

**Fair Work Commission**

**Award Review 2014**

**General Retail Industry Award 2010**

**AM2014/270**

**Shop Distributive and Allied Employees' Association**

**Outline of variations**

**2 March 2015**

1. The SDA makes this submission in accordance with the Statement [2015] FWC 618 issued by FWC on 23 January 2015.
2. The Statement requires parties to submit a written outline identifying the nature of any variations they wish to pursue.

### **Full-Time Employees – clause 11**

3. The current clause simply states:

11. Full-time Employees

A full-time employee is an employee who is engaged to work an average of 38 hours per week.

4. The SDA is seeking to vary clause 11 Full-time employees, to include the requirement for *agreement in writing at the time of engagement* on a regular pattern of work and the requirements for variation to the pattern of work, which is contained in the Award for part-time employees at clause 12.2, 12.3 and 12.4.
5. The SDA also seeks to vary clause 11 of the Award to include a minimum shift of 4 hours for full-time employees. There is currently no minimum shift entitlement for full-time employees.

### **Delete 1.5 hour Secondary Students clause – clause 13.4**

6. The SDA seeks the deletion of clause 13.4 which provides a 1.5 hour minimum shift for secondary students.

### **Junior Rates – clause 18**

7. The SDA seeks to vary Clause 18 to provide for the payment of junior rates to Level 1 employees only.
8. Where an employee is performing work at a higher classification than Level 1, and is recognised as having the necessary skills and competencies applicable for a higher classification, the SDA submits that the full adult rate should apply, irrespective of age.

### **Payment of Wages – clause 23**

9. The SDA seeks to vary Clause 23 Payment of wages so that all wages shall be paid on a regular pay day **within 4 days of the end of the pay period**.
10. The Award does not specify the timeframe within which an employee will receive their pay.
11. A clear prescription around the payment of wages is required to avoid manipulation and abuse.
12. The Award should specify the timeframe for payment of wages, to avoid disputes.

### **Hours of Work – clause 27**

13. The SDA seeks to simplify the Hours of Work provision.
14. The SDA proposes 10pm for the finish time on Monday to Friday. Currently either a 9pm or 11pm finish applies.

### **Rostering – clause 28**

15. The SDA seeks to clarify the applicability of rostering provisions to all employees by rearranging current provisions already within the award in the following manner:
  - a) retain in clause 28 – 38 hour week rosters, those which apply only to full time employees;
    - I. averaging of and construction of the 38 hour week;
    - II. rostered days off provisions, and
    - III. notification of rosters
  - b) move clauses 28.9 – 28.13 into clause 27 – Hours of work.

### **Overtime – clause 29**

16. The SDA seeks the following variations to the Overtime clause:
  - a. Insert wording to ensure that there is no ambiguity as to the payment of overtime for all permanent and casual employees performing work which goes beyond the times and patterns considered 'ordinary' as per the award.
  - b. Provide casuals with overtime rates for work in excess of 38 hours per week.
  - c. Vary clause 29.2(a)(i) to provide payment of double time after two hours worked.

#### **Casual rate for evening and weekend work – clause 29.4**

17. The SDA is seeking the full casual loading for such employees at all times which incur penalty rates.
18. Casual employees are entitled to a 25% loading to offset leave entitlements which they do not receive, including, annual, personal and compassionate leave. Currently, their casual loading during evening work Monday to Friday and on a Sunday is fully absorbed by the 25% penalty rate. On a Saturday, their casual loading is reduced by 15%.

#### **Compassionate leave – clause 33**

19. The SDA seeks to vary the compassionate leave clause to provide the following entitlements to employees:
  - a. include the terms 'foster parent' and 'step parent';
  - b. increase the entitlement of leave from two to three days per occasion (paid for permanent employees, unpaid for casuals);
  - c. insert wording which clearly states that casuals are to be re-engaged following such leave;
  - d. include additional leave of absence for eligible interstate and/or overseas deaths; and
  - e. provide that paid compassionate leave includes any applicable penalty rates, not ordinary time rates.

#### **Public Holidays – clause 34**

20. The SDA seeks two changes to the Public Holiday clause:
  - a. work on a Public Holiday to be at the election of the employee.
  - b. insertion of a provision which would allow an employee who works on a public holiday to elect to be paid time and a half and receive an equivalent day or time off in lieu of penalty rate.

#### **Classifications – Schedule B**

21. The SDA seeks to insert into the Classification structure for all employees (Retail Employee Level 1 – 8) wording to ensure that employees cannot be required to exhibit clothes or other fashion articles/accessories of a revealing or indecent manner, as this is not part of retail duties and functions.

#### **Airport transport allowance – New clause**

22. The SDA seeks to insert a new clause which will provide all retail employees working at airports with an allowance of \$6.52 per day or shift, or with parking at the employer's expense.

### **Blood and Bone Marrow Donor Leave – New clause**

23. The SDA is seeking to include a Blood and Bone Marrow Donor Leave clause into the Award.

#### Blood Donor Leave:

24. The new clause would provide all permanent employees with 2 hours' paid leave on a maximum of 4 occasions per year for the purpose of donating blood, and would be subject to certain notification and evidence requirements.

25. Casual employees would be entitled to be absent for 2 hours, on a maximum of 4 occasions per year without pay.

#### Bone Marrow Donor Leave:

26. The new clause would provide all permanent employees with 2 hours paid leave on a maximum of 2 occasions per year to undertake blood tests for the purpose of becoming a registered bone marrow donor, and would be subject to certain notification and evidence requirements.

27. The clause would also provide all permanent employees with 3 days paid leave on any occasion a bone marrow donation is given.

28. Casual Employees would be entitled to be absent for the equivalent time provided to permanent employees without pay.

29. Blood donation and bone marrow donation are essential community services which need to be supported through workplace entitlements to ensure people are able to make this donation.

30. The lack of minimum entitlements for this purpose restricts employees from being able to make these vital donations.