

Fair Work Commission

s.156 – 4 yearly review of modern awards

Fast Food Industry Award 2010

AM 2017/49

Submissions



Shop Distributive and Allied Employees' Association

18 July 2019

The SDA makes these brief submissions in response to the request from the Full Bench in its Decision of the 4th July 2019 ([2019] FWCFB 4679) to provide comment on the draft determination (Attachment A of the Decision). In particular the Full Bench draws the parties attention to paragraphs 54 and 55 of the Decision.

Paragraphs 54 and 55 address the interaction between meal breaks and agreed additional hours. The draft determination at clause 27.1(d) provides words that the SDA believes address the concerns of the parties. Namely that the time of taking meal and rest breaks and the duration of those breaks form part of an employee's roster as agreed under clause 12.2. However, any agreed variation pursuant to sub clauses 12.3 and 12.4 may include a variation to the time of taking a break. The SDA does not oppose the draft determination wording at clause 27.1(d).

The SDA does not oppose the remainder of the draft determination.

The SDA makes the following suggestion to amend the drafting at 26.2(e).

(e) Hours worked by part-time employees ~~in excess of~~:

(i) in excess of the agreed hours in clause 12.2; or

(ii) in excess of the agreed hours as varied under clause 12.3 or 12.4.

The SDA does not seek an oral hearing for this matter.