



# ORDER

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards—penalty rates—retail group—lay witness evidence**

(AM2014/305)

### **GENERAL RETAIL INDUSTRY AWARD 2010 AND OTHERS**

[MA000004 and others]

Retail industry

VICE PRESIDENT CATANZARITI

SYDNEY, 3 MARCH 2016

*Confidentiality Order – Exhibit SDA-15 to SDA-22 – lay witness evidence*

A. Pursuant to s.594 of the *Fair Work Act 2009* (Cth) (**the Act**), it is ordered that:

1. Exhibits SDA – 15 to SDA – 22 inclusive (the SDA exhibits) and Exhibit Retail 9 are not published on the Fair Work Commission website or otherwise, save and except in the redacted form here attached.
2. Access to the unredacted form of the SDA exhibits and Exhibit Retail 9 is granted to the following persons for the sole purpose of the Penalty Rates matter AM2014/305 in the 4 yearly review of modern awards:
  - a. Employees of the Fair Work Commission who need to deal with the material in the ordinary course of their duties;
  - b. The Australian Industry Group, Australian Retailers' Association, National Retail Association, Master Grocers' Australia, New South Wales Business Chambers, Australian Business Industrial, Australian Hotels Association and the Pharmacy Guild of Australia including their representatives and counsel, but not including their members.
3. Any other persons or party who wish to view the unredacted form of the SDA Exhibits and Exhibit Retail 9 may apply to the Fair Work Commission and the application shall be determined following a hearing involving affected parties.

C. Liberty to apply generally on these matters is granted.

  
VICE PRESIDENT

Annexure:

SDA – 15 (redacted)  
SDA – 16 (redacted)  
SDA – 17 (redacted)  
SDA – 18 (redacted)  
SDA – 19 (redacted)  
SDA – 20 (redacted)  
SDA – 21 (redacted)  
SDA – 22 (redacted)  
Retail – 9 (redacted)

IN THE FAIR WORK COMMISSION

*Fair Work Act 2009*

*s. 156 – 4 yearly review of modern awards*

*4 yearly review of modern awards – Penalty rates*

(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED], make the following statement:

1. I am a sixty-year-old mother of two sons. I am separated and I live by myself. I am a grandmother to four grandchildren.
2. I finished the equivalent of Year 10 at high school. I have worked for my employer, [REDACTED], for 24 years. I currently work for [REDACTED] in [REDACTED].
3. I work an average of 25 hours per week as a part-time pharmacy assistant. My four-weekly roster is as follows:

Weeks 1 & 3: Monday 9:00am-5pm (with an unpaid break of 1 hour); Friday 9:00am-5:30pm (with an unpaid break of 1 hour); Saturday 12:30pm-9:00pm (with an unpaid break of 1 hour) and Sunday 12:30pm-9:00pm (with an unpaid break of 1 hour) (29.5 hours in total)

Weeks 2 & 4: Monday 12:00pm-9:00pm (with an unpaid break of 1 hour); Friday 10:00am-3:00pm and Saturday 9:00am-5:30pm (with an unpaid break of 1 hour) (20.5 hours in total)

4. I am covered by the *Pharmacy Industry Award 2010* as a Pharmacy Assistant Level 2. My hourly rate is \$19.44 per hour. This brings my fortnightly income to around \$1200.00 when my penalty rates are factored into my wage.
5. I work more hours from time to time if someone is sick or if my employer requires help in store, but I do not actively seek more hours. I am getting older and I find it harder to cope on my feet for more hours than I already work.

6. I also travel about 50 kilometres every Tuesday morning to babysit my grandchildren. I leave the house at 5:30am so that I am at my son's home to take care of my two granddaughters by 7:00am.
7. Nearly all of my income is spent on the basics – electricity, gas, water and phone charges, strata fees, council rates, the emergency services levy, registration costs for my car and insurance. I spend what I can save on small luxuries or gifts for my grandchildren. I cannot afford private health cover or contents insurance.
8. If the penalty rates I receive were reduced, I would experience a significant reduction in my take home pay and I would find it yet harder to manage financially. I work on the weekends, particularly on Sundays, and on public holidays because of the penalty rates. Sundays are normally the days on which my family has celebrations and I do not enjoy missing out on these events. I've often also wished I could participate in a walking club or attend our local agricultural shows and markets which are held on the weekends, most often on Sundays.



**5 October 2015**

IN THE FAIR WORK COMMISSION

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4 yearly review of modern awards – Penalty rates

(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] say as follows:

1. I live with my de-facto partner and our three-year-old son. My partner works full-time to look after the day-to-day care of our son.
2. Apart from my partner receiving a Family Tax Benefit payment of about \$480.00 a fortnight, my income supports the entire household. We currently rent our apartment. The rent costs us \$860.00 a fortnight. We have very little savings.
3. I left school after completing my School Certificate in Year 10. Since then, I have completed a Certificate 3 and a Certificate 4 in Retail Management. I have also completed a Certificate 3 and a Certificate 4 in Fitness.
4. I currently work for [REDACTED] at their retail store in the [REDACTED]. The store trades as a newsagent, bookstore, gifts and confectionary outlet.
5. I commenced employment with [REDACTED] at the beginning of June 2015 when the company acquired the store I was working in from my then employer, [REDACTED]. I have worked for either [REDACTED] or [REDACTED] in the capacity of a retail assistant for a period of approximately 15 years.
6. I am a full-time employee and my roster is as follows:

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start</b>	5.30am	5.30am	1.00pm	1.30pm			5.30am
<b>Finish</b>	1.30pm	1.30pm	9.30pm	9.30pm			1.30pm
<b>Break</b>	0.5 hrs	0.5 hrs	0.5 hrs	0.5 hrs			0.5 hrs
<b>Total</b>	7.5 hrs	7.5 hrs	8.0 hrs	7.5 hrs			7.5 hrs

7. The terms and conditions of my employment are governed by the *General Retail Industry Award 2010*. I am classified as a Retail Employee Level 3 and my ordinary hourly rate of pay is \$19.75. I am paid on a fortnightly basis. My fortnightly pay before tax is \$1878.88. My take home pay after tax is \$1556.88.

8. My income needs to cover the following weekly expenses:
- Rent of \$430.00 (We use some of my partner’s Family Tax Benefit to assist us with our rent payments);
  - Approximately \$70.00 in petrol;
  - About \$30.00 in public transport costs (I catch a bus to work);
  - Groceries costing about \$200.00; and
  - Gym membership of \$10.00.
9. On top of these above expenses, my wage also needs to cover all the usual utility expenses:
- Internet usage of about \$50.00 a month;
  - About \$30.00 per month on mobile costs;
  - Car registration of around \$288.00 and a green slip payment of around \$600.00 per year;
  - Electricity bills of about \$150.00 a quarter;
  - Gas bills of roughly \$300.00 a quarter;
  - A quarterly phone line bill of about \$120.00; and
  - Contents insurance of around \$300.00 per annum.
10. I suffer from Crohn’s Disease, which means that I spend about \$70.00 on medication every two months and around \$140.00 for every specialist appointment I attend – usually two or three every year. I also have private health insurance which means that I am up for about another \$1500.00 per year.
11. We also spend \$200.00 every ten weeks on swimming lessons for my son. He also attends Gymbaroo, which costs us another \$200.00 every ten weeks.
12. A breakdown of my fortnightly pay is as follows:

	<b>Fortnightly</b>	<b>Fortnightly Total</b>	<b>Weekly Total</b>
<b>Ordinary hours</b>	47hrs x \$19.75	\$928.25	\$464.13
<b>Evening work (+25%) (Work after 6 pm Mon to Fri)</b>	14hrs x \$24.6875	\$345.63	\$172.82
<b>Sunday work (+100%)</b>	15hrs x \$39.50	\$592.50	\$296.25
<b>Uniform allowance</b>		\$12.50	\$6.25

<b>Totals</b>		\$1878.88	\$939.44
<b>Tax</b>		\$322.00	\$161.00
<b>Total (minus tax)</b>		\$1556.88	\$778.44

13. I do not like working on Sundays but I need the penalty rate. The Sunday penalty rate goes some way to making up for the disadvantages of working on that day and they are crucial to assisting me to meet my financial obligations. Without the additional penalty rates it would be difficult to provide for my family.
14. In our family, Saturday is most often spent doing grocery shopping and other domestic chores. Most of our big social occasions are on Sundays and I am regularly arriving late to birthdays and barbeques with family and friends. Sometimes I miss these events altogether. I had to work on Father's Day morning this year at 5.30am. You miss out on a lot when you work on a Sunday, particularly spending quality time with people you care about like your family and friends, most of who work jobs Monday through to Friday. My partner, [REDACTED] does not enjoy me being away from home on Sundays.
15. If the Sunday penalty rate were reduced to time and a half from double time, I would be \$74.06 worse off every week. This equates to a 7.88% reduction to my current weekly earnings. This is a lot of money to me and losing this from my weekly income would cause yet more financial stress to my family.
16. I also work the majority of public holidays that fall on a Monday, as I am currently rostered every Monday. The reason I volunteer to work on the public holidays is because of the penalty rate of double time and a half. I would much prefer to be spending this day with family and friends. It is a sacrifice to work on public holidays and if the penalty rate were reduced on these days, I would be far less likely to volunteer to work them.

[REDACTED]

5 October 2015

IN THE FAIR WORK COMMISSION

*Fair Work Act 2009*

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*4 yearly review of modern awards – Penalty rates*

(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

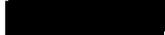
I, [REDACTED] of [REDACTED], make the following statement:

1. I am employed at [REDACTED] on a full-time basis. I have been employed at [REDACTED] for approximately 10 years. For about the first four years, I was a part-time employee. I have been full-time now for around the last six years. My role at [REDACTED] is as a Store Team Member.
2. I am employed by [REDACTED] under the *General Retail Industry Award 2010* as a Retail Employee Level 1 and I am rostered to work 76 hours over a fortnight. My roster is as follows:

- Week One: Monday (9:00am – 5:30pm), Tuesday (9:00am – 5:30pm), Wednesday (9:00am – 5:30pm), Thursday (9:00am – 3:30pm), Saturday (9:00am – 5:00pm) and Sunday (10:00am – 5:00pm).
- Week Two: Monday (9:00am – 5:30pm), Tuesday (9:00am – 5:30pm), Thursday (9:00am – 5.30pm), Friday (10:30am – 7:00pm).

3. I receive an unpaid lunch break of half an hour for every shift that I work and, on occasions, I work overtime hours, for example at stocktake time. The penalty rates that I receive on Saturday, and particularly Sunday, are a significant component of my wage.
4. If I had a choice, I would prefer not to work weekends ~~but that's just not possible at [REDACTED]~~ **I don't think that is possible at [REDACTED]** If I refused to work weekends, or pushed back on my weekend roster in any way, I doubt I'd have a job. Besides, I need the penalty rates to manage financially.
5. My fortnightly pay is \$1,606.75. This means that I earn approximately \$803.38 a week. Apart from my income, I receive Family Tax Benefit A and B payments of about \$340.00 as well as child support of around \$15.00 a fortnight.

6. My fortnightly income and benefits are spent on paying the mortgage and on covering the basics - house and land rates, groceries as well as utility and phone bills. My 17 year-old son is also financially dependant on me and requires me to cover many of his expenses. For example, earlier this year, I paid for my son to complete his Automotive Certificate 1 course at TAFE. I am a single mother so these responsibilities rest entirely with me. I have almost no capacity to save money.
7. My son has just completed his schooling, and is looking for work. When my son reaches the age of eighteen, in January next year, I will no longer receive my family assistance payments.
8. When my children were young, I had trouble working on the weekends. My children often wanted to participate in school or other social activities, such as sport or friends' birthday parties on Saturdays or Sundays and I couldn't take them to these events because of my work.
9. Now, I find the difficulty with working on weekends arises in my own social life. If there is a special family celebration on a Sunday, for example, I will try to organise annual leave in advance or simply arrive late to the function. Taking time off on the weekends that I am rostered to work is not really an option. I simply have to work around my shifts and plan activities with my family in advance, given that many of them work more regular weekday hours.
10. I rely on my weekend penalties to boost my take home pay. If Sunday penalty rates were reduced, it would be even harder for me to survive financially than at present. This is especially so given the fact that I may no longer receive my family assistance payments in the near future. I would lose just over \$60.00 a fortnight if Sunday penalty rates were reduced to time and a half, which is a lot of money to me.

  
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WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED], make the following statement:

1. I am employed by [REDACTED]. I am employed on a part-time basis. I have worked in [REDACTED] at the airport for about 15 years. My previous employer was a company called [REDACTED], who ran the [REDACTED] for 14 years. I have been employed with [REDACTED] for nearly two years.
2. I work a 40 hour, fortnightly roster as follows:

**Week 1:** Monday (5:00am to 10:30am) and Tuesday (5:00am to 10:30am)

**Week 2:** Monday (5:00am to 10:30am); Tuesday (5:00am to 10:30am); Wednesday (5:00am to 10:30am); Friday (5:00am to 10:30am); Saturday (5:00am to 10:30am) and Sunday (5:00am to 10:30am)

3. I regularly work overtime, because there are flights scheduled at 10:40am and 11:00am most mornings and so I am often asked to stay back to sell duty free items to incoming passengers. When I work overtime, I can finish work at 11:00am, 11:15am, 11:30am or 12:00pm.
4. I am employed under the *General Retail Industry Award 2010*.
5. My ordinary hourly pay is \$21.26. My Saturday hourly pay is \$26.58. My Sunday hourly pay is \$42.52. My hourly pay for work on a public holiday is \$53.15. My overtime hourly rate, and my hourly rate for early mornings is \$31.89.
6. Although my hours can vary depending on the amount of overtime I work, last fortnight, as an example, I worked 46.25 hours. Only 18 of those hours were paid at my ordinary hourly wage. I am heavily reliant upon penalty rates.

7. I am a single father with two children and my income is the only income in the household. My wages are used to bring up my children and to keep a roof over their heads. I have responsibility for meeting my mortgage repayments, covering all grocery shopping and paying for my children's education and other activities.
8. I also receive a disability pension. This pension varies depending on the hours I work but I usually receive anything from around \$200.00 to \$250.00 a fortnight. My disability, a back injury, means that I am limited in the hours that I can be on the job at [REDACTED] without causing excessive pain and exhaustion. I used to be a glazier but I can no longer perform this type of work because of my injury. I also received \$277.62 a fortnight on Family Tax Benefit payments and \$98.00 a week from my wife in maintenance. These small supplements to my income help me to save a little for my family.
9. When I am not working, I am playing cook, cleaner and taxi driver to my children and their friends. My son participates in Army Cadets, twice a week. He also works part time at Hungry Jacks, three days a week from 5:00pm to 10:00pm. Both activities required me to drop him off and pick him up. My daughter works at Kmart two to three times a week and I also collect her at the end of her shift at 9:30pm. Because of my caring responsibilities, I am restricted to working morning shifts so that I can attend to my children in the afternoons and evenings.
10. I also belong to [REDACTED]. This [REDACTED] [REDACTED] is for ex-service members and we undertake charitable work for returned service men and women. I spend a considerable amount of time outside my paid hours working on initiatives for this group.
11. I regularly miss out on social activities because of my hours, particularly during my Week 2 Roster. For example, on a Sunday, if I have been up since 3:30am to get to work by 5:00am, I am often too tired to attend social activities like barbeques or other gatherings later in the day. My Saturday nights are also limited because I need to be up so early on Sunday mornings.
12. If there were a reduction in Sunday penalty rates, I would lose \$53.15 per fortnight. This is a lot of money to me considering my financial and caring responsibilities and my disability, which means that I would struggle to work additional hours to make up for this loss.
13. I work on average seven out of the ten public holidays, depending upon when these public holidays fall. Sometimes, I work all the public holidays in a year. I am not in a

position to refuse to work on public holidays as I need the extra money but I'd prefer not to work on these days from a social perspective.



**5 October 2015**

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WITNESS STATEMENT OF [REDACTED]

I, [REDACTED], of [REDACTED] say as follows:

1. I live with my adult son in our home in [REDACTED]. I have two other adult sons, one who lives in Sydney with his family, including my three grandchildren, and the other who lives in Orange. My mother has moved into a nursing home in [REDACTED] and has a number of health issues, which require a great deal of my time and my support to manage. I grew up in [REDACTED] and I have a large extended family living there.
2. I completed my High School Certificate in 1977 but I did not go on to complete any further education, with the exception of a Certificate III in Retail. I obtained this qualification while working with [REDACTED] where I have been employed since 2009.
3. I am a part-time employee and I work 31.25 hours per week. The remainder of my week is spent caring for my mother.
4. Straight out of school, I worked as a domestic in the [REDACTED]. Between around 1980 and 1982, I operated a motel full-time in [REDACTED], with my ex-husband. In about 1982, my ex-husband and I moved to Sydney and I worked office jobs full-time doing clerical work for approximately four years.
5. In 1986, I moved from Sydney to Canberra where I helped my ex-husband's family run fruit shops. I did this for about five years and I then took time off to raise my children, moving back to [REDACTED] in around 1992. When my children were young, I ran family day care in my home in [REDACTED] for around three years. This was part-time work, the hours varied week-to-week. At that time, I was a single parent supporting myself.
6. In around 2006, when my children were older, I re-entered the workforce. I was initially doing a number of different jobs through an employment agency, including some clerical work at [REDACTED]. From 2007-2009, I worked part-time in a motel doing cleaning and administration and part-time packing Christmas hampers.

7. At [REDACTED] I currently work shifts on Monday (5.15pm to 8.15pm); Tuesday (8.15am to 6.15pm with a one hour unpaid break); Wednesday (10.15am to 8.15pm with a one hour unpaid break); Saturday (3.00pm to 8.15pm); and Sunday (7.45am to 12.45pm).
8. My employment is covered by the *General Retail Industry Award 2010*. I am classified as a Retail Employee Level 1 and my rate of pay is \$18.99 per hour. After tax, I earn \$630.00 per week.
9. I share my mortgage with my son who lives with me. From the \$630.00 I earn each week, I pay as follows:
- \$150.00 per week on the mortgage;
  - About \$200.00 per week on groceries;
  - Approximately \$25.00 per week on phone bills;
  - Around \$75.00 per week on electricity (\$400.00 per quarter); water (\$100.00 per quarter) and council rates (\$400.00 per quarter);
  - About \$65.00 per week on petrol and car registration (car registration costing me about \$800.00 per year); and
  - Approximately \$20.00 a week on my house insurance.
10. Give or take, I have around \$100.00-\$150.00 to spare a week, if no unexpected costs arise like car repairs or health expenses, such as the time I was required to travel to Sydney to see my mother in hospital. To save money, one thing I do is to use a fireplace instead of heaters. I have little savings and I do not receive any government payments.
11. If my grandchildren come to visit from Sydney, it is hard to get time off to see them because of the work I do on the weekends. I tend to use annual leave or leave without pay so that I can spend time with them. I also find that my weekend work makes it difficult for me to visit my son in Orange and my son in Sydney as often as I would like and I struggle to catch up with friends for lunch or dinner.
12. I have worked Sundays since I started at [REDACTED] I don't feel like I have much choice in working Sundays because this is the shift the company gives me. It is very difficult for me to take a weekend off because it is hard to find people to replace my shift. Other employees who are trained as supervisors often do not want to work weekends.

13. I have had to miss out on family gatherings, such as Christenings, as well as local community events, such as sports, because I work on Sundays. For example, I have had to miss my cousins' birthday parties and recently, I had to take annual leave so I could attend my Aunt's 80<sup>th</sup> birthday. I have also missed out on going to local rugby games. These are big community events in our town. Similarly, I have missed out on attending the [REDACTED] and other agricultural events in the area. These are good opportunities for me to see people I grew up with and have known for many years and I feel sadness in often not being able to participate in these activities with them.
14. I consider Sunday to be more of a day of leisure than Saturday. Whilst I'd prefer not to have to work on Sundays, I need the Sunday penalty rate to make my financial situation more manageable. If the penalty rate were reduced from 200% to 150% on Sunday, I would lose \$47.48 per week. This would make it harder for me to justify working the Sunday shift and would be difficult for me financially. I feel that every bit I earn is needed to get me across the line financially from week to week. I would probably still have to work on Sunday, not just because I need the money, but because I would feel pressured to do so. In the past, after I refused to work a short shift at night, I lost a number of hours in my roster at other times.
15. I work on some public holidays. If I can see my grandchildren, either by them visiting me or by me visiting them, I prefer not to work on a public holiday. Otherwise, I work on a public holiday because I can't afford to turn down a 250% penalty rate merely for the benefit of a day off.
16. I used to feel heavily pressured to work on public holidays. In 2013, I refused to work New Years Eve, which was not my rostered shift. I had already worked Christmas Eve, which was also not my rostered shift, and I had missed time with my grandchildren because of it. After refusing to work New Years Eve, I was treated horribly by my supervisor and the 2IC who ignored and excluded me.

