



Fair Work Commission

Award Review 2014

General Retail Award 2010

AM2016/15

Further submissions – Plain language re-drafting – *General Retail Industry Award 2010* – revised plain language exposure draft

Shop Distributive and Allied Employees' Association

16 August 2018

1. The Shop Distributive and Allied Employees' Association ('SDA') makes these further submissions on the re-drafting of the *General Retail Industry Award 2010* ('GRIA') – revised plain language exposure draft in accordance with the Statement issued by Justice Ross on 23 July 2018.

2. The SDA relies on its previous submissions in relation to this matter.
3. This submission deals with matters arising from the conference on 21 June 2018, and the Plain Language Exposure Draft Published - 25 July 2018 ('**Revised PLED**')

Item 45 Rosters

4. Revised PLED clause 15.7 (b) incorrectly references 15.6 (g)(v). The reference should be to 15.7 (c), which is consistent with GRIA clause 28.10.

Item 24 & 26 Part-time employment

5. The SDA supports the proposed wording at Revised PLED clause 10.6 and 10.7 (c).

Item 30 Changes to rosters

6. The SDA supports the proposed wording at Revised PLED clause 10(a) – 10.10 (c).

Item 30A

7. The SDA preference, as previously submitted, is to retain the wording at GRIA clause 12.8 (c) and reinsert 'or to avoid any award entitlements' rather than a note.

Items 33

8. The SDA supports the suggested inclusion of the note at Revised PLED clause 11.2.

Item 40 Shiftwork

9. The SDA does not oppose the proposed wording at Revised PLED clause 28.4 which should ensure consistency with GRIA clause 27.2 (c).

Item 43 Ordinary hours of work

10. The SDA does not oppose the proposed wording at Revised PLED clause 15.3 which is consistent with GRIA clause 27.2 (c).

Item 49 Rosters

11. The SDA does not support Revised PLED clause 15.7 (d)(vi). This clause should not sit under the subheading Consecutive Days off as it relates to consecutive days an employee's hours may be worked. Revised PLED clause 15.7 (d)(vi) should be moved to sit as a standalone clause and re-numbered.
12. The Revised PLED wording at 15.7 (d)(vi) 'which an employee may be worked' is also not consistent with GRIA clause 28.12 which refers to 'Ordinary hours and any reasonable additional hours may not be worked' not 'an employee may be worked'. The GRIA wording at clause 28.12 should be retained.
13. For consistency of approach with the Revised PLED, and with reference to the structure of 15.7(d)(i) – (v) Consecutive days, Revised PLED clause 15.8 (a) should be amended to delete the phrase 'unless otherwise agreed between the employer and the employee.' Revised PLED clause 15.8 (b) should be amended to 'Paragraph 15.8 (a) will not apply where an employee requests and the employer agrees to other arrangements'. Revised PLED clause 15.8 would require renumbering. This amendment would ensure the Revised PLED clause 15.8 is consistent with GRIA clause 28.13 and in line with the approach to structuring other rostering provisions in the Revised PLED and objectives of the process.

Item 51 Notification of rosters

14. The SDA does not support Revised PLED clause 15.9 (g) and (h) and (i). Revised PLED clause 15.9 (g) should not reference Revised PLED clause 15.9 (i). Further it is not clear that Revised PLED clause 15.9 (g) and (h) should be read together. The logic of GRIA clauses 28.14 (e) and (f) need to be considered in further re-drafting of the Revised PLED.

Item 56 Breaks

15. Revised PLED clause 16.2, Table 3. Column 2 should be re-titled 'Rest Breaks' to make the meaning clear and unambiguous.

Item 56A Breaks between work periods

16. The SDA relies on its previous submissions regarding Revised PLED clause 16.6 (b). Breaks between work periods is a stand-alone entitlement in the GRIA and has no relationship to overtime. There is no reference to overtime contained in the clause or within GRIA clause 29 overtime.

Item 62 Allowances

17. The SDA makes no further submissions in relation to matters raised by the Commission regarding the definition of ‘townships’.

18. The SDA does not oppose the adding the Definition of ‘immediate family’ to Revised PLED ‘Definitions’ and clause 23.6(b) as proposed by the Commission.

Item 62A Allowances

19. The SDA makes no further submissions in relation to matters raised by the Commission regarding the ‘appropriate rate of pay’ at this time.

20. The SDA does not oppose the adding the Definition of ‘immediate family’ to Revised PLED ‘Definitions’ and clause 23.6(b) as proposed by the Commission.

Item PTC1 and 65 Overtime

21. The SDA makes no further submissions in relation to ‘Overtime’ at this time.

Item 67 Penalty rates

22. The SDA does not oppose the propose wording at the Note under Revised PLED clause 26.

Item 72 Schedule B and ‘ordinary hours’

23. The SDA makes no further submissions in relation to Schedule B and the use of the term ‘ordinary hours’ at this time.