



DETERMINATION

Fair Work Act 2009

s 160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

Variation on the Commission’s own motion – flexible work and unpaid parental leave amendments (AM2023/8)

GENERAL RETAIL INDUSTRY AWARD 2020 [MA000004]

Retail industry

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY

SYDNEY, 10 JULY 2023

Variation on the Commission’s own motion – Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 – consequential amendments – flexible working arrangements – unpaid parental leave.

A. Further to the decision issued by the Full Bench on 30 June 2023 [[\[2023\] FWC FB 107](#)], the above award is varied as follows:

1. By deleting clause “6—Requests for flexible working arrangements” and inserting the following:

6. Requests for flexible working arrangements

Requests for flexible working arrangements are provided for in the NES.

NOTE: Disputes about requests for flexible working arrangements may be dealt with under clause 36—Dispute resolution and/or under section 65B of the Act.

2. By deleting the note appearing at the end of clause 21.3(g) and inserting the following:

NOTE: If an employee makes a request under section 65 of the Act for a change in working arrangements, the employer may only refuse that request on reasonable business grounds (see section 65A(3) of the Act).

3. By inserting the following note as a new paragraph at the end of clause “30—Parental leave and related entitlements”:

NOTE: Disputes about requests for extensions to unpaid parental leave may be dealt with under clause 36—Dispute resolution and/or under section 76B of the Act.

4. By inserting the following notes as new paragraphs at the end of clause “36—Dispute resolution”:

NOTE 1: In addition to clause 36, a dispute resolution procedure for disputes regarding the NES entitlement to request flexible working arrangements is contained in section 65B of the Act.

NOTE 2: In addition to clause 36, a dispute resolution procedure for disputes regarding the NES entitlement to request an extension to unpaid parental leave is contained in section 76B of the Act.

5. By updating the cross-references accordingly.

B. This determination comes into operation on 1 August 2023. In accordance with s 165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 August 2023.



PRESIDENT

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