

The Shop, Distributive and Allied Employees' Association

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**NATIONAL PRESIDENT**

Joe de Bruyn

**NATIONAL SECRETARY**

Gerard Dwyer

23 January 2017

Vice President Hatcher  
Fair Work Commission  
Level 4, 11 Exhibition Street  
MELBOURNE 3000

By email: [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au); [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Vice President Hatcher,

**RE: AM2016/36 – 4 yearly review of Modern Awards  
SDA Claim for blood donor and bone marrow leave  
Draft Determinations**

Pursuant to the directions provided by the Full Bench dated 17 January 2017, please find attached the draft determinations of blood donor and bone marrow leave for the following awards:

- *Pharmacy Industry Award 2010*;
- *General Retail Industry Award 2010*;
- *Hair and Beauty Industry Award 2010*; and
- *Fast Food Industry Award 2010*

We also wish to amend our application to insert blood donor and bone marrow leave in the *Mannequins and Models Award 2010*.

It was simply an oversight on the part of the SDA in not including this award to our original application. The substantive claims and draft determination (attached) in this award are identical and therefore we do not believe there is any need to amend the directions issued on January 17<sup>th</sup>.

We kindly request His Honour accept receipt of the draft determinations attached.

If you have any further queries in relation to the above, please do not hesitate to contact Mauro Moretta of our office on (03) 9698 1400 or 0400 524 222.

Yours sincerely,

Julia Fox

**National Assistant Secretary**



**MA000004 PRXXXXXX**

**FAIR WORK COMMISSION**

**DRAFT DETERMINATION**

*Fair Work Act 2009*

s156 – 4 Yearly reviews of modern awards

**4 yearly review of modern awards**

(AM2016/36)

**GENERAL RETAIL INDUSTRY AWARD 2010**

MA000004

Retail operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

*Review of modern awards to be conducted.*

**A.** Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *General Retail Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

**BLOOD DONOR LEAVE**

- X.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

#### BONE MARROW DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours paid leave, without deduction of pay, on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor.
- x.2 A permanent employee shall be entitled to a maximum of 3 days paid leave, without deduction of pay, on any occasion that a bone marrow donation is given.
- x.3 An employee shall notify the employer as soon as possible of the time and date upon which they are requesting to be absent and as far as possible, shall make arrangements for a bone marrow donation at a mutually agreed time so as to minimise their absence.
- x.4 The employee shall provide the employer proof of attendance and the duration at both the blood test and bone marrow donation.
- x.5 Casual Employees shall be entitled to be absent for the equivalent time provided to permanent employees without pay.

**B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

**MA000005 PRXXXXXX**

**FAIR WORK COMMISSION**

**DRAFT DETERMINATION**

*Fair Work Act 2009*

s156 – 4 Yearly reviews of modern awards

**4 yearly review of modern awards**

(AM2016/36)

**HAIR AND BEAUTY INDUSTRY AWARD 2010**

MA000005

Hair and beauty operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

*Review of modern awards to be conducted.*

**A.** Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Hair and Beauty Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

**BLOOD DONOR LEAVE**

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

#### BONE MARROW DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours paid leave, without deduction of pay, on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor.
- x.2 A permanent employee shall be entitled to a maximum of 3 days paid leave, without deduction of pay, on any occasion that a bone marrow donation is given.
- x.3 An employee shall notify the employer as soon as possible of the time and date upon which they are requesting to be absent and as far as possible, shall make arrangements for a bone marrow donation at a mutually agreed time so as to minimise their absence.
- x.4 The employee shall provide the employer proof of attendance and the duration at both the blood test and bone marrow donation.
- x.5 Casual Employees shall be entitled to be absent for the equivalent time provided to permanent employees without pay.

**B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

**MA000012 PRXXXXXX**

**FAIR WORK COMMISSION**

**DRAFT DETERMINATION**

*Fair Work Act 2009*

s156 – 4 Yearly reviews of modern awards

**4 yearly review of modern awards**

(AM2016/36)

**PHARMACY INDUSTRY AWARD 2010**

MA000012

Pharmacy operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

*Review of modern awards to be conducted.*

**A.** Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Pharmacy Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

**BLOOD DONOR LEAVE**

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

#### **BONE MARROW DONOR LEAVE**

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours paid leave, without deduction of pay, on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor.
- x.2 A permanent employee shall be entitled to a maximum of 3 days paid leave, without deduction of pay, on any occasion that a bone marrow donation is given.
- x.3 An employee shall notify the employer as soon as possible of the time and date upon which they are requesting to be absent and as far as possible, shall make arrangements for a bone marrow donation at a mutually agreed time so as to minimise their absence.
- x.4 The employee shall provide the employer proof of attendance and the duration at both the blood test and bone marrow donation.
- x.5 Casual Employees shall be entitled to be absent for the equivalent time provided to permanent employees without pay.

**B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

**MA000003 PRXXXXXX**

**FAIR WORK COMMISSION**

**DRAFT DETERMINATION**

*Fair Work Act 2009*

s156 – 4 Yearly reviews of modern awards

**4 yearly review of modern awards**

(AM2016/36)

**FAST FOOD INDUSTRY AWARD 2010**

MA000003

Fast food operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

*Review of modern awards to be conducted.*

**A.** Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Fast Food Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

**BLOOD DONOR LEAVE**

- X.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.



- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

#### BONE MARROW DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours paid leave, without deduction of pay, on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor.
- x.2 A permanent employee shall be entitled to a maximum of 3 days paid leave, without deduction of pay, on any occasion that a bone marrow donation is given.
- x.3 An employee shall notify the employer as soon as possible of the time and date upon which they are requesting to be absent and as far as possible, shall make arrangements for a bone marrow donation at a mutually agreed time so as to minimise their absence.
- x.4 The employee shall provide the employer proof of attendance and the duration at both the blood test and bone marrow donation.
- x.5 Casual Employees shall be entitled to be absent for the equivalent time provided to permanent employees without pay.

**B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

**MA000117 PRXXXXXX**

**FAIR WORK COMMISSION**

**DRAFT DETERMINATION**

*Fair Work Act 2009*

s156 – 4 Yearly reviews of modern awards

**4 yearly review of modern awards**

(AM2016/36)

**MANNEQUINS AND MODELS AWARD 2010**

MA000117

Mannequins and models

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

*Review of modern awards to be conducted.*

**A.** Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Mannequins and Models Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

**BLOOD DONOR LEAVE**

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

#### BONE MARROW DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours paid leave, without deduction of pay, on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor.
- x.2 A permanent employee shall be entitled to a maximum of 3 days paid leave, without deduction of pay, on any occasion that a bone marrow donation is given.
- x.3 An employee shall notify the employer as soon as possible of the time and date upon which they are requesting to be absent and as far as possible, shall make arrangements for a bone marrow donation at a mutually agreed time so as to minimise their absence.
- x.4 The employee shall provide the employer proof of attendance and the duration at both the blood test and bone marrow donation.
- x.5 Casual Employees shall be entitled to be absent for the equivalent time provided to permanent employees without pay.

**B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER