

Fair Work Commission

Award Review 2014

Pharmacy Industry Award 2010

AM2014/209

Shop Distributive and Allied Employees' Association

Outline of variation

25 November 2014

1. The SDA makes this brief submission in accordance with Directions issued by the President, Justice Ross, on 30 October 2014.
2. The Directions require parties to submit a written outline setting out the variations they wish to pursue.

Overtime

3. The SDA seeks to vary clause 26.2 (a)(i) Overtime, 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.

Full-Time Employees

4. 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.

5. 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.
6. This variation will ensure that all permanent employees are afforded the same protections regarding regular patterns of work.
7. The SDA also seeks to vary clause 11 of the Award to include a minimum shift of 4 hours for full-time employees.
8. There is currently no minimum shift entitlement for full-time employees.
9. Most pre-modern pharmacy awards contained minimum shift provisions for all employees, including full-time employees.

Junior Rates

10. The SDA seeks to vary Clause 18 of the Award to provide for the payment of junior rates to Level 1 employees only.
11. Where an employee is performing work at a higher classification and is recognised as having the necessary skills and competencies applicable for a higher classification they should be paid the full rate of pay to reflect these competencies.
12. Given the degree of skill, knowledge and responsibility required of employees classified above Level 1, it is inappropriate for junior rates to be applied.

Payment of Wages

13. Clause 22 of the Award currently states:

Wages will be paid weekly or fortnightly according to the actual hours worked for each week or fortnight.

14. The SDA seeks to vary Clause 22 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.
15. The variation will also require the employer to notify the employee in writing as to which day is the pay day and provide 4 weeks' written notice if they wish to change the pay day.
16. The Award does not specify a pay day or a timeframe within which an employee will receive their pay.
17. The variation will provide greater certainty and clarity about when an employee will be paid, especially for the thousands of employees employed by small businesses.
18. A clear prescription around the payment of wages is required to avoid manipulation and abuse.
19. The Award should specify the timeframe for payment of wages, so that disputation is eliminated.

Blood and Bone Marrow Donor Leave – New Clause

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

Blood Donor Leave:

21. 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.

22. Casual employees would be entitled to be absent for 2 hours, up to 4 occasions per year without pay.

Bone Marrow Donor Leave:

23. 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.

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

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

26. 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.

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

Accident Pay & Location Allowances

28. The SDA currently has an application before the Full Bench AM2014/190. The SDA reserves the right to pursue this matter if the Full Bench determines that it will be dealt with as part of the Group 2 Award stage and not as a common matter.