

Information note—General Retail Industry Award 2020 (AM2017/60)

This information note has been prepared to facilitate the hearing on 18 November 2020. It does not purport to be a comprehensive discussion of the issues involved. It does not represent the view of the Commission on any issue.

[1] The SDA seeks to vary what is now clause 17.2 of the Retail Award to limit the application of junior rates. The Retail Award currently applies junior percentages to all 8 classification levels. This means junior percentage rates apply from the shop assistant through to the store manager classifications levels. The proposed variation seeks to confine the payment of junior rates to level 1 employees only; with the consequence that employees engaged at higher levels would be paid the full adult rate. Level 1 is the general shop assistant classification.

[2] On 8 October 2020 we issued a Statement¹ (the *October 2020 Statement*) in which we summarised the evidence and submissions filed and posed a series of questions to interested parties. On 5 November 2020 an [information note](#), prepared by Commission staff, was published. That information note sets out the results of research into which awards contain a junior rates clause, and whether a clause dealing with junior rates limits the application of those rates.

[3] Submissions were received from:

- [SDA](#) (11 November 2020, amended 13 Nov 2020);
- [NRA](#) (11 November 2020);
- [ABI and NSWBC](#) (11 November 2020); and
- [ABI and SDA Joint Report](#) (11 November 2020).

[4] This information note summarises the responses of interested parties to some questions posed in the *October 2020 Statement* and asks a series of additional questions which the parties are asked to respond to during the course of the hearing at 11am on 18 November 2020.

Question for all parties: Does any party take issue with the summary of the legislative framework at [7] – [22] of the October 2020 Statement?

[5] No party took issue with the summary of the legislative framework at [7] – [22] of the *October 2020 Statement*. Further, it is common ground that the application seeks to vary modern award minimum wages and that the Commission must be satisfied that such a variation is justified by work value reasons. Section 157(2A) provides:

‘(2A) **Work value reasons** are reasons justifying the amount that employees should be paid for doing a particular kind of work, being reasons related to any of the following:

- (a) the nature of the work;
- (b) the level of skill or responsibility involved in doing the work;

¹ [2020] FWCFB 5371

(c) the conditions under which the work is done.’

[6] The NRA submits that ‘in assessing whether the work value reasons “relate to” any of the matters set out in section 157(2A), the words are themselves reasonably broad but nevertheless require “the existence of a connection or association”’.²

Q1. Question for ABI and the SDA: Do you agree with the NRA’s submission?

[7] The SDA advances the following submission in relation to the consideration of work value:

‘the position the SDA takes is that it is axiomatic that an employee promoted or appointed above the base level is promoted or appointed to perform the tasks at that level and that there is no room for the existence of junior rates in those circumstances. When it is recalled that the junior rates were established in the GRIA against a background of their non-existence in the major awards from which the GRIA was drawn it can be readily seen that there is a very strong work value argument for an abolition of the reduction which was imposed in the 2010 award at levels above Level 1.’³

Q2. Question for ABI and NRA: What do you say in response to the above submission?

Question for the SDA: The SDA is invited to provide an explanation of the basis for the following two assertions in its written submissions:

(i) At paragraph 29(i), the SDA says that the Commission-approved increase in the 20 year old rate to the adult rate 'has not shown any detriment to employment.'

[8] In its submission the SDA refers to ABS data which it submits makes good its contention.

Q3. Question for NRA and ABI: Do you take issue with the charts at Figures 1-3 of the SDA’s submissions?

(ii) At paragraph 39 the SDA says that the award level 1 aligns with a Certificate II qualification.

[9] At pages 9 – 10 of its submission, the SDA responds to the above question.

Q4. The NRA and ABI are invited to respond to the SDA’s submission.

Dr O’Brien’s Evidence

[10] The SDA submits that the Full Bench should make the following findings based on Dr O’Brien’s evidence:

² NRA submission, 11 November 2020 at 1.10, citing *Project Blue Sky v ABA* [1998] HCA 28; (1998) 194 CLR 355 at paragraph [87]

³ SDA submission, 11 November 2020 at [16].

- The total number of employees in the general retail industry in 2016 was 774,675.
- The number of employees under 21 years of age was 160,848.
- Of those junior employees, 17,244 or 11% were employed in classifications higher than Level 1 although that figure could be increased by not more than 1,210 employees employed in retail establishments in clerical positions.
- Some (but a small number) of the employees which Dr O'Brien classified as Level 1 may be Level 3 employees.
- Some (but a small number) of the employees who identified themselves as store persons may be Level 2 employees not Level 1 employees.

Q5. Do ABI and the NRA contest the proposed findings?

[11] ABI submits that to the extent that the O'Brien Report is relied upon to demonstrate the number of junior employees engaged at levels 2 and above (the 'Relevant Figure'), the report underestimates the Relevant Figure on a number of bases including that:

- (a) it excludes junior employees performing clerical functions at the retail establishment and clerks at levels 4-8;
- (b) it is possible that some of those junior employees who identified themselves as 'store persons' operate forklifts (and are level 2) and have been improperly excluded;
- (c) junior employees engaged as senior salespersons not performing supervisory duties have not been included; and
- (d) it does not include junior employees under 15.⁴

[12] On this basis ABI submits that it is not possible to identify with any certainty the precise effect these issues have on the Relevant Figure. ABI concedes that a minority of junior employees are engaged above Level 1.

[13] The NRA also notes that:

'(a) when asked if there was any way of knowing whether some employees who identified themselves as 'store persons' (Retail Employee Level 1) operated forklifts (Retail Employee Level 2), Dr O'Brien's evidence was that:

- (i) this was impossible to determine "without asking the individuals filling out the form"; and

⁴ ABI submission, 11 November 2020 at [9.1] – [9.2].

(ii) “(he) couldn’t get into the thought process of the person filling out the census form to be able to say that a forklift driver would not have filled out that they were a store person”.⁵

Q6. The SDA is invited to respond to the above submission.

Survey Report

[14] ABI and the SDA both observe that the survey analysis is based on very few responses and should receive little, or no, weight. To the extent that the survey is regarded as providing some anecdotal evidence the Full Bench is minded to take any finding from the survey, it should limit such findings to matters which are in any event uncontroversial such as:

- (a) the majority of junior employees are employed at Level 1;
- (b) there is a minority of junior employees at Levels 2 and above.

Q7. Does any party take issue with the above summary?

Information Note – Junior Rates

[15] On 5 November 2020 an [information note](#) on junior rates, prepared by Commission staff, was published. That information note sets out the results of research into which awards contain a junior rates clause, and whether a clause dealing with junior rates limits the application of those rates.

[16] The SDA has analysed the Information Note—Junior rates, published by the Commission.

Q8. Do the other parties take issue with the SDA’s analysis?

[17] At [1.17] – [1.23] the NRA deals with the interaction of junior minimum rates and apprentice minimum rates.⁶

Q9. Does any party take issue with the NRA’s analysis?

Additional questions

[18] The SDA’s merit argument is essentially the proposition ‘that the adoption of junior rates in the *General Retail Industry Award* (GRIA) was not based on a consideration of the merits of the rates introduced, and that further insofar as it was based upon pre-existing awards there was an error in the information used by the Full Bench when assessing those awards.’⁷

[19] The SDA contends that in particular, ‘the Full Bench operated on an incorrect basis in that two major and one significant award upon which the GRIA was based did not have junior

⁵ NRA submission, 11 November 2020 at [1.16], citing Transcript, 8 October 2019 at PN163 – PN164.

⁶ NRA submission, 11 November 2020.

⁷ SDA submission, 11 November 2020 at [4].

rates above the general shop assistant rate (paragraphs 44-54 of the submissions). Those awards were the Victorian Shops Award, the New South Wales Shops Award and the Retail and Wholesale Industry Award in the ACT'.⁸

Q10. The SDA is invited to elaborate on this merit argument and other parties will be invited to respond.

[20] The SDA contends that 'in the 2010 decision which dealt with junior rates in respect of the GRIA ([2010] FWCFB 305) the Full Bench did not deal with the SDA's claim in respect of junior employees who were not tradespersons'.⁹

Q11. Does any other party dispute this contention?

