

Fair Work Act 2009

s. 156 – 4 yearly review of modern awards

4- yearly review of modern awards – Casual employment and Part-time employment

(AM2014/196 and AM2014/197)

**Re: Airport Employees Award 2010 [MA000049]
 Fast Food Industry Award 2010 [MA000003]
 General Retail Industry Award 2010 [MA000004]
 Hair and Beauty Industry Award 2010 [MA000005]
 Mannequins and Models Award 2010 [MA000117]
 Pharmaceutical Industry Award 2010 [MA000069]
 Storage Services and Wholesale Award 2010 [MA000084]
 Travelling Shows Award 2010 [MA000102]
 Vehicle Manufacturing, Repair, Services and Retail Award 2010 [MA000089]**

Submission of the Shop, Distributive and Allied Employees' Association

1. Further to the Decision of the Full Bench issued on 9 August 2018 [2018] FWCFB 4695 and the draft determinations to vary modern awards published on 30 August 2018, the Shop, Distributive and Allied Employees' Association (the 'SDA') makes the following submission regarding 'award-specific drafting issues'¹.
2. The SDA makes this submission in respect of those modern awards in which we have an interest, which are subject to the draft determinations.

Airport Employees Award 2010 [MA000049] – minimum engagement and casual conversion

3. The SDA supports the draft determination published in respect of the minimum engagement for casual employees.
4. The SDA supports the draft determination published in respect of casual conversion.

¹ 4 yearly review of modern awards - Part-time employment and Casual employment [2018] FWCFB 4695 paragraph [33].

Fast Food Industry Award 2010 [MA000003]

5. The SDA supports the draft determination published in respect of casual conversion.
6. We note that the part-time employment provisions of this award are currently the subject of proceedings before President Ross in Matter AM2017/49. Should there be a variation to the award determined in that matter, we note that the cross-reference at proposed subclause 13.5(j)(ii) may need to be adjusted accordingly. The SDA submits that no change is required for the time being.

General Retail Industry Award 2010 [MA000004]

7. The SDA supports the draft determination published in respect of casual conversion.

Hair and Beauty Industry Award 2010 [MA000005]

8. The SDA supports the draft determination published in respect of casual conversion.

Mannequins and Models Award 2010 [MA000117]

9. The SDA refers to the submission made on 3 September 2018 in respect of the draft determination regarding the minimum engagement for casual employees and requests. We respectfully request that the draft determination not be finalised and issued but instead be referred to the Award Review process for consideration for the reasons set out in that correspondence.

Pharmaceutical Industry Award 2010 [MA000069]

10. The SDA supports the draft determination published in respect of the minimum engagement for casual employees.
11. The SDA supports the draft determination published in respect of casual conversion.

Storage Services and Wholesale Award 2010 [MA000084]

12. The SDA supports the draft determination published in respect of casual conversion.
13. The SDA notes, for the sake of consistency, that the cross-reference at proposed subclause 11.5(j)(ii) refers to the relevant part-timer provisions at "clause 11.3(c) and (d)". Clause 11.3(d) of the current award addresses:

"Any agreed variation to the regular pattern of work will be recorded in writing."

14. The SDA has no specific objection to including this cross-reference, but notes that other draft determinations reviewed, referred to above and below, do not pick up this specific subclause cross-reference. The SDA respectfully suggests that clause 11.3(d) of the award goes to a 'future' agreed variation rather than addressing the initial agreed terms of part-time engagement under clause 11.3(c). Clause 11.3(c) would apply as a matter of course once the terms of the initial part-time engagement have been agreed and commenced.

Travelling Shows Award 2010 [MA000102]

15. The SDA supports the draft determination published in respect of casual conversion.

Vehicle Manufacturing, Repair, Services and Retail Award 2010 [MA000089]

16. The SDA supports the draft determination published in respect of the minimum engagement for casual employees.