[REDACTED]  
5 October 2015

IN THE FAIR WORK COMMISSION

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(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED] say as follows:

1. I am a single mother of four children - [REDACTED] who is 35, [REDACTED] who is 31, [REDACTED] who is 27 and [REDACTED] who is 17. My 27-year-old daughter and my 17-year-old son live at home with me. Whilst my daughter contributes to the household by doing the occasional grocery shop or by paying for the odd bill, I am primarily responsible for meeting all household expenses. Moreover, my 17-year-old son is financially dependent on me.
2. I left school at 14 years of age and completed a TAFE apprenticeship in hairdressing. After my apprenticeship, I continued working as a hairdresser for about six years. From 1979 to 1981, I stopped working for about two years to have my first child. In around 1981, I opened my own hairdressing salon and I operated this salon for about five years. I closed the salon in around 1986 to focus on my family and to have another child.
3. Between around 1986 and 1990, I did part-time work as a hairdresser. In about 1990, I opened a photographic laboratory with my husband. We operated the photographic laboratory until around 1997. Financial pressures caused us to close the business. After we closed the business, I did some more part-time hairdressing work for around three years.
4. I commenced work for [REDACTED] in 2000. I currently work at [REDACTED] in [REDACTED]. [REDACTED] has been my employer for 15 years. I am employed on a permanent, part-time basis, working an average of 28.75 hours per week. There is little opportunity to work overtime at [REDACTED] although I might get overtime once or twice per year during the June stocktake period.
5. I am rostered fortnightly as follows:
  - Week 1: Wednesday (9:00am to 1:00pm); Thursday (1:00pm to 9:00pm with a 30 minute unpaid break) and Friday (9:00am to 5:30pm with a 30 minute unpaid break); and
  - Week 2: Wednesday (9:30pm to 5:30pm with a 30 minute unpaid break); Thursday (9:00am to 6:00pm with a 30 minute unpaid break); Friday (9:00am to 5:30pm with a 30

minute unpaid break); Saturday (9:00am to 5:00pm with a 30 minute unpaid break) and Sunday (10:00am to 5:00pm with a 30 minute unpaid break).

6. I am engaged by [REDACTED] as a Retail Employee Level 1 under the *General Retail Industry Award 2010* and my ordinary hourly rate is \$18.99. On Saturday, I receive a 25% penalty rate, which means that I earn \$23.73 per hour. The penalty rate on Sunday is 100%, which brings my hourly rate up to \$37.97.
7. My current fortnightly income of \$1,056.00 barely meets my costs of living. This is the case even after I have received the Family Tax Benefit A & B and a child support payment, which brings my fortnightly income up to \$1,406.35. The Family Tax Benefit A is \$230.02 per fortnight, the Family Tax Benefit B is \$105.00 per fortnight and the child support payment I receive is a fortnightly amount of \$15.35. On the days that I am not required to work, namely on Monday and Tuesday, I look after my grandchildren.
8. My weekly expenses include mortgage repayments on my house, general grocery and other household bills as well as the costs of running my car. These costs need to be covered by my income of just over \$700.00 per week. This is touch and go given that my mortgage repayments are \$400.00 per week, my groceries are about \$100.00 per week, my electricity and water bills as well as council rates add up to about \$65.00 per week and my petrol costs me about \$30.00 to \$35.00 per week. In addition, my car insurance and green slip is about \$1,000.00 per year and my house insurance around \$700.00 for the year.
9. I also provide for my youngest son whose expenses include school fees and soccer costs. My son's school fees are around \$200.00 for the year and his soccer costs are about \$80.00 plus around \$70.00 for uniforms and gear each year. There are other school expenses like excursions and camps that also need to be paid. I can't always afford to pay for my son's soccer, excursion and camp expenses so my son has to pay these amounts from the money he earns from his part-time job. Just the other week, he paid around \$280.00 out of his own pocket for his school's art excursion.
10. I do not have contents insurance because I cannot afford it. I have only little money saved for emergencies or the unexpected and I usually redraw on my mortgage in these situations. For example, when car insurance or house insurance falls due I will often withdraw on my mortgage. I also do this around Christmas to buy presents for my grandchildren. The last holiday that I took was three years ago and was heavily subsidised by my adult children. I have chosen not to use credit cards because of the high interest rates that are charged to me.

11. I also cannot presently afford to go to the dentist to receive follow up treatment from a procedure that I undertook about two years ago. I am also concerned that in the near future, I may not be able to afford the medication that I require for my diabetes, high blood pressure and heart condition. These medical costs are currently subsidised by the Family Tax Benefit A & B but this subsidy will not always be available to me.
12. My roster requires me to work every second weekend. If I did not receive the 100% penalty rate on Sunday, I would find it increasingly difficult to meet my living expenses, including paying my mortgage and providing for my son. Penalty rates are a critical component of my income and make missing out on Sunday family time more tolerable.
13. The \$246.83 that I earn on Sunday is about 20% of my fortnightly gross wage of \$1265.00. This is despite the fact that the hours that I work on Sunday are only about 11% of those that I work every fortnightly roster. Any reduction in the Sunday penalty rate would place a great deal of financial pressure on me. In the past, when a public holiday has fallen on my rostered days, I have elected to work that day in order to get the public holiday penalty rate that applies. This is despite not wanting to work on these holidays.

  
5 October 2015

IN THE FAIR WORK COMMISSION

*Fair Work Act 2009*

*s. 156 – 4 yearly review of modern awards*

*4 yearly review of modern awards – Penalty rates*

(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED] say as follows:

1. I am 57 years of age and I have two daughters, [REDACTED] aged 32 and [REDACTED] aged 30. I have been separated from my husband for about the last 10 years. My youngest daughter currently lives at home with me.
2. I left school at 14 years of age to find work to help to provide for my mother. The School Leaving Certificate is my only educational qualification.
3. After leaving school, I worked at the Bonds factory in Unanderra for about seven years on a full-time basis.
4. When I was pregnant with my first child at the age of 25, I stopped working at the Bonds factory and became a stay at home mum for 17 years, during which time I had my second child. I was married at this time and my husband was the breadwinner for the family.
5. I commenced working for [REDACTED] as a casual employee in [REDACTED] in 2000. I became a permanent part-time employee after a couple of months. I currently work a 51 hour per fortnight roster as follows:
  - Week 1: Monday (1:30pm to 5:30pm); Tuesday (9:00am to 1:30pm); Wednesday 1:30pm to 5:30 pm) and Thursday (9:00am to 4:00pm, including a 30 minute unpaid meal break).
  - Week 2: Monday (1:30pm to 5:30pm); Tuesday (9:00am to 5:30pm, including a 30 minute unpaid meal break); Wednesday (1:30pm to 5:30pm); Thursday (1:30pm to 9:00pm, including a 30 minute unpaid meal break); Saturday (10:00am to 3:00pm); Sunday (1:00pm to 5:00pm).
6. I am employed by [REDACTED] under the *General Retail Industry Award 2010* and I am paid as a Level 1 Retail Employee. My take home fortnightly pay is \$931.25, which translates to

\$465.60 per week. This is just enough to cover my weekly mortgage payments and other costs of living which consist of the following:

- \$100.00 mortgage payment (which is \$12.00 per week more than the minimum payment of \$88.00 per week required by the bank);
  - Approximately \$25.00 on land rates and \$20.00 on water rates;
  - About \$25.00 on green slip and car registration;
  - Around \$20.00 on Internet costs;
  - About \$20.00 per week on car and house insurance;
  - Approximately \$20.00 per week on maintenance for the house;
  - Roughly \$25.00 per week in petrol;
  - Between \$60.00 - \$80.00 per week on groceries;
  - Around \$40.00 for medical prescriptions per month.
7. I also have to meet the costs of car registration as well as occasional parking when I am unable to secure free parking near work. Whilst I have house insurance, I have not taken out contents insurance and I don't have any medical insurance.
8. At the moment, my youngest daughter contributes to the household expenses by paying me \$100.00 per week. She is moving out of home next year at which point I will not have the benefit of this extra income. I do not receive any government support payments and I do not have a health care card of any sort.
9. I do have a small savings account of approximately \$6000.00. This money was left to me when my father passed away. I use this money to cover unexpected bills or matters of emergency, such as repairs to the house.
10. Trying to find a higher paying job at my age and with my educational background I believe would be extremely difficult. This is particularly so given that I suffer from rheumatoid arthritis, limiting what I am able to do physically in a job.

11. Whilst my roster requires that I work on Saturdays and Sundays and whilst I'd prefer to have my weekends to myself, the reality is that I rely on the money that I receive in penalty rates on these days to support myself financially. This compensates me for the weekend events that I often miss, particularly on Sundays when my family and friends most often get together for social functions. My family is tight knit and my two brothers live close by, one is just up the street. I have often missed my nieces' and nephews' birthday parties because of my weekend work.
12. If the Sunday penalty rate were reduced from 100% to 50%, I would earn \$28.47 per hour instead of \$37.96, a difference of \$9.49 per hour. On my current roster, this would mean that I would earn \$37.96 less per fortnight, about 4% of my current fortnightly income before tax. This is a lot of money to me. Considering the difficulties I have meeting my living costs on my current income, a reduction in my Sunday penalty rate would place me under even more financial strain.
13. When I work on a public holiday, I do so because of the extra money I am able to earn and it is always a trade off with the time I would ordinarily spend with my family or friends.