[21] At [17] of its submission the SDA responds to ABI's earlier submission, as follows:

'The ABI makes the submission that there may be a number of reasons why employers employ juniors above Level 1. In particular they suggest that this might be simply because juniors are entitled to a lower level of remuneration. This is not a sound reason for retaining the junior rates. Junior rates should be established on the grounds that junior employees are of less value because of their lack of experience. An employer who appoints a junior to do the work at above Level 1 must do so because the work is not Level 1 work but work which comes within the higher classification. To justify a lower rate for juniors in the award because employers would wish to appoint a junior to save money is discriminatory against older workers as well as juniors.'

Q12. Question for ABI: What does ABI say in response to the above submission?

[22] On 11 November 2020, the SDA and ABI filed a [joint report](#) in response to Question 9 in the *October 2020 Statement*. The joint report is set out **Attachment A** of this Information Note. The parties note that certain matters in the joint report do not reflect an agreed or conceded position as between the SDA and the ABI.

Q13. The parties will be invited to make oral submissions on the disputed matters in the joint report.

Q14. In the event the Full Bench decides to grant the SDA's application in whole or part, what do the parties submit in relation to the operative date of any such variation?

⁸ Ibid, at [7].

⁹ Ibid, at [6].

ATTACHMENT A: ABI and SDA Joint Report

Fair Work Commission: 4 yearly review of modern awards

AM2017/60 - 4 YEARLY REVIEW OF MODERN AWARDS - GENERAL RETAIL AWARD 2020

JOINT PAPER

AUSTRALIAN BUSINESS INDUSTRIAL

AND -

SDA

DATE 11 NOVEMBER 2020

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1. AWARD MODERNISATION FULL BENCH DECISIONS, SUBMISSIONS AND TRANSCRIPTS

1.1 AM2008/10 - Retail industry

Date	Organisation	Doc type	Extract/ summary of document relevant to question 9						
1 Aug 2008	A.M.I.E.U	A.M.I.E.U. Submissions in respect of the content of the modern Retail Industry Award Paragraph 32-39	<p>E. JUNIOR RATES AND APPRENTICES</p> <p><u>Juniors:</u></p> <p>32. In respect of rates for junior employees, the draft proposed by the SDA contains the following provision</p> <p><i>19.1 Age Based Discounted Rates for Employees under 21 Years of Age apply to the following classifications only</i></p> <ul style="list-style-type: none"> • Retail Worker Level 1 and Level 2 • Salon Assistant • Pharmacy Assistant Levels 1 and 2 • Clerical and Administrative Levels 1, 2 and 3 <p><i>The following percentages of the appropriate classification will apply</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><i>Age</i></th> <th style="text-align: right;"><i>% of adult rate</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: left;"><i>16 years and under</i></td> <td style="text-align: right;"><i>50</i></td> </tr> <tr> <td style="text-align: left;"><i>17 years</i></td> <td style="text-align: right;"><i>55</i></td> </tr> </tbody> </table>	<i>Age</i>	<i>% of adult rate</i>	<i>16 years and under</i>	<i>50</i>	<i>17 years</i>	<i>55</i>
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<i>17 years</i>	<i>55</i>								

			<p>18 years 67.5</p> <p>19 years 80</p> <p>20 years 90</p> <hr/> <p>19.1.2 <i>The Age Base Discounted wages shall be calculated to the nearest 10 cents, less than 5 cents in a result to be disregarded.</i></p> <p>33. The AMIEU notes that the junior rates expressed in the <i>Federal Meat Industry (Retail and Wholesale) Award</i> are as follows:</p> <p>15.5 Junior rates</p> <p><i>Juniors may be employed at the following percentage rates of the adult rate of pay or the appropriate classification in which they are employed:</i></p> <p><i>Under 17 years = 50%</i></p> <p><i>17 to 18 years = 60%</i></p> <p><i>18 to 19 years = 75%</i></p> <p><i>19 to 20 years = 85%</i></p> <p>Note: <i>For juniors employed as clerks or cashiers it is Level 3. For juniors employed as sales assistants it is Level 4. For juniors involved in slaughtering it is Level 2. For juniors as labourers or cleaners it is Level 2.</i></p>
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			<p>34. Under the <i>Federal Meat Industry (Retail and Wholesale) Award</i>, adult rates are payable once an employee turns 20 years of age. The junior rates contained in this award are (mostly) higher than those in the draft Retail Industry Award above.</p> <p>35. The AMIEU submits that junior employees should retain the higher rates found in the <i>Federal Meat Industry (Retail and Wholesale) Award</i>. Whilst this Union understands the benefit for such financial incentives for employing and training young workers, equity considerations are also important here. In practice, many juniors are expected to perform substantially the same task as an adult [A genuine exception is found in the note to above clause, which permits junior slaughterers to also be paid at a lower classification as well as a discounted rate, but this would not be a consideration for the retail sector.]</p> <p>36. The AMIEU’s preferred position is that age-discounted rates should not apply anywhere unless there is a genuine situation in which workload or performance expectations are lower than for an adult performing the same role. Any junior performing a task at the same level of competence as an adult worker should be paid at adult rates. However, the AMIEU believes that, at an absolute minimum, age-discounted rates should be maintained at those already existing in the retail meat sector:</p> <p>37. Accordingly, the AMIEU submits that the table in clause 19.1 should read:</p> <table border="1" data-bbox="987 863 1406 1235"> <thead> <tr> <th><i>Age</i></th> <th><i>% of adult rate</i></th> </tr> </thead> <tbody> <tr> <td><i>16 years and under</i></td> <td><i>50</i></td> </tr> <tr> <td><i>17 years</i></td> <td><i>60</i></td> </tr> <tr> <td><i>18 years</i></td> <td><i>75</i></td> </tr> <tr> <td><i>19 years</i></td> <td><i>85</i></td> </tr> <tr> <td><i>20 years and over</i></td> <td><i>100</i></td> </tr> </tbody> </table> <p>38. The AMIEU submits inserted: that a clause 19.1.3 be</p> <p>“<i>Age-discounted rates shall not apply to any employee who performs his or her work at the same rate and competence expected of an adult employee will</i></p>	<i>Age</i>	<i>% of adult rate</i>	<i>16 years and under</i>	<i>50</i>	<i>17 years</i>	<i>60</i>	<i>18 years</i>	<i>75</i>	<i>19 years</i>	<i>85</i>	<i>20 years and over</i>	<i>100</i>
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			<p><i>be paid the full rate for their respective classification, regardless of age.”</i></p> <p>39. The AMIEU submits that the above should apply generally to the retail stream.</p>
1 Aug 2008	SDA	<p><u>SDA Submission – AM2008/10 (1 August 2008)</u></p> <p>Pages 12-16</p>	<p>Age Based Discounted Rates of Pay for Employees Under 21 Years</p> <p>The SDA notes that whilst s.576J(1)(a) refers to the concept of “<i>wage rates for junior employees</i>” there is no necessity to describe a clause which provides for wage rates for junior employees as a junior rates clause. The SDA draws specific attention to the National Fast Food Retail Award 2000 which at clause 15.2.2 correctly describes the phenomenon of junior rates as age-based discounted rates. The SDA has used this title in the proposed modern award for the retail industry. This title clearly identifies the purpose of these rates. They are discounted and they are discounted merely and solely because of the age of the employee.</p> <p>The Workplace Relations Act makes specific mention of age based discounted rates of pay in s.576J on the basis that “<i>a modern award may include terms about any of the following matters</i>” “<i>minimum wages (including wage rates for junior employees..)</i>”. This particular mention in s.576J(1)(a) is the only mention within the list of allowable award matters in relation to junior employees. Section 576J(3) defines a junior employee as being an employee who is under the age of 21.</p> <p>The specific language of s.576J is that an award may include provisions relating to rates of pay for junior employees but quite clearly a modern award does not have to include rates of pay for junior employees which are less than the rates of pay for senior employees. The award modernisation request from the Minister does not direct the Commission to include age based discounted rates of</p>

		<p>pay for junior employees in a modern award. In fact the award modernisation request directs the Commission to look at a number of issues which may impact upon whether or not a modern award should or will include age based discounted rates of pay for junior employees. At paragraph 3(b), one of the matters which the Commission must have a regard to in creating a modern award, is <i>“protecting the position in the labour market of young people”</i>.</p> <p>In addition, the Commission must also have regard to matters relating to discrimination as set out in paragraph 3(b) of the Ministerial request which requires that the Commission must have regard to <i>“the need to help and prevent and eliminate discrimination on the grounds of”</i> amongst other things, ‘age’ and also <i>“to promote the principle of equal remuneration for work of equal value”</i>.</p> <p>Whilst junior rates of pay, as they have traditionally appeared in awards, may be a mechanism which makes the employment of young people attractive to employers, junior rates of themselves do not necessarily protect the position in the labour market of young people and very clearly, junior rates of pay do not promote the principle of equal remuneration for work of equal value and junior rates of pay are clearly discrimination on the grounds of age.</p> <p>Given the mandatory requirement of the Ministerial request in that the Commission must have regard to matters set out in paragraph 3 of the Ministerial request, it would appear that the mere repetition of junior rate clauses into modern awards from pre-existing federal awards or from NAPSAs is not an option. The Commission must have regard to a range of factors concerning whether or not, and in what form, minimum rates of pay for junior employees should be presented in a modern award.</p>
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		<p>The SDA has approached the issue of rates of pay for junior employees in a pragmatic manner.</p> <p>Clearly employers have built cost structures around the significant use of junior employees on existing junior rates of pay.</p> <p>This is not to say that such use is either fair or reasonable, but rather it is a reflection of the manipulation of junior rates provisions by the retail industry that junior employment on junior rates is a significant feature of the retail industry and that junior rates of pay play a significant role in determining the cost structure for employers.</p> <p>The SDA has examined the various junior rates of pay appearing in the several federal awards and NAPSAs relating to the retail industry. The SDA has structured an <u>Age Based Discounted Rates of Pay for Employees under 21 Years</u> clause which provides for rates which reflect the Victorian Shops Award approach to junior rate percentages, i.e.</p> <p>For an employee 16 years and under, the junior rate of pay is 50% of the adult rate:</p> <table border="1"><tr><td>at age 17</td><td>55%,</td></tr><tr><td>age 18</td><td>67.5%,</td></tr><tr><td>age 19</td><td>80 and</td></tr><tr><td>age 20</td><td>90%.</td></tr></table>	at age 17	55%,	age 18	67.5%,	age 19	80 and	age 20	90%.
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		<p>In the Victorian Shops Award history, the removal of rates below 50% occurred over forty years ago. The SDA is not certain as to why such odd rates at the 55% and the 67.5% exist, however, it is apparent that they have been a feature of the Victorian Shops Award for many decades.</p> <p>In using the Victorian Shops Award junior rates clause, the SDA is conscious that this specifically eliminates the 40% junior rate that does appear in the New South Wales NAPSA. The SDA is of the very strong view that there cannot be any justification for an age based discounted rate of pay for an employee under 16 years as low as 40% of the adult rate. There appears to be no justification offered for the need for a 40% junior rate, nor is there any apparent history which justifies that position in relation to the New South Wales NAPSA.</p> <p>The SDA also notes that in the Northern Territory Retail Award that the minimum existing junior rate is 60% of the adult rate and other awards also have higher junior rates than what is proposed for the Modern Award. Balance is required and the SDA's Modern Award achieves that necessary balance..</p> <p>The SDA has also included in its proposed Age Based Discounted Rates of Pay for Employees under 21 Years clause, specific identification of the classifications to which age based discounted rates will apply. In relation to the hairdressing and beauty, community pharmacy and clerical administrative streams, the SDA has reflected the existing practice in the awards applying in those streams where existing junior rates have limited application to a specified number of levels within each stream. This reflects, if nothing else, the reality that junior workers, i.e. workers under the age of 21, who are performing higher grade work in any of those three streams, are entitled to be</p>
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		<p>paid the adult rate of pay. This, if nothing else, is consistent with the concept of equal remuneration for work of equal value.</p> <p>In relation to the retail stream, the SDA has specified in our Age Based Discounted Rates of pay for Employees under 21 Years clause that age based discounted rates are limited to employees at Retail Worker Levels 1 and 2. This is consistent with both creating a wage structure which allows for young people to enter the workforce at a discounted rate of pay, even where they may be performing full functions and duties at that classification level and may even be performing their work at a higher level and at a better rate than an adult at the same classification level.</p> <p>In this sense, age based discounted rates at Levels 1 and 2 are a deliberate discount on the value of work for many junior employees. They may have justification as an introductory rate for some junior employees, but as they apply for the entire employment of a junior employee at Levels 1 and 2, they will quite clearly cover periods of employment where the junior is providing work at a comparable or at an equal value to that of an adult but will receive less remuneration than an adult. This inequity has been a feature of the operation of junior rates of pay so far. The SDA has, however, identified within our Age Based Discounted Rates of Pay for Employees under 21 Years clause that work at Retail Worker Levels 3 and above carries with it such a degree of skill and responsibility that it is inappropriate for age based discounted rates to be applied. These levels are not introductory levels into the retail industry, they are only achieved after employment within the industry and therefore a person under the age of 21 who is employed at Levels 3 and above should have an absolute right to receive equal remuneration for work of equal value. The reality is that</p>
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		<p>no junior employee will be employed at Levels 3 and above unless they are fully competent and are able to either perform at the same level as an adult or even out-perform an adult.</p> <p>The SDA also draws attention to the proviso at clause 15.2.2. of the National Fast Food Retail Award. This proviso provides a far more fair application of age-based discounted rates than is found in most other awards of the Australian Industrial Relations Commission.</p> <p>One of the broad rationales for having aged-based discounted rates is that in order to protect the position of junior employees in the labour market, it is necessary to provide employees with a wage incentive to employ junior workers. The rationale often used to justify the existence of age-based discounted rates is that a junior employee lacks work experience or lacks the proper work ethic so that any employer who employs a junior employee cannot expect full value for the adult wage out of a junior employee whilst they are both gaining basic work experience and acquiring a basic work ethic.</p> <p>This rationale is not sound in the case of most junior employees but completely fails once employers promote junior employees into positions above entry level, including where employers give higher duties or acting promotions to junior employees. The proviso in clause 15.2.2 of the National Fast Food Retail Award recognises the reality that no employer will promote or permit a junior employee to perform high duties in a more senior or supervisory capacity unless the employer is fully satisfied that they are getting full value out of that employee at that higher wage rate. If an employer has such confidence in a junior employee that they are prepared to promote them, either permanently or more importantly, temporarily, then there must be recognition given</p>
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		<p>to the fact that the junior employee, if they then return to their substantive entry level position, should no longer be treated as being on a learning curve trying to gain both work experience and a work ethic. The proviso in clause 15.2.2 requires that once a junior employee has performed higher duties at a higher level and on return to their entry level position, they must be paid the full adult rate of pay.</p> <p>This clause is absolutely consistent with the current Ministerial request at paragraph 3(e) which requires the Commission in making a modern award and exercising its powers under the Act “<i>to promote the principle of equal remuneration for work of equal value</i>”.</p> <p>Notwithstanding the merits of the proviso at clause 15.2.2 of the National Fast Food Retail Award, the SDA recognises that most, if not all, retailers simply do not have this view nor has it been a view supported by the Australian Industrial Relations Commission in the creation of awards other than in the National Fast Food Retail Award. On that basis, the age-based discounted rates clause proposed by the SDA does not include this proviso. This constitutes, in our view, a significant concession to employers and recognises the practical reality of creating an age-based discounted rates clause which contains swings and roundabouts. The absence of the proviso from clause 15.2.2 of the National Fast Food Retail Award is clearly a concession to employers and one which operates against the interests junior employees but one in which the SDA is of the view meets the practical realities of the current state of the retail industry.</p>
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<p>1 Aug 2008</p>	<p>SDA</p>	<p>SDA Draft Retail award</p>	<p>19. AGE BASED DISCOUNTED Rates</p> <p>19.1 Age Based Discounted Rates for Employees under 21 Years of Age apply to the following classifications only</p> <ul style="list-style-type: none"> • Retail Worker Level 1 and Level 2 • Salon Assistant • Pharmacy Assistant Levels 1 and 2 • Clerical and Administrative Levels 1, 2 and 3 <p>The following percentages of the appropriate classification will apply:</p> <table border="1" data-bbox="741 788 1238 1062"> <thead> <tr> <th>Age</th> <th>% of adult rate</th> </tr> </thead> <tbody> <tr> <td>16 years and under</td> <td>50</td> </tr> <tr> <td>17 years</td> <td>55</td> </tr> <tr> <td>18 years</td> <td>67.5</td> </tr> <tr> <td>19 years</td> <td>80</td> </tr> <tr> <td>20 years</td> <td>90</td> </tr> </tbody> </table> <p>19.1.2 The Age Base Discounted wages shall be calculated to the nearest 10 cents, less than 5 cents in a result to be disregarded.</p>	Age	% of adult rate	16 years and under	50	17 years	55	18 years	67.5	19 years	80	20 years	90
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16 years and under	50														
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20. Apprentices

20.1 Hairdressing and Beauty

20.1.1 The minimum award rates of pay for apprentices completing a 4 year apprenticeship are:

Year of Apprenticeship	Hairdresser Rate %
1st year -	42
2nd year	55
3rd year	75
4th year	90

20.1.2 The minimum award rates of pay for apprentices completing a 3 year apprenticeship are:

Year of Apprenticeship	Hairdresser Rate %
1st year -	35
	42
2nd year	55
3rd year	77
4th year	100

Note: Where an apprentice has reached the age of 21 years and the appropriate apprenticeship rate would not be equal to at least the rate for an

adult employee engaged as a Salon Assistant he/she shall be paid the rate for an employee at that level

20.1.3 Pre Apprentices - Hairdressing

Year of Apprenticeship	Hairdresser Rate %
First 6 months	40
Next 12 months	55
Next 12 months	70
Final 12 months	85

20.1.4 The ratio of apprentices to tradespeople in each salon is to be one apprentice to each appropriately qualified person. For the purpose of this ratio, fourth year apprentices are considered to be qualified.

20.1.5 Hairdressing Trainees

The minimum award rates of pay for hairdressing trainees are:

Hours of training completed	Hairdresser Rate %
(i) Completed less than 1000 hours of full time accredited training	55

(ii) Completed at least 1000 75
 hours but less than 2000
 hours of full time accredited
 training

20.1.6 Hairdressing Graduate

The minimum award rates of pay for hairdressing graduates are:

Classification	Hairdresser Rate %
Hairdressing Graduate	92.5

20.2 Pastrycooks

Year of Apprenticeship	Tradesperson Rate %
1st year	50
2nd year	65
3rd year	80
4th year	95

20.3 Bakers

Year of Apprenticeship	Tradesperson Rate %
1st year	45

			<p>2nd year 57</p> <p>3rd year 75</p> <p>4th year 85</p> <hr/> <p>20.3.1 Increased rates of pay for proficiency</p> <p>Where in any year of the apprenticeship course, an apprentice attains the standard of proficiency prescribed in 15.4.4, the apprentice shall:</p> <p>20.3.1(a) where the apprentice has attained that standard for the first time be paid for the next succeeding year the sum of \$2.74 per week, in addition to the prescribed minimum weekly wage;</p> <p>20.3.1(b) where the apprentice has attained that standard for the second time be paid for the next succeeding year the sum of \$3.53 per week, in addition to the prescribed minimum weekly wage;</p> <p>20.3.1(c) where the apprentice has attained that standard for the third time be paid for the next succeeding year the sum of \$4.12 per week, in addition to the prescribed minimum weekly wage.</p> <p>20.4 Florists</p> <hr/> <table> <thead> <tr> <th>Year</th> <th>of</th> <th>Tradesperson Rate</th> </tr> <tr> <th>Apprenticeship</th> <th>%</th> <th></th> </tr> </thead> <tbody> <tr> <td>1st year -</td> <td></td> <td>50</td> </tr> </tbody> </table>	Year	of	Tradesperson Rate	Apprenticeship	%		1st year -		50
Year	of	Tradesperson Rate										
Apprenticeship	%											
1st year -		50										

			2nd year	70
			3rd year	80
		20.5	Meat	
			Year	of Tradesperson rate
			Apprenticeship	%
			1st year -	50
			2nd year	65
			3rd year	85
			4th year	95

1 Aug 2008	ARA	ARA Submission (pages 26-27)	<p>Minimum rates for junior employees</p> <p>9.16 Reproduced below is a table summarising the junior percentages from each of the major retail instruments in each State and Territory.</p> <p>9.17 While there are some differences, the New South Wales scale represents both the most common structure (it is mirrored in the ACT and WA and to some extent SA) and also represents a middle ground position between, for example, the more generous NT approach and the less generous approaches in Victoria and Tasmania.</p> <table border="1" data-bbox="638 815 1644 1230"> <thead> <tr> <th></th> <th>ACT</th> <th>NSW</th> <th>NT</th> <th>Qld</th> <th>SA</th> <th>Tas</th> <th>Vic</th> <th>WA</th> </tr> </thead> <tbody> <tr> <td><16 yrs</td> <td>40%</td> <td>40%</td> <td></td> <td>45%</td> <td></td> <td></td> <td></td> <td>40%</td> </tr> <tr> <td>16 yrs</td> <td>50%</td> <td>50%</td> <td>60%</td> <td>50%</td> <td>50%</td> <td>50%</td> <td>50%</td> <td>50%</td> </tr> <tr> <td>17 yrs</td> <td>60%</td> <td>60%</td> <td>70%</td> <td>55%</td> <td>60%</td> <td>54.5%</td> <td>55%</td> <td>60%</td> </tr> <tr> <td>18 yrs</td> <td>70%</td> <td>70%</td> <td>80%</td> <td>65%</td> <td>70%</td> <td>67.5%</td> <td>67.5%</td> <td>70%</td> </tr> <tr> <td>19 yrs</td> <td>80%</td> <td>80%</td> <td>90%</td> <td>75%</td> <td>80%</td> <td>79.5%</td> <td>80%</td> <td>80%</td> </tr> <tr> <td>20 yrs</td> <td>90%</td> <td>90%</td> <td>100%</td> <td>85%</td> <td>90%</td> <td>83%</td> <td>90%</td> <td>90%</td> </tr> </tbody> </table> <p>9.18 We note that for some employers and employees this will represent a</p>		ACT	NSW	NT	Qld	SA	Tas	Vic	WA	<16 yrs	40%	40%		45%				40%	16 yrs	50%	50%	60%	50%	50%	50%	50%	50%	17 yrs	60%	60%	70%	55%	60%	54.5%	55%	60%	18 yrs	70%	70%	80%	65%	70%	67.5%	67.5%	70%	19 yrs	80%	80%	90%	75%	80%	79.5%	80%	80%	20 yrs	90%	90%	100%	85%	90%	83%	90%	90%
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			<p>significant change in terms of ultimate wages outcomes for junior employees. For this reason, it is important that the transition period be utilised to mitigate against any disadvantage to either employers or employees.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Recommendation 6: Minimum junior rates We recommend that the modern retail award contain a provision in relation to junior percentages and that the appropriate sliding scale should be that which currently applies in New South Wales.</p> </div>
1 Aug 2008	Commerce Queensland	Submissions	<p>4.4 JUNIOR RATES</p> <p>4.4.1 There are currently junior rates contained in the award. It would be our intention to seek to include junior rates in this industry award.</p>
1 Aug 2008	NSW Government	Submissions (footnotes excluded)	<p>Why specific NSW Award provisions should be preserved</p> <p>68. As noted above at para 8, awards are the primary means of setting fair and just conditions in the NSW industrial relations jurisdiction. The common rule nature of NSW awards ensures that they set the industry standard deployed by all industrial parties within the scope of the award. The broad scope of matters capable of being regulated by NSW awards means that the NSW awards in priority industries, contain a large range of matters above and beyond the community standards described in the previous section.</p> <p>69. Given the nature of the NSW award-making process, these provisions have been subject to extensive processes of evidence, submissions, testing and deliberation by the IRC, the parties, and</p>

		<p>other interested bodies prior to their inclusion in the relevant award. They have become an accepted and necessary part of the machinery of regulating the industry and should therefore be respected as such by the award modernisation process.</p> <p>70. The NSW Government submits that protections provided to workers under existing NSW award provisions should not be undermined by the Award Modernisation process.</p> <p>71. In support of this contention, a number of observations should be made. Firstly, most such award provisions demonstrate that, characteristic of State awards, both the awards themselves and the respective clauses under consideration have a long history. This suggests that these awards and provisions are both durable and relevant.</p> <p>72. In addition, most of these clauses have seldom been the subject of applications for variation, have remained in the respective instruments over a very long time and more often than not, deal with matters which are of some practical real significance to the employment of persons in the respective industries.</p> <p>73. It will be noted that, save for test case provisions, many such provisions are not uniform although they may deal with similar subject matters. They arise at different times in different industries. When combined with the fact that the provisions were inserted by consent, it is reasonable to conclude that the provisions have a particular resonance in the industry or occupational area in which the award operates. Despite their longevity, these provisions plainly have a practical relevance to the particular industries and have arisen from enterprise bargaining within those industry sectors. That bargaining process, however, is consistent with the operation</p>
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		<p>of the New South Wales system. Many such clauses would have been the subject of an application by a party or parties and often times the subject of quite extensive negotiation and conciliation processes before the IRC before an agreement is reached which resulted in a consent award.</p> <p>74. It should also be remembered that the IRC reviews awards at regular intervals. That review is undertaken under s 19 of the IR Act. That section sets out the factors the IRC must have regard to in reviewing the award. Furthermore, the IRC has given various decisions over time elaborating upon the factors relevant to the review of the awards. Most NSW awards, and therefore the provisions which they contain, have been the subject of many reviews since the inception of s 19. That has a real significance at two levels. Firstly, in terms of the New South Wales criteria, these are relevant and ongoing provisions. Secondly, it demonstrates that the clauses have a vitality in that they are seen to be clauses that are not obsolete and which satisfy the criteria set out in s 19. It is equally relevant that the parties have actively participated in those review processes and the clauses have, nonetheless, survived.</p> <p>75. It is the NSW Government's submission that the Workplace Relations Act provides the Commission with ample scope to retain a wide range of NSW award provisions. Section 576J(2) of the Workplace Relations Act provides the Commission with a broad discretion to include 'terms about any other matter specified in the award modernisation request to 15 which the modern award relates' among the terms of the modern award. Further, modern awards (together with the NES) '...must provide a fair minimum safety net of enforceable terms and conditions for employees...'</p>
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			<p>and the Request provides that the creation of modern awards is not intended to disadvantage employers or employees.</p> <p>76. Further, the Request provides that ‘a modern award may include industry-specific detail about matters in the NES’15, and that ‘a modern award may supplement the NES where the Commission considers it necessary to ensure the maintenance of a fair minimum safety net for employees covered by the modern award, having regard to the terms of this request and the existing award provisions (including under NAPSAs) for those employees..’ . \</p> <p>77. On this basis, the NSW Government submits that the full range of conditions in the relevant NSW awards be included in the modern industry award(s). With regard to the Commission’s obligation to remove state-based differences, the NSW Government reiterates its earlier submission that ‘..dealing with issues raised by differing State community standards would be most appropriately dealt with in the medium term, having regard to the five year transition period provided for by s576T(2)...’</p>
1 Aug 2008	National Retailers Association and Australian national	Submissions	<p>(h) Junior percentages</p> <p>67. There has been substantial discussion at an industry and government level about the ongoing nature of junior rates of pay. At the end of this discussion it was determined that the most appropriate outcome was to maintain current rates.</p> <p>68. NRA and ANRA support the maintenance of this approach, with state based differentials in junior percentages being maintained.</p>

	Retailers Association		
19 Aug 2008	National Retailers Association and Australian national Retailers Association	Submissions in reply	<p><i>Junior percentages</i></p> <p>23. At PN 850 & 851 of the transcript Ms Burnley states:</p> <p><i>“... the NRA and ANRA position regarding junior rates is interesting in that they’re wanting to maintain the approach that each state has and maintain them on a state differential.</i></p> <p><i>I could almost be tempted to agree to that now because from my understanding is that state differentials are removed from awards after five years and if that’s the proposition that the state differentials are removed after five years and there’s no junior rates or age discounted rates we’d be quite happy to accept that proposition.”</i></p> <p>24. NRA and ANRA support the maintenance of state differentials <i>initially</i>. At the end of the five year transition period we support the universal application of the New South Wales junior rates provisions.</p>
29 Aug 2008	SDA	Submissions in reply to ANRA/NRA Final page	<p>The NRA/ANRA have only now revealed their full position on Junior Rates. It is disappointing to note they have selected the lowest position. It is interesting to again highlight that the NRA/ANRA have sought agreement conditions on items such as casual loading, span of hours etc. but have not chosen to adopt junior percentages out of agreements. Most agreements have the lowest rate starting at 50%. The agreements also have a 20 year old on the full adult rate.</p>

12 Sep 2008	AIRC	Exposure Draft Retail Industry Award 12 Sep 2008	<p>Clauses</p> <p>18. Junior rates Junior employees will be paid the following percentage of the appropriate wage rate in clause 16:</p> <table data-bbox="784 494 1456 877"> <thead> <tr> <th>Age</th> <th>% of adult amount of pay</th> </tr> </thead> <tbody> <tr> <td>Under 16 years of age</td> <td>45</td> </tr> <tr> <td>16 years of age</td> <td>50</td> </tr> <tr> <td>17 years of age</td> <td>60</td> </tr> <tr> <td>18 years of age</td> <td>70</td> </tr> <tr> <td>19 years of age</td> <td>80</td> </tr> <tr> <td>20 years of age</td> <td>90</td> </tr> </tbody> </table> <p>19. Apprentices</p> <p>19.1 The minimum award rates of pay for apprentices completing a four year apprenticeship are:</p> <table data-bbox="784 1053 1456 1276"> <thead> <tr> <th>Year of apprenticeship</th> <th>% Retail employee Level 4</th> </tr> </thead> <tbody> <tr> <td>1st year</td> <td>50</td> </tr> <tr> <td>2nd year</td> <td>60</td> </tr> <tr> <td>3rd year</td> <td>80</td> </tr> </tbody> </table>	Age	% of adult amount of pay	Under 16 years of age	45	16 years of age	50	17 years of age	60	18 years of age	70	19 years of age	80	20 years of age	90	Year of apprenticeship	% Retail employee Level 4	1st year	50	2nd year	60	3rd year	80
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9 Oct 2008	Tasmanian Chamber of	Submissions - regarding exposure draft	18. JUNIOR RATES																				

Commerce and Industry		<p>Under the RIA, junior rates are set as a percentage of the adult rate which would otherwise apply if the employee was not a junior. Most of the NAPSA's have set junior rates as a % of a designated level, regardless of what duties the junior employee is performing.</p> <table border="1" data-bbox="712 485 1579 1034"> <thead> <tr> <th data-bbox="712 485 976 544">NAPSA</th> <th data-bbox="976 485 1579 544">Levels from which Junior rates are calculated</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 544 976 660">Automotive Industries Award</td> <td data-bbox="976 544 1579 660">Level 3 – clerical, counter sales Level 1 – all other tasks</td> </tr> <tr> <td data-bbox="712 660 976 836">Baking Industry Award</td> <td data-bbox="976 660 1579 836">Level 2 – Production Level 4 – Sales Level 3 – Clerical</td> </tr> <tr> <td data-bbox="712 836 976 1034">Clerical and Administrative Employees (Private Sector) Award</td> <td data-bbox="976 836 1579 1034">Level 1A – Clerical Assistant Level 2A – all other tasks</td> </tr> </tbody> </table> <table border="1" data-bbox="712 1091 1579 1300"> <thead> <tr> <th data-bbox="712 1091 976 1150">NAPSA</th> <th data-bbox="976 1091 1579 1150">Levels from which Junior rates are calculated</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 1150 976 1300">Hairdressing, Health and Beauty Industry Award</td> <td data-bbox="976 1150 1579 1300">Salon Assistants Salon Coordinators</td> </tr> </tbody> </table>	NAPSA	Levels from which Junior rates are calculated	Automotive Industries Award	Level 3 – clerical, counter sales Level 1 – all other tasks	Baking Industry Award	Level 2 – Production Level 4 – Sales Level 3 – Clerical	Clerical and Administrative Employees (Private Sector) Award	Level 1A – Clerical Assistant Level 2A – all other tasks	NAPSA	Levels from which Junior rates are calculated	Hairdressing, Health and Beauty Industry Award	Salon Assistants Salon Coordinators
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Hairdressing, Health and Beauty Industry Award	Salon Assistants Salon Coordinators													

