

5 April 2017

Vice President Hatcher
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE 3000

By email: chambers.hatcher.vp@fwc.gov.au; amod@fwc.gov.au

Dear Vice President Hatcher,

**RE: AM2016/36 – 4 yearly review of Modern Awards
SDA Claim for blood donor and bone marrow leave
Amended Application and Draft Determinations
Request for conference**

The SDA wishes to amend its application in the above matter.

The SDA will withdraw its claim to insert bone marrow leave in the awards listed in its application above.

The SDA will continue to pursue its claim for paid blood donor leave in the terms provided by the draft determinations filed on 23 January 2016.

For the purpose of clarity, please find attached the draft determinations reflecting the SDA's claim for paid blood donor leave in the following awards:

- *Pharmacy Industry Award 2010;*
- *General Retail Industry Award 2010;*
- *Hair and Beauty Industry Award 2010;*
- *Fast Food Industry Award 2010; and*
- *Mannequins and Models Award 2010.*

In light of the SDA's amendment to its application and in accordance with the amended directions issued today, the SDA believes there is utility in conducting a conference in relation to its claim.

The SDA requests a conference at the earliest possible convenience.

If you have any further queries in relation to the above, please do not hesitate to contact Mauro Moretta of our office on (03) 9698 1400 or 0400 524 222.

Yours sincerely,

Julia Fox
National Assistant Secretary

MA000004 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2016/36)

GENERAL RETAIL INDUSTRY AWARD 2010

MA000004

Retail operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *General Retail Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

BLOOD DONOR LEAVE

- X.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

B. This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

MA000005 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2016/36)

HAIR AND BEAUTY INDUSTRY AWARD 2010

MA000005

Hair and beauty operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Hair and Beauty Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

BLOOD DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

B. This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

MA000012 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2016/36)

PHARMACY INDUSTRY AWARD 2010

MA000012

Pharmacy operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Pharmacy Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

BLOOD DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

B. This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

MA000003 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2016/36)

FAST FOOD INDUSTRY AWARD 2010

MA000003

Fast food operations

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Fast Food Industry Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

BLOOD DONOR LEAVE

- X.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
 - x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.
- B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

MA000117 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2016/36)

MANNEQUINS AND MODELS AWARD 2010

MA000117

Mannequins and models

VICE PRESIDENT HATCHER

SYDNEY, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Mannequins and Models Award 2010* be varied as follows.

1. Insert a new clause Blood Donor Leave and Bone Marrow Donor Leave:

BLOOD DONOR LEAVE

- x.1 A permanent employee shall be entitled to up to 2 ordinary hours' paid Blood Donor Leave, without deduction of pay, on a maximum of four occasions per year for the purposes of donating blood.
- x.2 The employee shall notify his or her Employer as soon as possible of the time and date upon which he or she is requesting to be absent for the purpose of donating blood.
- x.3 The employee shall arrange for his or her absence to be on a day suitable to the employer and be as close as possible to the beginning or ending of his or her ordinary working hours.

- x.4 Proof of the attendance of the employee at a recognised place for the purpose of donating blood and the duration of such attendance shall be produced to the satisfaction of the employer.
- x.5 Casual employees are entitled to be absent for 2 hours, up to 4 occasions per year without pay, for the purposes of donating blood.

B. This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER