



Fair Work Commission
Modern Awards Review 2023-24 (AM2023/21)

Supplementary Submission into making awards easier to use

General Retail Industry Award 2020

April 2024

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Introduction

1. On 22 December 2023, Master Grocers Australia Ltd (**MGA**) filed its initial written submission with the Fair Work Commission (**FWC**) into its Modern Awards Review 2023-24 – making awards easier to use topic (**Initial Submission**).
2. In its submission, MGA specifically addressed the General Retail Industry Award (**GRIA**).
3. Representatives of MGA attended the GRIA consultation session at the FWC in Melbourne on 12 March 2024 (**Consultation**).
4. MGA committed to filing this supplementary submission on some specific matters it addressed at Consultation.
5. This supplementary submission contains proposed wording for specific clauses of the GRIA for the FWC's consideration which support the written submission MGA filed on 22 December 2023.
6. MGA thanks the FWC for the opportunity to attend the Consultation and file this supplementary submission.

Proposed wording for the FWC's consideration

Clause 15.1: Ordinary span of hours note

7. MGA recommended in its initial submission that the FWC considers the inclusion of a note within clause 15.1 which clarifies whether ordinary or overtime rates are payable and when they are payable.
8. During Consultation, MGA committed to providing wording for this note.
9. Accordingly, MGA submits the following wording for the FWC to consider inserting at the conclusion of clause 15.1:

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| <p>Note: Overtime rates may be payable to employees (other than shiftworkers) who work outside the span of hours. See clause 21 (Overtime).</p> |
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Clause 19.9: Cold work allowance

10. The GRIA currently provides for a 'cold work allowance' as follows:

'Clause 19.9 applies to an employee who is principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets.'

11. MGA recommended to the FWC in its Initial Submission that it considers narrowing the meaning of 'principally employed' within clause 19.9 of the GRIA by providing an enhanced definition.

12. During Consultation, MGA committed to providing a proposed definition of 'principally employed'.

13. Accordingly, MGA submits the following substitutes the current wording in clause 19.9(a):

Clause 19.9 applies to an employee who on any day enters cold chambers or stocks or refills refrigerated storages such as dairy cases or freezer cabinets (**Cold Work**) and is principally employed to do so. An employee is 'principally employed' on any day when the employer requires the employee to perform Cold Work for more than 50% of that shift.

Clause 19.3: Special Clothing Allowance

14. The GRIA currently provides for 'special clothing' as follows:

*'In clause 19.3 **special clothing** means any article of clothing (including uniform, waterproof or other protective clothing) that the employer requires the employee to wear or that it is necessary for the employee to wear.'*

15. In its Initial Submission, MGA recommended the FWC enhance the definition of 'special clothing' to outline the circumstances where payment of the allowance is not required.

16. MGA considers 'special clothing' is distinguishable from *generic clothing*.

17. MGA addressed this matter at Consultation and further to those remarks, submits the following substitutes the current wording in clause 19.3(a):

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| <p>In clause 19.3 special clothing means any article of clothing (including uniform, waterproof or other protective clothing) that the employer requires the employee to wear or that it is necessary for the employee to wear but does not include generic articles of clothing (for example, closed shoes or plain black trousers).</p> |
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