



DRAFT DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Award stage—General Retail Industry

Award 2020

(AM2017/60)

GENERAL RETAIL INDUSTRY AWARD 2020

[MA000004]

Retail industry

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT HATCHER
COMMISSIONER LEE

MELBOURNE, XX MONTH 2021

4 yearly review of modern awards – award stage – General Retail Industry Award 2020 – substantive issues.

A. Further to the decisions issued by the Full Bench of the Fair Work Commission on 24 November 2020 [[2020] FWCFB 6301], 4 December 2020 [[2020] FWCFB 6445] and XX MONTH 2021 [[2021] FWCFB XXXX] the above award is varied as follows:

1. By deleting clause 17.2 and inserting the following:

17.2 Junior rates (retail employee levels 1, 2 and 3 only)

NOTE: Junior employee is defined in clause 2—Definitions.

An employer must pay a junior employee, who is classified as a retail employee level 1, 2 or 3 and aged as specified in column 1 of **Table 5—Junior rates (retail employee levels 1, 2 or 3 only)**, the minimum percentage specified in column 2 of the minimum rate that would otherwise be applicable under **Table 4—Minimum rates**.

Table 5—Junior rates (retail employee levels 1, 2 and 3 only)

Column 1	Column 2
Age	% of minimum rate
15 years of age and under	45%
16 years of age	50%

Column 1 Age	Column 2 % of minimum rate
17 years of age	60%
18 years of age	70%
19 years of age	80%
20 years of age and employed by the employer for 6 months or less	90%
20 years of age and employed by the employer for more than 6 months	100%

2. By inserting a note before clause 38.1 as follows:

NOTE: Redundancy pay is provided for in the [NES](#). See ss.119–123 of the [Act](#).

3. By deleting the table appearing at clause B.3.1 and inserting the following:

	Ordinary hours	Monday to Friday after 6.00 pm	Saturday	Sunday	Public holiday
	% of junior hourly rate				
	100%	125%	125%	150%	225%
	\$	\$	\$	\$	\$
Retail Employee Level 1					
15 years of age and under	9.80	12.25	12.25	14.70	22.05
16 years of age	10.89	13.61	13.61	16.34	24.50
17 years of age	13.07	16.34	16.34	19.61	29.41
18 years of age	15.25	19.06	19.06	22.88	34.31
19 years of age	17.43	21.79	21.79	26.15	39.22
20 years of age and employed by the employer for 6 months or less	19.61	24.51	24.51	29.42	44.12
20 years of age and employed by the employer for more than 6 months	21.78	27.23	27.23	32.67	49.01
Retail Employee Level 2					
15 years of age and under	10.04	12.55	12.55	15.06	22.59
16 years of age	11.15	13.94	13.94	16.73	25.09
17 years of age	13.38	16.73	16.73	20.07	30.11
18 years of age	15.61	19.51	19.51	23.42	35.12
19 years of age	17.84	22.30	22.30	26.76	40.14

	Ordinary hours	Monday to Friday after 6.00 pm	Saturday	Sunday	Public holiday
	% of junior hourly rate				
	100%	125%	125%	150%	225%
	\$	\$	\$	\$	\$
20 years of age and employed by the employer for 6 months or less	20.07	25.09	25.09	30.11	45.16
20 years of age and employed by the employer for more than 6 months	22.31	27.89	27.89	33.47	50.20
Retail Employee Level 3					
15 years of age and under	10.19	12.74	12.74	15.29	22.93
16 years of age	11.33	14.16	14.16	17.00	25.49
17 years of age	13.59	16.99	16.99	20.39	30.58
18 years of age	15.86	19.83	19.83	23.79	35.69
19 years of age	18.12	22.65	22.65	27.18	40.77
20 years of age and employed by the employer for 6 months or less	20.39	25.49	25.49	30.59	45.88
20 years of age and employed by the employer for more than 6 months	22.65	28.31	28.31	33.98	50.96

4. By deleting the table appearing at clause B.3.2 and inserting the following:

	Other than baking production employees (OBPE)	Baking production employees (BPE)		All shiftworkers		Public holiday
		Early morning shifts		Saturday	Sunday	
	Monday to Friday					
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE ¹ BPE ²		All hours within shift
	% of junior hourly rate					
	130%	112.5%	130%	150%	175%	225%
	\$	\$	\$	\$	\$	\$
Retail Employee Level 1						

	Other than baking production employees (OBPE)	Baking production employees (BPE)		All shiftworkers		
		Early morning shifts		Saturday	Sunday	Public holiday
	Monday to Friday					
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE ¹ BPE ²		All hours within shift
	% of junior hourly rate					
	130%	112.5%	130%	150%	175%	225%
	\$	\$	\$	\$	\$	\$
15 years of age and under	12.74	11.03	12.74	14.70	17.15	22.05
16 years of age	14.16	12.25	14.16	16.34	19.06	24.50
17 years of age	16.99	14.70	16.99	19.61	22.87	29.41
18 years of age	19.83	17.16	19.83	22.88	26.69	34.31
19 years of age	22.66	19.61	22.66	26.15	30.50	39.22
20 years of age and employed by the employer for 6 months or less	25.49	22.06	25.49	29.42	34.32	44.12
20 years of age and employed by the employer for more than 6 months	28.31	24.50	28.31	32.67	38.12	49.01
Retail Employee Level 2						
15 years of age and under	13.05	11.30	13.05	15.06	17.57	22.59
16 years of age	14.50	12.54	14.50	16.73	19.51	25.09
17 years of age	17.39	15.05	17.39	20.07	23.42	30.11
18 years of age	20.29	17.56	20.29	23.42	27.32	35.12
19 years of age	23.19	20.07	23.19	26.76	31.22	40.14
20 years of age and employed by the employer for 6 months or less	26.09	22.58	26.09	30.11	35.12	45.16

	Other than baking production employees (OBPE)	Baking production employees (BPE)		All shiftworkers		
		Early morning shifts		Saturday	Sunday	Public holiday
	Monday to Friday					
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE ¹ BPE ²		All hours within shift
	% of junior hourly rate					
	130%	112.5%	130%	150%	175%	225%
	\$	\$	\$	\$	\$	\$
20 years of age and employed by the employer for more than 6 months	29.00	25.10	29.00	33.47	39.04	50.20
Retail Employee Level 3						
15 years of age and under	13.25	11.46	13.25	15.29	17.83	22.93
16 years of age	14.73	12.75	14.73	17.00	19.83	25.49
17 years of age	17.67	15.29	17.67	20.39	23.78	30.58
18 years of age	20.62	17.84	20.62	23.79	27.76	35.69
19 years of age	23.56	20.39	23.56	27.18	31.71	40.77
20 years of age and employed by the employer for 6 months or less	26.51	22.94	26.51	30.59	35.68	45.88
20 years of age and employed by the employer for more than 6 months	29.45	25.48	29.45	33.98	39.64	50.96

¹ Other than baking production employees (OBPE): Starting at or after 6.00 pm and before 5.00 am on the following day;

² Baking production employees (BPE):

- working a shift starting at or after 2.00 am and before 6.00 am; or
- start shift prior to 2.00 am.

5. By deleting the table appearing at clause B.3.3 and inserting the following:

	Monday to Saturday – first 3 hours	Monday to Saturday – after 3 hours	Sunday – all day	Public holiday
	% of junior hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
Retail Employee Level 1				
15 years of age and under	14.70	19.60	19.60	24.50
16 years of age	16.34	21.78	21.78	27.23
17 years of age	19.61	26.14	26.14	32.68
18 years of age	22.88	30.50	30.50	38.13
19 years of age	26.15	34.86	34.86	43.58
20 years of age and employed by the employer for 6 months or less	29.42	39.22	39.22	49.03
20 years of age and employed by the employer for more than 6 months	32.67	43.56	43.56	54.45
Retail Employee Level 2				
15 years of age and under	15.06	20.08	20.08	25.10
16 years of age	16.73	22.30	22.30	27.88
17 years of age	20.07	26.76	26.76	33.45
18 years of age	23.42	31.22	31.22	39.03
19 years of age	26.76	35.68	35.68	44.60
20 years of age and employed by the employer for 6 months or less	30.11	40.14	40.14	50.18
20 years of age and employed by the employer for more than 6 months	33.47	44.62	44.62	55.78
Retail Employee Level 3				
15 years of age and under	15.29	20.38	20.38	25.48
16 years of age	17.00	22.66	22.66	28.33
17 years of age	20.39	27.18	27.18	33.98
18 years of age	23.79	31.72	31.72	39.65
19 years of age	27.18	36.24	36.24	45.30
20 years of age and employed by the employer for 6 months or less	30.59	40.78	40.78	50.98

	Monday to Saturday – first 3 hours	Monday to Saturday – after 3 hours	Sunday – all day	Public holiday
	% of junior hourly rate			
	150%	200%	200%	250%
	\$	\$	\$	\$
20 years of age and employed by the employer for more than 6 months	33.98	45.30	45.30	56.63

6. By deleting the table appearing at clause B.3.4 and inserting the following:

	Ordinary hours	Monday to Friday after 6.00 pm	Saturday	Sunday	Public holiday
	% of junior hourly rate				
	125%	150%	150%	175%	250%
	\$	\$	\$	\$	\$
Retail Employee Level 1					
15 years of age and under	12.25	14.21	14.70	17.15	24.50
16 years of age	13.61	15.79	16.34	19.06	27.23
17 years of age	16.34	18.95	19.61	22.87	32.68
18 years of age	19.06	22.11	22.88	26.69	38.13
19 years of age	21.79	25.27	26.15	30.50	43.58
20 years of age and employed by the employer for 6 months or less	24.51	28.43	29.42	34.32	49.03
20 years of age and employed by the employer for more than 6 months	27.23	31.58	32.67	38.12	54.45
Retail Employee Level 2					
15 years of age and under	12.55	14.56	15.06	17.57	25.10
16 years of age	13.94	16.17	16.73	19.51	27.88
17 years of age	16.73	19.40	20.07	23.42	33.45
18 years of age	19.51	22.63	23.42	27.32	39.03
19 years of age	22.30	25.87	26.76	31.22	44.60
20 years of age and employed by the employer for 6 months or less	25.09	29.10	30.11	35.12	50.18
20 years of age and employed by the employer for more than 6 months	27.89	32.35	33.47	39.04	55.78

	Ordinary hours	Monday to Friday after 6.00 pm	Saturday	Sunday	Public holiday
	% of junior hourly rate				
	125%	150%	150%	175%	250%
	\$	\$	\$	\$	\$
Retail Employee Level 3					
15 years of age and under	12.74	14.78	15.29	17.83	25.48
16 years of age	14.16	16.43	17.00	19.83	28.33
17 years of age	16.99	19.71	20.39	23.78	33.98
18 years of age	19.83	23.00	23.79	27.76	39.65
19 years of age	22.65	26.27	27.18	31.71	45.30
20 years of age and employed by the employer for 6 months or less	25.49	29.57	30.59	35.68	50.98
20 years of age and employed by the employer for more than 6 months	28.31	32.84	33.98	39.64	56.63

7. B.3.5 By deleting the table appearing at clause B.3.5 and inserting the following:

	Other than baking production employees (OBPE)	Baking production employees (BPE) Early morning shifts		All shiftworkers		Public holiday
	Monday to Friday			Saturday	Sunday	Public holiday
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE ¹ BPE ²		All hours within shift
	% of junior hourly rate					
	155%	137.5%	155%	175%	200%	250%
	\$	\$	\$	\$	\$	\$
Retail Employee Level 1						
15 years of age and under	15.19	13.48	15.19	17.15	19.60	24.50
16 years of age	16.88	14.97	16.88	19.06	21.78	27.23
17 years of age	20.26	17.97	20.26	22.87	26.14	32.68
18 years of age	23.64	20.97	23.64	26.69	30.50	38.13

	Other than baking production employees (OBPE)	Baking production employees (BPE)		All shiftworkers		
	Monday to Friday			Saturday	Sunday	Public holiday
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE¹ BPE²		All hours within shift
	% of junior hourly rate					
	155%	137.5%	155%	175%	200%	250%
	\$	\$	\$	\$	\$	\$
19 years of age	27.02	23.97	27.02	30.50	34.86	43.58
20 years of age and employed by the employer for 6 months or less	30.40	26.96	30.40	34.32	39.22	49.03
20 years of age and employed by the employer for more than 6 months	33.76	29.95	33.76	38.12	43.56	54.45
Retail Employee Level 2						
15 years of age and under	15.56	13.81	15.56	17.57	20.08	25.10
16 years of age	17.28	15.33	17.28	19.51	22.30	27.88
17 years of age	20.74	18.40	20.74	23.42	26.76	33.45
18 years of age	24.20	21.46	24.20	27.32	31.22	39.03
19 years of age	27.65	24.53	27.65	31.22	35.68	44.60
20 years of age and employed by the employer for 6 months or less	31.11	27.60	31.11	35.12	40.14	50.18
20 years of age and employed by the employer for more than 6 months	34.58	30.68	34.58	39.04	44.62	55.78

	Other than baking production employees (OBPE)	Baking production employees (BPE)		All shiftworkers		
		Early morning shifts		Saturday	Sunday	Public holiday
	Monday to Friday					
	Starting at or after 6.00 pm and before 5.00 am	Starting at or after 2.00 am and before 6.00 am	Starting before 2.00 am	OBPE ¹ BPE ²		All hours within shift
	% of junior hourly rate					
	155%	137.5%	155%	175%	200%	250%
	\$	\$	\$	\$	\$	\$
Retail Employee Level 3						
15 years of age and under	15.79	14.01	15.79	17.83	20.38	25.48
16 years of age	17.56	15.58	17.56	19.83	22.66	28.33
17 years of age	21.06	18.69	21.06	23.78	27.18	33.98
18 years of age	24.58	21.81	24.58	27.76	31.72	39.65
19 years of age	28.09	24.92	28.09	31.71	36.24	45.30
20 years of age and employed by the employer for 6 months or less	31.60	28.04	31.60	35.68	40.78	50.98
20 years of age and employed by the employer for more than 6 months	35.11	31.14	35.11	39.64	45.30	56.63

¹ Other than baking production employees: Starting at or after 6.00 pm and before 5.00 am on the following day;

² Baking production employees:

- working a shift starting at or after 2.00 am and before 6.00 am; or
- start shift prior to 2.00 am.

B. This determination comes into operation on 1 May 2021. In accordance with s.165(3) of the *Fair Work Act 2009*, this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 May 2021.

PRESIDENT

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