



**Fair Work Commission**

**Award Review 2014**

**General Retail Award 2010**

**AM2014/209**

**Reply submissions- *General Retail Industry Award 2010* -plain language exposure draft -  
award specific clauses**

**Shop Distributive and Allied Employees' Association**

**17 August 2017**

## Introduction

1. The Shop Distributive and Allied Employees' Association ('the SDA') makes these reply submissions on the *General Retail Industry Award 2010* ('GRIA') – plain language exposure draft – award specific clauses released by the Fair Work Commission ('the Commission') on 7 July 2017, in accordance with the Directions issued by Justice Ross, President on 21 July 2017.
2. The SDA relies on its submission of 4 August 2017– *General Retail Industry Award 2010* – plain language exposure draft – award specific clauses.
3. This reply submission will deal with issues that the SDA has identified in the submissions of Business SA of 2 August 2017 and Australian Business Industrial ('ABI') and NSW Business Chamber Ltd ('NSWBC') of 4 August 2017. This submission also includes further clarification of matters raised by the SDA in relation to Schedule B of the exposure draft.

## Definitions – 'shops with departments or sections'

4. The SDA does not support the wording proposed by the ABI and NSWBC as it represents a substantive change to the GRIA. The definition proposed at paragraph 2.1 requires 'each' (emphasis added) department or section to have '...a dedicated manager and at least 3 subordinate employees...' The word 'each' is not included in the GRIA definition and changes the way the definition applies to shops who may have multiple departments or sections, but not all of which have a dedicated manager with at least 3 subordinate employees.
5. The SDA supports Business SA submission at paragraph 1, the definition in the exposure draft should mirror the GRIA.

## Facilitative provisions for flexible working practices

6. The SDA does not support Business SA's submissions under paragraph 2 in relation to 'inaccuracies' with references to clauses 15.10 (b), 25.3 and 32.8 and 32.9 in Table 1 of the exposure draft. The SDA does not support the general approach advocated by Business SA that Table 1 should reference specific clauses. The SDA submits the reader must be guided about how the clause is operative by reading the entire provision in context, and must therefore be directed to the full provision rather than a specific clause. In relation to clause 15.10 (a) and (b), the SDA submits that Table 1 should reference clause 15.10.

## Hours of work

7. The SDA omitted to note the use of the term 'ordinary hours' in exposure draft Schedule B 'Summary of Hourly Rates of Pay'. The SDA requests that Schedule B is revised to ensure 'ordinary hours' is used consistently and accurately across the exposure draft, including within tables and schedules.
8. The SDA does not support the inclusion of the 'note' under Scheduled B which states compliance with the Award is met by Employers by reference to Schedule B only. The 'note' under 'Schedule B' should be deleted as it is incorrect
9. The SDA requests that further variations are made to exposure draft Schedule B to ensure that it accurately reflects that all terms and conditions of the Award, not just the wage schedules, must be met with.