



**Fair Work Commission**

**Award Review 2014**

**General Retail Award 2010**

**AM2014/270 and AM2016/15**

**Further submissions- Plain language re-drafting - *General Retail Industry Award 2010* -  
revised plain language exposure draft**

**Shop Distributive and Allied Employees' Association**

**22 February 2018**

1. The Shop Distributive and Allied Employees' Association ('SDA') makes these further submissions on the re-drafting of the *General Retail Industry Award 2010* ('GRIA') – revised plain language exposure draft ('PLED') in accordance with the Statement [2018] FWC 702 ('Statement') issued by Justice Ross on 22 February 2018.
2. The SDA relies on its submissions of 4 August, 17 August, 21 September, 26 October 2017 and 10 November 2018 in relation to this matter.
3. These further submissions will deal with the parties' submissions' and drafting comments set out in the Statement [2018] FWC 702.

#### Paragraph 26 – Item 30 – Part time employment

4. The history of the current GRIA clause 12.8 outlined in the Statement is consistent with the SDA's submissions that the Award does not and has not contemplated 'changes to agreed hours' as proposed by PLED clause 10(b).

#### Item 32 – Part time employment

5. The note under PLED clause 10.10 (c) referring to PLED clause 15.9 (c) is incorrect as it does make clear that GRIA clause 12.8 (c) prohibits an employer from changing a roster to avoid any award entitlements. Entitlements under this award are not solely related to payments. Examples of entitlements or benefits applicable under the GRIA include rostering provisions such as 'Consecutive days off' under GRIA clause 28.11 and 'Employees regularly working Sundays' at GRIA clause 28.13.
6. The SDA submits that the word 'restricts' should be deleted from the note under PLED clause 10.10 (c) and replaced with 'prohibits' and the word 'payments' should be deleted and replaced with 'entitlements', which is consistent with GRIA clause 12.8 (c).

#### Paragraph 28 - Items 33, 34 – Casual employment

7. The SDA notes the error in referencing made in paragraph 11 of its previous submissions and confirms that the correct reference should be to PLED clause 11.2.<sup>i</sup>

8. The SDA presses for inclusion of an additional note that sets out "Overtime applicable to casuals are set out in Table 10 Overtime Rates"

#### Items 40 - Paragraph 38 - Shiftwork

9. The SDA is not opposed to the Drafter comment regarding a new PLED clause 28.4 that 'All hours of work on a shift are continuous', and will consider a further response to the proposed clause in the context of the next draft of the PLED.

#### Items 51 - Paragraph 38 - Notification of rosters

10. The SDA does not support PLED clause 15.9 (g) which is intended to replace GRIA clause 28.14 (f) and GRIA clause 12.8. (GRIA clause 12.8 has been replaced with a note under PLED 10.10 (c).) This is a substantive change which removes the rate to be paid where rosters are changed with the intent described at 28.14 (f) and removes reference to 'other benefits applicable'. GRIA clause 28.14 (f) should be retained at PLED 15.9 (g). As stated above at paragraph 5 of this submission, benefits or entitlements under the GRIA are not limited to paid entitlements.

#### Item 62 - Allowances 'township' and 'appropriate rate'

11. In response to Business SA's submission regarding a definition of 'township' as per GRIA clause 20.2 (PLED 23.6), the SDA submits that this matter should be dealt with as part of AM2014/270 General Retail Industry Award 2010 - substantive issues.

#### Statement - Attachment A - Agenda for conference

12. The SDA requests that the Agenda issued as an attachment to the Statement be updated to include all outstanding matters, including the note under PLED 10.10 (c) with reference to 15.9 (g) and will further consider an updated draft of the PLED following the conference before Justice Ross on 5 March 2018.

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<sup>i</sup> [SDA submission](#), 10 November 2017, paragraph 11.