  
5 October 2015

IN THE FAIR WORK COMMISSION

*Fair Work Act 2009*

*s. 156 – 4 yearly review of modern awards*

*4 yearly review of modern awards – Penalty rates*

(AM2014/305)

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED], of [REDACTED], Victoria, say as follows:

1. I am a 44-year-old single mother of two daughters aged 16 and 19 who live with me in our rented home in [REDACTED]
2. I completed my high school education but I did not go on to complete any further study.
3. I currently work as a retail service assistant at [REDACTED] where I have been employed since October 2007.
4. I was employed as a retail service assistant working in a fresh food store in [REDACTED] for two and a half years prior to taking up my position with [REDACTED]. Prior to 2005, I was a stay at home full-time mother while my ex-husband worked.
5. At [REDACTED], I work on the cash registers and perform other front-end jobs in the store, including performing the role of service supervisor twice a week.
6. I am employed part-time, working 30.5 hours per week, as a Retail Employee Level 1 under the *General Retail Industry Award 2010*. My hourly rate of pay is \$18.99. When I am working the role of service supervisor, I receive a higher duties allowance of \$1.50 an hour, on top of my hourly base rate. My weekly pay is currently \$578.15 after tax.
7. I work a weekly roster as follows:
  - Monday 9:00am to 3:00pm
  - Tuesday 7:00am to 4:00pm
  - Wednesday 10:00am to 3:00pm
  - Thursday 9:00am to 3:30pm
  - Sunday 7:00am to 12:00pm
8. I pay \$1,629.00 in rent per month. Both my children are financially dependent on me so they do not contribute to the rent or help with the utility bills – these are my responsibility.

9. In addition to my weekly wage of \$578.15, I receive \$1,671.83 per month in child support. ~~I also receive a new start allowance from the government of currently \$37.00 per fortnight.~~ I am also eligible for the Family Tax Benefit Part A & B for which I receive \$165.06 per fortnight. From these combined sources, I have a weekly income of about \$1,097.14 from which I am required to pay the following:
- A car finance loan which requires me to pay \$116.50 per week (I have been servicing this loan ever since I bought a second hand Hyundai 2 years ago);
  - A personal loan which requires me to repay \$40.55 per week;
  - ~~A car loan of \$96.25 per week which I have been paying for my daughter who currently isn't employed;~~
  - Rent of \$375.00 per week;
  - Approximately \$300.00 per week on household expenses including petrol, *My Budget* fee, food, day-to-day living expenses, insurance, phone and utility bills.
10. After the above expenses are paid, I have very little, if anything, left over for savings or discretionary spending. At present, I do not have any money in savings. If something unexpected occurred, I would struggle to meet those needs. As it is, I am currently using the service, *My Budget*, to help me balance my finances.
11. My manager offered my Sunday shift to me around eight months ago. The reason that I work on Sunday is that the higher rate of pay has a significant effect on my ability to cope financially - I used to struggle even more than I do now to pay my debts and living expenses. I decided to take up the offer of working on Sundays as I suspected that if I refused, the company would find someone else to take my place on that day and the opportunity for more income would be lost.
12. If the Sunday penalty rate were reduced, the difficulties I have surviving financially week-to-week to support my family would again be compounded. For example, a cut in the penalty rate from 200% to 150% would see me lose approximately \$47.43 per week. Working to receive the Sunday penalty rate has become a necessity for me, particularly in circumstances where my children are getting older and my child support payments will soon cease altogether.

  
5 October 2015



Total earnings per fortnight	Hours work on Sunday per fortnight	Sunday earnings currently per fortnight (100% loading)	Sunday earnings per fortnight if reduced (50% loading)	Fortnightly difference
(para 7 of statement)	(para 6 of statement)	\$592.5	\$444.45	\$148.05
\$1,878.88 (gross)	15 hours	(\$39.5 x 15)	(\$29.63 x 15)	(\$592.5 – \$444.45)
\$1556.88 (net)		(Retail Employee Level 3 - \$19.75)		(para 15 of statement - witness says he will lose \$74.06/ week)