (General) Award 2020*
11. *Manufacturing and Associated Industries and Occupations Award 2010*
12. *Textile, Clothing, Footwear and Associated Industries Award 2010*
13. *Vehicle Repair, Services and Retail Award 2020*

There are 10 Awards with Apprenticeship arrangements and where adult rates apply at 18 years old. As it is unlikely that at the completion of their Apprenticeship, an employee will be under 18 years old, it is likely that they will be entitled to the adult rates after the completion of their Apprenticeship.

1. *Aluminium Industry Award 2020*
2. *Black Coal Mining Industry Award 2020*
3. *Hair and Beauty Industry Award 2010*
4. *Hydrocarbons Industry (Upstream) Award 2020*
5. *Mining Industry Award 2020*
6. *Oil Refining and Manufacturing Award 2020*
7. *Port Authorities Award 2020*
8. *Rail Industry Award 2020*
9. *Telecommunications Services Award 2010*
10. *Wine Industry Award 2010*

There are 3 Awards with Apprenticeship arrangements and where adult rates apply at 19 years old. As it is unlikely that at the completion of their Apprenticeship, an employee will be under 19 years old, it is likely that they will be entitled to the adult rates after the completion of their Apprenticeship.

1. *Alpine Resorts Award 2010*
2. *Racing Industry Ground Maintenance Award 2020*
3. *Salt Industry Award 2020*

There are 8 Awards with Apprenticeship arrangements and where adult rates apply at 20 years old. This might mean a qualified trades person who is 19 could receive a junior rate.

1. *Amusement, Events and Recreation Award 2020*
2. *Cemetery Industry Award 2020*
3. *Gardening and Landscaping Services Award 2010*
4. *Meat Industry Award 2020*
5. *Nursery Award 2020*
6. *Registered and Licensed Clubs Award 2010*
7. *Restaurant Industry Award 2010*
8. *Timber Industry Award 2010*

The analysis shows that the majority of qualified trades people who are under 21 yrs will receive the adult rate of pay. 34 out of the 40 awards provide for this.

13 guarantee it, 10 with adult rates at 18, 3 with adult rates at 19 and 8 with adult rates at 20. 34 out of the 40 awards provide this.

PART 6 – CLASSIFICATION DEFINITIONS

1. RETAIL STREAM

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| <p>9.1 Retail Worker Level 1 means:</p> | <p>A Pharmacy Assistant Competency level 1 is an employee who has acquired the competencies listed for a holder of Certificate I in Community Pharmacy as determined from time to time by the National Quality Council or any successor thereto, working in a community pharmacy. (Pharmacy Asst Comp Level 1 >6 months)</p> |
| <p>An employee performing one or more of the following functions in or in connection with a retail establishment:</p> | <p>Comp Level 1 >6 months</p> |
| <ul style="list-style-type: none"> • the receiving and preparation for sale and or display of goods in or about any shop, | |
| <ul style="list-style-type: none"> • the pre-packing or packing, weighing, assembling, pricing or preparing of goods or provisions or produce for sale, | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the display, shelf filling, replenishing or any other method of exposure or presentation for sale of goods, | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the sale or hire of goods by any means, | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the receiving, arranging or making payment by any means, | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the recording by any means of a sale or sales, | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the wrapping or packing of goods for despatch and the despatch of goods. | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the delivery of goods | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • window dressing and merchandising | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • loss prevention | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • demonstration of goods for sale | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the provision of information , advice and assistance to customers | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the receipt, preparation, packing of goods for repair or replacement and the minor repair of goods | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away | <ul style="list-style-type: none"> • |

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| <ul style="list-style-type: none"> the preparation and/or sale of take away food and/or beverages in food courts in shopping centres | <ul style="list-style-type: none"> |
| <ul style="list-style-type: none"> all directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending, store cafeterias and food services | <ul style="list-style-type: none"> |
| <ul style="list-style-type: none"> work which is incidental to or in or in connection with any of the above | <ul style="list-style-type: none"> |
| Indicative job titles which are usually within the definition of a Retail Worker Level 1 are: | |
| Shop Assistant, Check-out Operator, Store Worker, Reserve Stock Hand, Driver, Boot / Shoe Repairer (Not Qualified), Window Dresser (Not Qualified), LPO, Photographic Employee, Store Greeter, Assembler, Ticket Writer (Not Qualified), Trolley Collectors, Video Hire Worker, Fast Food Worker, Boot/Shoe Repairer(Not Qualified), Take Away Food Delivery Driver, Telephone Order Salesperson, Door-to-door Salesperson, and, Demonstrator and/or Merchandiser not elsewhere classified (including a Demonstrator and/or Merchandiser who is not a direct employee of the retailer). | |
| 9.2 Retail Worker Level 2 means: | A Pharmacy Assistant Competency level 2 is an employee who has acquired the competencies listed for a holder of Certificate II in Community Pharmacy, as determined from time to time by the National Quality Council or any successor thereto. |
| An employee performing work at a higher skill level than a Retail Worker Level 1 | |
| Indicative job titles which are usually within the definition of a Retail Worker Level 2 include: | |
| <ul style="list-style-type: none"> -Forklift Operator | <ul style="list-style-type: none"> |
| <ul style="list-style-type: none"> Ride on Equipment Operator | <ul style="list-style-type: none"> |
| <ul style="list-style-type: none"> Slicer | <ul style="list-style-type: none"> |

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| • Small goods maker in a butcher shop | • |
| 9.3 Retail Worker Level 3 | |
| An employee performing work at a higher level than a Retail Worker Level 2. | |
| Indicative of the tasks which might be required at this level are the following: | |
| • Supervisory assistance to a designated section manager or team leader. | • |
| • Opening and closing of premises and associated security. | • |
| • Security of cash. | • |
| • Fitting of surgical corsets. | • |
| Indicative job titles which are usually within the definition of a Retail Worker 3 include: | |
| • Machine operators | • |
| • 2IC to Dept Manager | • |
| • Senior Salesperson | • |
| • Corsetiere | • |
| • Driver Selling Stock | • |
| • Cook (Not Qualified) in a cafeteria | • |
| • Senior LPO, including an armed LPO | • |
| • LPO Supervisor | • |
| • Minilab Operator | • |
| • Designated second-in-charge of a section (i.e. senior sales assistant) | • |
| • Designated second-in-charge to a service supervisor | • |
| • Person employed alone, with responsibilities for the security and general running of a shop. | • |

- Boner