				Meat Processing Industry Award	Level 2	
				Meat Retailing	Level 1	
				Restaurant Keepers	Percentage of the appropriate adult rate	
				Retail Pharmacy	Percentage of the appropriate adult rate	
				Retail Trades	Level 2	
10 Oct 2008	SDA	Submissions - regarding exposure draft	<p><u>SDA Submission to AIRC Consultation</u></p> <p>Draft Exposure AM2008/10 (October 2008)</p> <p>PN35-51</p> <p>JUNIOR RATES (CLAUSE 18)</p> <p>35. The exposure draft allows every employee under the age of 21 to be paid a reduced rate. This could not possibly have been the intention. Given the broadness of the classification structure a large number of issues arise from the current form of drafting.</p> <p>36. A qualified tradesperson sits at Retail Employee Level 4. A twenty year old could be fully qualified as a tradesperson but under the current drafting receive only 90% of the Level 4 rate.</p> <p>37. The SDA also believes that it could have been intended to apply to the more senior supervisory classifications in retail or to the senior clerical and administrative levels.</p>			

		<p>38. The cut off point needs to be set no higher than the tradesperson level, although the SDA is of the very strong view that the level of seniority of work and/or supervision exercised at Retail Employee Level 3 clearly warrants payment of the full wage rate set for that level without any discounting because of the age of the employee.</p> <p>39. No employee will be permitted to work at Retail Employee Level 3 unless the employer has confidence that the employee (including an employee under the age of 21) is fully competent to perform the tasks of the job. No job within Retail Employee Level 3 is introductory work, or work requiring close and personal supervision or work requiring constant on the job training, which are the hallmarks of jobs which it is often claimed justify the payment of lower than adult wage rates to junior employees.</p> <p>40. Additionally the presence within Retail Employee Level 3 of the job title of Senior Loss Prevention Officer and Armed Loss Prevention Officer give a clear indication that at this level junior rates are simply unwarranted. As an example, under Victorian law a person aged 18 can be employed as an Armed Loss Prevention Officer and the responsibility that goes with this job warrants payment of adult rates of pay.</p> <p>41. The appropriate additional wording to be added to Clause 18 is:</p> <p style="padding-left: 40px;">“Provided that an employee employed at or above Retail Employee Level (3 or 4) must be paid the adult rate of pay.”</p> <p>42. The SDA had proposed separate streams for some sections of the Retail industry. The Commission has however developed one all encompassing classification structure.</p>
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		<p>43. The SDA is not seeking to argue for separate streams again but one of the consequences of the all encompassing structure is that even if the Commission adopted the above exclusions of junior rates from a certain classification level upwards, some particular classifications could have junior percentages applied where this has not been the practice of previous awards. In the Hair and Beauty Awards junior rates only applied to employees under 18 and then only to salon assistants. Employees with a qualification received the full rate regardless of age. To overcome this, specific reference should be made to the classifications within Retail Worker level 1 to exclude the application of junior rates.</p> <p>44. The additional wording to do this is simple, “Provided also that any other person holding an AQF Cert II in Nail Technology or MakeUp Artist will be paid the adult rate.” This type of wording prevents the extension of junior rates into traditionally junior rate free classifications.</p> <p>45. There is a similar but reversed issue in relation to the operation of Clause 19.3. It appears that this provision has been inserted into the Modern Award to replace the provisions in the Community Pharmacy Award which provided for separate classification of Pharmacy Students employed in Community Pharmacy.</p> <p>46. The replacement of the Pharmacy Student classification with the provision of a percentage payment of the Level 9 rate of pay achieves the same result.</p> <p>47. However as constructed it appears that a university student employed in fast food is now entitled to be paid a percentage of the Level 9 rate of pay which will mean that some university students in fast food will earn more than adults paid the Level 1 or Level 2 rate of pay!</p>
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			<p>48. Quite clearly this outcome appears to be unintended!</p> <p>49. The SDA suggests that the wording of Clause 19.3 be amended to read:</p> <p style="text-align: center;">“The minimum award rates of pay for a person who is undertaking the accredited course of study leading to a degree or higher degree which would lead to registration as a pharmacist and who is employed in a community pharmacy are:”</p> <p>50. This proposed wording reflects the existing definition of a Pharmacy Student and provides the necessary level of clarity and certainty that the rates apply to a very small and particular group of university students.</p> <p>51. The SDA does not envisage that there are other categories of university students in retail who would warrant being paid in the same way as currently applies to Pharmacy Students who are required as part of their course of study to undertake work in a Pharmacy environment.</p>
10 oct 2008	National Retailers Association	Submissions - regarding exposure draft	<p>Junior rates</p> <p>42. It was the expectation of employers that the junior rate provisions of the exposure draft would, like other provisions, contain some swings and roundabouts. NRA and ANRA considered that the New South Wales</p> <p>16 junior rates provisions, when compared against other instruments, provided for such swings and roundabouts. This much is evidenced by exhibit SDA 4. In our submission the exposure draft has gone a step further than an appropriate swings and roundabouts approach requires by placing an artificial layer upon the New South Wales provisions.</p>

5 Nov 2008 ORAL SUBS	NRA	Transcripts from Hearing Melbourne	Mr Tindley PN3374 PN3376 Mr Tindley (NRA) If I just turn briefly to some submissions of the SDA in this matter. We note that the SDA submitted that junior rates of pay should be limited to what I would suggest were the lower level classifications under a modern award. In our submission that's not a feature of current instruments and so should be ignored..
	SDA	MS BURNLEY (SDA)	PN3648 Just on classifications and also the intersection with junior rates , the NRA, ANRA at paragraph 42 of their submission complain that there's been an increase in the junior rates of 14 and 15 year olds of 40 per cent to 45 per cent. The SDA submission was that there shouldn't be any body being paid less than 50 per cent given the skills and duties that these young people do perform and in fact we have a different view regarding junior rates , however this isn't the venue in which to address those issues regarding where junior rates should be applied and at what age they should be applied. However, in the scheme of things we could accept the rationalisation which occurred regarding junior rates . PN3649 The NRA go on in their submission to talk about hairdressing and regarding a salon assistant having their rate increased from where it currently exists and this was also raised in the previous consultations however it's not as simple to say that the salon assistant has had a wage increase and has been moved up the pay scale. The other side of that coin is that junior rates for a salon assistant only apply to 15, 16 and 17 year olds. So if you're an 18 year old and you're a salon assistant you get the adult rate which is under the Hairdressing Award. So there is a change in that they are now at the level of a shop assistant, however there is also an interrelating change regarding to the junior rates and that they will be paid as a 20 year old they'll only be paid 90 per cent of the adult rate rather than the 100 per cent rate.

