

The Shop, Distributive and Allied Employees' Association

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**NATIONAL PRESIDENT**

Joe de Bruyn

**NATIONAL SECRETARY**

Gerard Dwyer

12 December 2017

By email to amod@fwc.gov.au

Dear Vice President Hatcher,

**RE: Statement issued 4<sup>th</sup> December [2017] FWCFB 6417 – 4 yearly review of modern awards - Overtime for Casuals**

**Alpine Award 2010**

Casuals are explicitly excluded from overtime, Clause 25.2 for:

- Hours in excess of ordinary hours per week that the employee is engaged to work
- Hours in excess of 10 per day
- Hours in excess of an average of 38 per week over the length of the cycle

**Fast Food Industry Award 2010**

Overtime, clause 26, does not explicitly exclude casuals. This issue has been determined by the Casual and Part time Full Bench (MA00004 PR598497), issued 12 December 2017. Casuals are entitled to the payment of overtime as per clause 26 of the GRIA.

The Award now clarifies when and at what rate casuals are entitled to overtime.

**General Retail Industry Award 2010**

This issue has been determined by the Casual and Part time Full Bench (MA00004 PR598494), issued 12 December 2017. Casuals are entitled to the payment of overtime as per clause 29 of the GRIA.

The Award now clarifies when and at what rate casuals are entitled to overtime.

**Hair and Beauty Award**

This issue has been determined by the Casual and Part time Full Bench (MA00004 PR598498), issued 12 December 2017. Casuals are entitled to the payment of overtime as per clause 31 of the HBIA.

The Award now clarifies when and at what rate casuals are entitled to overtime.

### **Pharmacy Industry Award**

The issue of payment of overtime for casual employees in the Pharmacy Industry Award has been resolved as part of the 4 yearly review of modern awards. This was subject to consideration by the parties and a consent position was provided to the relevant Full Bench.

Following a hearing before the Pharmacy Industry Award Full Bench a decision was issued on 5 July 2017 granting the consent variations sought for the casual overtime provision.

A determination giving effect to the variation was issued on 17 August 2017 and the variation came into effect from the first full pay period on or after 11 September 2017.

The Award now clarifies when and at what rate casuals are entitled to overtime.

### **Storage Services and Wholesale Award 2010**

Overtime, clause 24, does not explicitly exclude casuals. Overtime applies in excess of or outside the ordinary hours of work. The overtime rates do not distinguish between casuals and permanents.

Clause 18.8 (Accident Make up Pay) refers to casuals and overtime.

### **Vehicle, Manufacturing, Repair Services and Retail Award 2010**

The parties addressed the issues raised by FWO in their considerations in 2014, and the exposure draft at that time had covered this issue. However, since that time there has been major changes as the Award has had the manufacturing components being removed with further concentration then being placed on the manufacturing award.

The issue will need to be examined when the exposure draft is in a clearer state to ensure that the clarifications that had been made remain in the final award.

Regards,



Julia Fox  
National Assistant Secretary