



# DETERMINATION

*Fair Work Act 2009*

s.160—Variation of modern award to remove ambiguity or uncertainty or correct error

## Application by The Australian Retailers Association

(AM2024/9)

## GENERAL RETAIL INDUSTRY AWARD 2020

[MA000004]

Retail industry

JUSTICE HATCHER, PRESIDENT

VICE PRESIDENT GIBIAN

COMMISSIONER MATHESON

SYDNEY, 5 JULY 2024

*Application to vary the General Retail Industry Award 2020 – proposed variations M and N with slight amendments adopted – clauses 2, 15, 21, 22 and 37 varied.*

- A. Further to the decision [\[2024\] FWCFB 302](#) issued by the Full Bench on 5 July 2024, the above award is varied as follows.
- By inserting the following definition after ‘Table 9’ in clause 2—Definitions:  
**Table 10—Application of overtime** means the Table in clause 21.2(a).
  - By deleting clause 15.7(c) and inserting the following:  

(c) The employer may roster an employee to work ordinary hours on 6 days in one week per two-week cycle, provided that in the other week in that cycle the employee is rostered to work ordinary hours on no more than 4 days.
  - By deleting clauses 21.2(a), 21.2(b) and 21.2(c).
  - By inserting a new clause 21.2(a) as follows:  

(a) An employer must pay an employee overtime for hours worked in accordance with Table 10—Application of overtime:

**Table 10—Application of overtime**

<b>Column 1</b> <b>Type of employment</b>	<b>Column 2</b> <b>When an employer must pay overtime</b>
Full-time employee	Overtime is payable for hours worked: <ul style="list-style-type: none"> <li>(i) in excess of the ordinary hours of work; or</li> <li>(ii) outside the span of ordinary hours (excluding shiftwork), subject to clause 15.2; or</li> <li>(iii) outside the roster conditions prescribed in clause 15—Ordinary hours of work and rostering arrangements.</li> </ul>
Part-time employee	Overtime is payable for hours worked: <ul style="list-style-type: none"> <li>(i) in excess of their guaranteed hours as agreed in clause 10.5(a) or as varied under clause 10.6 or clause 10.11; or</li> <li>(ii) outside the span of ordinary hours (excluding shiftwork), subject to clause 15.2.</li> </ul>
Casual employee	Overtime is payable for hours worked: <ul style="list-style-type: none"> <li>(i) in excess of 38 ordinary hours per week or, if the casual employee works in accordance with a roster, in excess of 38 ordinary hours per week averaged over the course of the roster cycle; or</li> <li>(ii) outside the span of ordinary hours (excluding shiftwork), subject to clause 15.2; or</li> <li>(iii) in excess of 11 hours on one day of the week and in excess of 9 hours on any other day of the week.</li> </ul>

5. By renumbering clauses 21.2(d) and 21.2(e) as clauses 21.2(b) and 21.2(c) respectively.
6. By deleting the words ‘clause 21.2’ appearing in renumbered clause 21.2(c) and inserting ‘clause 21.2(a)’.
7. By deleting the words ‘Table 10’ appearing in renumbered clause 21.2(c) and inserting ‘Table 11’.
8. By deleting the words ‘Table 11’ appearing in clause 22.1 and inserting ‘Table 12’.
9. By deleting the words ‘Table 12’ appearing in clause 37.1 and inserting ‘Table 13’.

10. By updating cross-references accordingly.
- B. This determination comes into operation on 5 July 2024. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) 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 5 July 2024.



PRESIDENT

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