

From: Rebecca Patena [<mailto:rebecca@sda.org.au>]
Sent: Wednesday, 22 November 2017 4:51 PM
To: AMOD
Subject: RE: General Retail Industry Award 2010 (AM2016/15, AM2014/270) - SDA Further Submissions [SEC=UNCLASSIFIED]

Dear Commission,

Further to the correspondence below, the SDA clarifies its position in relation to item 26 as follows:

The SDA does not support wording proposed at clause 10.6 of revised plain language draft published on 1 November 2017 which is *'The employer and employee may agree in writing to vary the regular pattern of work agreed under 10.5 with effect from a future date or time.'*

This is a substantive change from clause 12.3 *General Retail Industry Award 2010* 'Any agreement to vary the regular pattern of work will be made in writing before the variation occurs.' (underlined for emphasis).

The General Retail Industry Award 2010 imposes a mutual obligation that any agreement to vary the regular pattern of work 'will' be in writing, not 'may' be in writing.

Plain Language Guideline directs the use of the word 'must' to impose an obligation, which should be preferred over 'may'.

The SDA's position on item 26 is consistent with its previous submissions.

Regards,

Rebecca Patena

[Rebecca Patena](#)
National Industrial Officer and National OHS Officer



Shop Distributive and Allied Employees' Association (SDA)
THE UNION FOR WORKERS IN RETAIL.FAST FOOD.WAREHOUSING
Not working Tuesdays in 2017.

From: AMOD [<mailto:AMOD@fwc.gov.au>]
Sent: Wednesday, 22 November 2017 1:09 PM
To: Rebecca Patena <rebecca@sda.org.au>
Subject: RE: General Retail Industry Award 2010 (AM2016/15, AM2014/270) - SDA Further Submissions [SEC=UNCLASSIFIED]

Dear Rebecca

I write in relation to the further submissions filed on 10 November 2017 in relation to the revised plain language exposure draft of the above award.

The submissions included reference to item 26 & 30 of the Summary of Submissions; however, there does not appear to be a submission expressly relating to item 26. The submission appears to relate only to item 30.

The [transcript](#) of the 26 October conference records the discussion regarding 10.5 and 10.6 at paras 75-87 and the SDA undertook to review the clauses and respond.

It would be appreciated if you could confirm the SDA's position in relation to item 26 as a matter of urgency. If you wish to make a submission about item 26 of the summary of submissions, I would appreciate it if you could forward it to amod@fwc.gov.au.

Please do not hesitate to contact me if you have any questions in relation to the above.

Kind regards

PATTI LADD

Member Support

Fair Work Commission

Tel: 03 8656 4662

Fax: 03 9655 0401

patti.ladd@fwc.gov.au

11 Exhibition St, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

From: Rebecca Patena [<mailto:rebecca@sda.org.au>]

Sent: Friday, 10 November 2017 1:14 PM

To: AMOD

Subject: General Retail Industry Award 2010 (AM2016/15, AM2014/270) - SDA Further Submissions

Dear Commission,

Please see attached further submissions from the SDA on the revised plain language exposure draft of the *General Retail Industry Award 2010*.

We apologise for the late filing of our submission and appreciate the extension of time granted to do so.

Regards,

Rebecca Patena

[Rebecca Patena](#)

National Industrial Officer and National OHS Officer



Shop Distributive and Allied Employees' Association (SDA)

Level 6, 53 Queen Street, Melbourne, VIC, Australia 3000

P: 03 8611 7000 **M:** 0409 820 762 **E:** rebecca@sda.org.au **W:** www.sda.org.au

Not working Tuesdays in 2017.

THE UNION FOR WORKERS IN RETAIL.FAST FOOD.WAREHOUSING