



# STATEMENT

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards—Blood and bone marrow donor leave** (AM2016/36)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 21 DECEMBER 2016

*4 yearly review of modern awards – blood and bone marrow donor leave.*

[1] As part of the 4 yearly review of modern awards, the Shop, Distributive and Allied Employees Association (SDA) has made claims to insert new provisions for Blood and bone marrow donor leave into the following modern awards:

- *Fast Food Industry Award 2010* [MA0000003]
- *General Retail Industry Award 2010* [MA0000004]
- *Hair and Beauty Industry Award 2010* [MA0000005]
- *Pharmacy Industry Award 2010* [MA0000012]

[2] The claim was originally foreshadowed in relation to the *Pharmacy Industry Award 2010* as part of the Group 2 substantive issues process.<sup>1</sup> A more detailed claim was submitted for the remaining three awards which are in Group 4 and is set out in Attachment A.<sup>2</sup> In correspondence dated 2 December 2016<sup>3</sup> the SDA sought to have all of these matters heard together, as part of the Group 4 Award stage process.

[3] In order to provide a consistent outcome and a more efficient process for the interested parties, all of the claims identified will be referred to one Full Bench.

[4] The Full Bench will issue directions in due course.

## PRESIDENT

Printed by authority of the Commonwealth Government Printer

<Price code A, PR588812>

---

<sup>1</sup> SDA submission, [15 July 2015](#) at paras 64–71

<sup>2</sup> See for example SDA submission re *Fast Food Industry Award 2010*, [3 October 2016](#) at paras 24–32

<sup>3</sup> SDA correspondence, [2 December 2016](#)

## **ATTACHMENT A - Claim by SDA for Blood and bone marrow donor leave**

Extract from [submission](#) re *Fast Food Industry Award 2010* of 3 October 2016

### **BLOOD DONOR LEAVE**

x.1 A permanent employee will 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 they are requesting to be absent for the purpose of donating blood.

x.3 Absences will be arranged by mutual agreement between the employee and employer, taking into account the requirements of the business.

x.4 Upon request from the Employer proof that would satisfy a reasonable person of the attendance and duration of the absence will be required.

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 will be entitled to a maximum 4 days paid leave, without deduction of pay, to undertake any procedure necessary for the donation of bone marrow including blood tests for the purpose of becoming a registered donor, pre-donation procedures and the time required to be taken when a bone marrow donation is given.

x.3 An employee will 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, will make arrangements for a bone marrow donation at a mutually agreed time , taking into account the requirements of the business.

x.4 Upon request from the Employer proof that would satisfy a reasonable person of the attendance and the duration of the blood tests and bone marrow donation will be required.

x.5 Casual Employees will be entitled to be absent for the equivalent time provided to permanent employees without pay.