



Business SA Submission

4 yearly review of
modern awards – *Plain
language – General
Retail Industry Award*

**(AM2016/15,
AM2014/270)**

20 September 2017

Introduction

Business SA provides this submission to confirm our position in relation to matters discussed at the 19 September 2017 plain language exposure draft (**PLED**) conference for the *General Retail Industry Award 2010* (**Retail Award**). The 19 September conference dealt with submissions put by Business SA, Australian Business Industrial & New South Wales Business Chamber (**ABI**) and the Shop, Distributive and Allied Employees' Association (**SDA**). Reference to 'item' means the item number in the relevant revised summary of submissions.¹ All pinpoint references refer to the Retail Award plain language exposure draft unless otherwise specified.

Business SA's position

1. Item 2 – Definitions – 'junior employee'

1.1. Business SA submits the proposal (if pressed by the SDA) is unnecessary.

2. Item 3 – Definitions – 'long term casual employee'

2.1. Business SA does not agree with the SDA's submission (if pressed) that the definition of 'long term casual employee' is unnecessary.

3. Item 6 – Definitions – 'standard rate'

3.1. Business SA maintains our submission regarding item 6, if pressed by the SDA.

4. Item 33 – Casual employment

4.1. During the 19 September conference, President Ross suggested the concern raised by the SDA could be addressed by a note which directed the reader interested in penalty rates applicable to casual employees to Table 10 in clause 26.2. Business SA took this suggestion on notice.

4.2. Business SA does not oppose the note as proposed in principle, however we reserve our position until a draft form of this note is released in a revised PLED.

5. Item 34 – Casual employment

5.1. Business SA submits the SDA's concern regarding clauses 11.3 and 11.4 is unwarranted. It is clear that these clauses are to be read together as clause 11.3 expressly refers to 'work in the circumstances set out in clause 11.4'.

6. Item 57 – Minimum rates

6.1. Business SA understands the SDA will not press its submission to insert 'at least' before 'minimum hourly rate', however it will press its submission to add three notes to this clause.

6.2. As noted in the conference, Business SA is not aware of a similar approach being taken in other awards regarding the minimum rates clause. We recognise three notes are already placed in this clause, these notes assist the reader in calculating the minimum rate payable to an employee.

6.3. Business SA submits the proposed notes are unnecessary and do not need to be added to clause 18.1. The proposed notes go beyond assisting minimum rate calculations and direct the reader to penalty rate or overtime rate provisions.

¹ Revised summary of submissions, [Plain language re-drafting – General Retail Industry Award](#), 5 September 2017.

7. Item 62 – Moving expenses

7.1. Business SA has been unable, as yet, to find a satisfactory definition of ‘township’ for the purpose of this clause.

8. Item 67 – Penalty rates

8.1. During the 19 September conference, President Ross suggested an amendment to clause 26.1 to address concerns raised by the SDA regarding interaction between penalty rates and overtime. Business SA understands the proposed amendment would result in clause 26.1 reading:

‘Clause 26 sets out penalty rates for ordinary hours worked at specified times or on specified days.’

8.2. Business SA took this proposal on notice. Business SA does not oppose the proposed amendment.

Conclusion

Business SA thanks the Fair Work Commission for accepting these submissions.

For further information from Business SA’s policy team, please contact Karen van Gorp, Senior Policy Adviser, or Chris Klepper, Policy Adviser, (08) 8300 0000 or at karenv@business-sa.com or chrisk@business-sa.com.