

**From:** Chambers - Hatcher VP  
**Sent:** Monday, 18 December 2017 10:29 AM  
**To:** 'Jessica Sangha'  
**Subject:** RE: MA000004 - PR598494

Dear Ms Sangha,

Thank you for your email regarding the *General Retail Industry Award 2010* (the Award).

A Full Bench of the Fair Work Commission issued a [Decision](#) on 5 July 2017 concerning part-time and employment issues which had arisen in the course of the [4 yearly review of modern awards](#). Among other matters, the Full Bench determined that it was necessary to vary the Award to provide for overtime penalty rates to apply to casual employees in order to meet the modern awards objective (see paragraphs [676] to [677] of the Decision). Following a period of consultation with interested parties as to the form of the variation, the Full Bench issued the [determination](#) on 12 December 2017 to vary the Award in accordance with its decision. The variation to the Award is effective on 1 January 2018.

If you or your members would like assistance in understanding the variation to the Award, you may wish to contact the Fair Work Ombudsman (FWO). The FWO is the agency responsible for interpreting the provisions of modern awards and provides advice and education regarding rates of pay and other entitlements. The FWO may be contacted via telephone on 13 13 94 or via its [Online enquiries](#) webpage.

I hope you find the above information helpful. If you have a further query with which we can assist, feel free to contact the Modern Awards team at [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Kind regards,

**Helen Hamberger**  
Associate to Vice President Hatcher

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**From:** Jessica Sangha [<mailto:jessica.sangha@mtansw.com.au>]  
**Sent:** Thursday, 14 December 2017 11:49 AM  
**To:** Chambers - Hatcher VP  
**Subject:** MA000004 - PR598494

To, the Associate to Hatcher, VP,

I am writing in relation to the Determination issued by the FWC on 12 December 2017 regarding the General Retail Industry Award 2010 [MA000004].

I am writing an article to educate our Members on this amendment, and was confused by the wording used in clause 29.2(c) and (e). These clauses relate to how casuals are to be paid when working overtime:

<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/pr598494.pdf>

Clause 29.2(c) provides: [a casual] ...shall be paid at 175% of the ordinary hourly rate of pay for the first three hours and 225% of the ordinary hourly rate of pay thereafter (inclusive of the casual loading).

Clause 29.2(e) provides: The rate of overtime for casual employees on a Sunday is 225% of the ordinary hourly rate of pay, and on a public holiday is 275% of the ordinary hourly rate of pay (inclusive of the casual loading).

Using the public holiday penalty as an example, I believe wording like “**Work on a public holiday will be paid 1/38th of the relevant weekly rate plus 175%**” should be used in this Award to clarify what penalties are payable to casual employees in these different situations.

I believe employers reading the Award may incorrectly pay the base hourly rate of pay, plus 275% for overtime worked on a public holiday. I believe employers would interpret the clauses to mean that an additional 275% is payable in this example. This would lead to unnecessary overpayments.

Kind regards,

**Jessica Sangha**  
**Employment Relations Advisor**

**MOTOR TRADERS' ASSOCIATION OF NSW**