			<p>PN3650</p> <p>Now, yours Honours and Commissioner, I'm almost through my submission which is very surprising and no doubt you might be pleased that it's taken less than 45 minutes so far. I will tender a number of documents regarding roster comparisons and costings and these are based on the ARA rosters that they provided. There has been some work done by various SDA officials around the state, not totally in every state and I do have some and I'll briefly describe them to the Commission and I'll try and tender them in an orderly manner.</p>
19 Dec 2008	AIRC	<p>Decision</p> <p>AM2008/1-12</p>	<p><u>Award Modernisation (AM2008/1-12)</u></p> <p><u>AIRC Decision 19 December 2008 AIRCFB 1000</u></p> <p>Statement concerning all awards issued on 19 December</p> <p>Junior and apprentice rates</p> <p>[71] The federal awards and NAPSAs with which we are dealing contain a very wide range of rates for junior employees and apprentices. The relevant instruments fix percentages of the adult wage for juniors and apprentices based on a host of historical and industrial considerations, most of which can only be guessed at. It is not possible to standardise these provisions on an economy-wide basis, at least not at this stage. We have adopted the limited objective of developing new rates which constitute a fair safety net for each of the modern awards based on the terms of the relevant predecessor awards and NAPSAs. We have attempted to strike a balance as between, in some cases, wildly varying provisions. In the case of junior employees the rates will be expressed</p>

			as a percentage of the rate for the relevant adult classification. In the case of apprentices the rates will generally be expressed as a percentage of the relevant trade rate.
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Date	Organisation	Doc type	Extract/ summary of document relevant to question 9
5 Nov 2009	SDA	SDA Application to Vary GRIA	<p><u>Form R59: SDA Application to vary Clause 18 of the GRIA 2010 under s 576H Workplace Relations Act 1996.</u></p> <p>Variation 1: Clause 18 – Junior Rates</p> <p>Junior percentages should not apply to tradespersons and above rates. A person who is a tradesperson should not be paid less than the full trade rate. As the clause currently stands, tradespeople and higher qualified persons could be paid a lower rate if they are aged 20 or under. The variation seeks to limit the payment of junior rates to persons employed at below the tradesperson level. The justification for junior rates is that they constitute an age based discounted rate on the skill-based rate to take account of the lack of work experience, skill and maturity of junior workers. Employees employed at the level of tradesperson or higher are working at such levels of skill and responsibility that age based discounted wage rates are no longer appropriate.</p> <p>Annexure A</p> <p>Variations to the General Retail Industry Award 2010</p> <p>1. Vary clause 18, so that the words before the table read as follows:</p> <p><i>“Junior employees, employed as a Retail Employee Level 1, 2 or 3, will be paid the following percentage of the appropriate wage rate in clause 17:”</i></p>

20 Nov 2009	NRA	Submission	<p><u>NRA Submission – 20 Nov 2009</u></p> <p>[2] It is our submission that the SDA application is made without any real grounds. This much is clear from the application itself, which provides:</p> <p style="text-align: center;"><i>Grounds upon which the applicants rely</i></p> <p style="text-align: center;"><i>The proposed variation is consistent with the Consolidated Award Modernisation Request issued by the Minister that governs the making and variation of modern awards.</i></p> <p>Variation 1 – Junior rates</p> <p>[6] The SDA, in seeking this variation, is pushing an ideological position which has no place in this process. If the SDA was able to point to current common rule instrument provisions which reflect their proposed variation then the Commission would be entitled to at least consider this. They have chosen not to, for the simple reason that current common rule instruments do not limit junior rates to particular classifications of employees. The Commission has made it clear that it intends, where possible, to reflect current broadly applicable provisions in modern awards. The SDA is seeking something far beyond current provisions, and this should be rejected.</p>
23 Nov 2009	AFEI	Submission	<p><u>AFEI Submission – 23 Nov 2009</u></p> <p>[4] AFEI opposes the union’s application. AFEI notes that the union has provided no grounds in support of its application, other than a bland statement that the variations would be consistent with</p>

			<p>the Minister's Request, without providing any further detail as to this assertion is justified in respect of the specific variations sought by the union.</p> <p>Junior rates</p> <p>[5] The proposed limitation of junior rates to the first three levels of the classification structure in the modern award is inconsistent with the current junior provisions, for example, in the Notional Agreement Preserving Clerical Employees in Retail (State) Award which applies in NSW (the clerical NAPSA). AFEI submits that there is no justification to revisit the modern award junior provisions and disrupt the current arrangements in the clerical NAPSA.</p>
27 Nov 2009	SDA	Submission in reply	<p><u>SDA Reply Submission – 27 Nov 2009</u></p> <p><u>Reply to NRA Submission</u></p> <p>[2] The SDA responds only to the variations the NRA specifically opposed.</p> <p>Variation 1</p> <p>[3] The NRA assertion is merely political posturing and the assertions made have no factual basis. The SDA is unaware of any award allowing tradespeople to be subject to junior percentages. Current retail awards limit the application of junior rates to lower, non-qualified positions.</p> <p>[4] For example, the SDAEA Victorian Shops Interim Award 2000 does not allow junior percentages to apply to Department Managers or Floor Supervisors. (Clauses 14.4, 14.5).</p> <p><u>Reply to AFEI Submission</u></p>

			<p>[18] The SDA notes that the submissions of the AFEI are extremely narrowly focused and that the challenges raised by AFEI are done so by reference to a single transitional award-based instrument in each matter.</p> <p>[19] In a number of areas the AFEI makes the same errors as does the NRA and our response to the NRA submission adequately deals with the AFEI submission.</p>
29 Jan 2010	FWCFB	Decision	<p><u>Decision [2010] FWAFB 305 (29 January 2010)</u></p> <p>[3] In general terms we have considered the applications in line with our general approach in establishing the terms of modern awards. We have had particular regard to the terms of existing instruments. Where there is significant disparity in those terms and conditions we have attached weight to the critical mass of provisions and terms which are clearly supported by arbitrated decisions and industrial merit. We have considered the impact of the provisions based on the information provided by the parties as to current practices. It is convenient to deal with the variations by subject matter.</p> <p>Junior rates</p> <p>[25] The SDA seeks to exclude junior rates from applying to trades classifications. The application is opposed and not supported by underpinning instruments. We reject the application.</p>

2. PRE-REFORM INSTRUMENTS RELEVANT TO THE MAKING OF THE GENERAL RETAIL AWARD 2010

2.1 Main Retail Awards (Federal and State)

Other Federal Awards that applied to Retailing areas

SDA Summary: The following summary represents views of the SDA which are not agreed by ABI and therefore should not be taken to be part of the Joint Report:

In Awards that had Tradespeople a qualified tradesperson received the adult rate. Retail awards mainly didn't have trades provisions (or limited ones).

The Retail awards of the 2 largest States, NSW and Vic had junior rates limited to lower classifications. ACT also had limited junior rates. In the NT award 20 yr olds were paid 100% plus the classification structure was limited to 3 levels (92%-100% classification relativity).

The Meat industry award also limited junior rates to specific classifications. The Airport award 20 yr olds were paid 100%.

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AIRC Industry	Publication Title	Pub ID	State	Clause, title, number	Summary						
Wholesale and retail trade	Retail and Wholesale Industry - Shop Employees - Australian Capital Territory - Award 2000	AP794740		Junior rates - only applied to 5 groupings of employees (see Clause 18.2). CI 18.1 Trades Rate group 12	Qualified trades paid adult rate Junior rates apply to 5 shop assistant groupings						
Northern Territory	Retail, Wholesale and Distributive Employees (NT) Award 2000	AP794741		At 16 yrs or under 60% At 17 yrs 70% At 18 80% At 19 90% At 20 100% (CI 22)	Adult rates at 20 yrs No tradespeople in award Junior rates apply to all levels of classifications Classifications stop at Department manger/ supervisor level (wage levels 92% to 100%)						
Wholesale and retail trade	Shop, Distributive and Allied Employees' Association - Hardware Retail Industry Award 1999	AP798407		15.2 Junior rates Only applied to Level 1 92% level <table border="1"> <thead> <tr> <th>Age</th> <th>Percentage of rate for retail worker grade 1 %</th> <th>Wages per week of 38 hours awarded rate \$</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Age	Percentage of rate for retail worker grade 1 %	Wages per week of 38 hours awarded rate \$				Adult rates at 21 years of age. Junior rates limited to Shop assistant level (92.4%) Grade 1 - A shop assistant, a sales person, an assembler, a demonstrator, a ticket writer, a window dresser,
Age	Percentage of rate for retail worker grade 1 %	Wages per week of 38 hours awarded rate \$									

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Commented [SB1]: This was really a consent award applying to multi employers in hardware, based on Vic Shops so probably shouldn't be included

Commented [JL2R1]: We are not opposed to this award being removed.

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				<table border="1"> <tbody> <tr> <td>16 year s & unde r</td> <td>50</td> <td>271.7 0</td> </tr> <tr> <td>17 year s</td> <td>55</td> <td>298.9 0</td> </tr> <tr> <td>18 year s</td> <td>67.5</td> <td>366.8 0</td> </tr> <tr> <td>19 year s</td> <td>80</td> <td>434.7 0</td> </tr> <tr> <td>20 year s</td> <td>90</td> <td>489.1 0</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	16 year s & unde r	50	271.7 0	17 year s	55	298.9 0	18 year s	67.5	366.8 0	19 year s	80	434.7 0	20 year s	90	489.1 0							a—merchandiser and all others. Grade 2—Trade qualified person
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Wholesale and retail trade	Shop, Distributive and Allied Employees Association - Victorian Shops Interim Award 2000	AP796250		16 yrs/u 50% 17yrs 55% 18 yrs 67.5% 19 yrs 80 20 yrs 90% Only applied to Level 1 (cl 14.2) Grade 2 includes trades (florist) Floor walkers/supervisor etc also paid adult rate (14.5) Acting Manager for week or more paid adult rate (cl 14.4)	Junior rates limited to Shop assistant level (92.4%) Qualified trades paid adult rate																					
Wholesale and retail trade	Shop Employees (State) Award	AN120499	NSW	Junior employees and improver waiters/waitresses shall receive the percentages	Junior rates limited to shop assistant level (92% relativity)																					

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				<p>set out in (iv) of Table 1 Wages of the appropriate adult rate prescribed in Group No. 1 of Table 1 Wages.</p> <p>(Cl 38 (c))</p> <p>Group No 1 is shop assistant etc 92.1% relativity level</p>	
Wholesale and retail trade	Retail Industry Award - State 2004	AN140257	QLD	<p>U/16yrs 45% 16 yrs/u 50% 17yrs 55% 18 yrs 65% 19 yrs 75 20 yrs 85%</p> <p>Applies to all levels of shop assistant and clerks.</p>	<p>Trades: Cook only</p> <p>Junior rates do not apply to Trade Cook</p>
Wholesale and retail trade	Retail Industry (SA) Award	AN150130	SA	<p>17/U yrs 60% 18 yrs 70% 19 yrs 80 or 85% 20 yrs 90%</p>	<p>Trades : Cook only</p> <p>Junior rates do not apply to Trade Cook</p>
Wholesale and retail trade	Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977, The	AN160292	WA	<p>Any workers, whether a junior or adult, employed as a canvasser and/or collector shall be paid the adult male wage. (CL 28 Part III (2))</p> <p>U/16 40% 16 yrs 50% 17yrs 60% 18 yrs 70% 19 yrs 80 20 yrs 90% (cl 28 Part II)</p>	<p>No apprentice or tradespeople covered</p> <p>Junior rates apply to all classifications except canvasser/collector</p>
Wholesale and retail trade	Retail Trades Award	AN170088	TAS	<p>U/17yrs 50% 17yrs 54.5% 18 yrs 67.5% 19 yrs 79.5</p>	Trade Florist only

			20 yrs 83%	Junior rates do not apply to Trade Florist
			Calculated as a percentage of grade 2 - sale assistant, clerical assistant, store person	

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Airport operations	Airport Retail Concessions Award 2003	AP830231	At 16 yrs or under 60% At 17 yrs 70% At 18 80% At 19 90% At 20 100% (CI 15.1.2)	Adult rates at 20 yrs No trades classifications Only one classification at 93% plus incharge allowances (CI 15.1 and 15.4)
Wholesale and retail trade	Commercial Sales (Victoria) Award 1999	AP772623	16 yrs/u 50% 17yrs 55% 18 yrs 67.5% 19 yrs 80 20 yrs 90% No trades Can be engaged at any classification and paid junior rate. Junior rate based off a % of the all other rate.	No trades
Wholesale and retail trade	Commercial Travellers (A.C.T.) Award 2000	AP805733	No junior rates No trades classifications	No Junior rates
Meat industry	Federal Meat Industry (Retail and Wholesale) Award 2000	AP805114	U/17 years = 50% 17 to 18 years = 60% 18 to 19 years = 75% 19 to 20 years = 85% Note: For juniors employed as clerks or cashiers it is Level 3. For juniors employed as sales assistants it is Level 4. For juniors involved in slaughtering	Adult rates at 20 yrs Junior rates limited to classifications with relativity 92% or below (level 3 clerks or cashiers, level

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			it is Level 2. For juniors as labourers or cleaners it is Level 2 (CI 15.5)	4 sales assistants, level 2 for slaughtering, labourers or cleaners.) Qualified trades receive full wage - this includes up to and including level 3 or clerks or cashiers, level for sales assistants, level 2 for slaughtering and level 2 for labourers or cleaners.
Wholesale and retail trade	Video Industry (South Australia) Award 2000	AP822182	16 yrs/u 50% 17yrs 60% 18 yrs 70% 19 yrs 80 20 yrs 90% Only 2 grades, junior rates apply to both grades.	No Trades
Wholesale and retail trade	Video Shops (A.C.T.) Industrial Agreement 1992, The	AP801855	U/16 40% 16 yrs 50% 17yrs 60% 18 yrs 70% 19 yrs 80 20 yrs 90% Applies to the shop assistant rates, which includes temporarily being in charge of the shop	No Trades

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2.2 Underpinning Awards for the GRIA

AIR C Industry	Publication Title	Pub ID	State	Clause, title, number	Summary
Clot hing indu stry	Bootm akers and Heel Bar Operat ives, &c. (State) Award	AN1 200 60	N S W	<p>Clause 4 Monetary rates</p> <p>Cl 4(iii) Junior employees (a) Minimum rate paid to juniors employed in a shop as defined in clause 2, Definitions: Age: 18yrs (70%), 19yrs (80%), 20 yrs (90%).</p> <p>Cl 4(iv) Apprentices Minimum rates paid ... as percentage of Boot and Shoe Repairer classification: 1st Yr (1st 6 mths 50%, 2nd 6 mths 55%) 2nd Yr (1st 6 mths 65%, 2nd 6 mths 70%) 3rd Yr (1st 6 mths 80%, 2nd 6 mths 85%)</p>	<p>Junior rates limited to heel bar operator for shops (1st level of 4)</p> <p>apprentice rates .</p> <p>Trade rate applies when qualified Boot and Shoe Repairer paid 100% rate</p>
Who lesal e and retail trade	Butche rs, Retail (State) Award	AN1 200 96	N S W	<p>Clause 11 Juniors</p> <p>(i) Clerks and cashiers</p> <ul style="list-style-type: none"> • (ii) Unapprenticed junior labour employed under Division “C” of Table 1. employee wrapping, weighing, pricing, packaging or packing uncooked meat <p>U17yrs (50%) 17-18yrs (60%) 18-19yrs (75%) 19-20yrs (85%) 20-21yrs (100%)</p> <p>Division E – Apprentice Wage Rates 1st Yr 50% Level 6 (General Butcher) 2nd Yr 65% “ 3rd Yr 85% “</p>	<p>Junior rates limited to clerks and cashiers Or Unapprent iced juniors limited to employee wrapping, weighing, pricing, packaging or packing uncooked meat - clerks and cashiers are a level</p>

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				4 th Yr 95% “ and thereafter not less than the minimum rates for tradespersons in the section of trade to which the apprentice was indentured	3 (not the lowest level. Unapprenticed juniors are level 2 Adult rates apply at 20 yrs Apprentices on completion 100% rate
Wholesale and retail trade	Clerical Employees in Retail (State) Award	AN120132	NSW	<p>Clause 10 – Classification Structure and Wages</p> <p>3 level classification structure clerks in shops are at level 2 or 3</p> <p>CL 10(i) (b)5 (5) The work of an employee at a retail shop outlet other than employees that fall within Grade 3.</p> <p>CI 10 (ii) Adult rates set out in Table 1 – Wages CI 10 (iii) Junior employees receive a percentage of the adult rate as follows:</p> <ul style="list-style-type: none"> U16 yrs (40%) 16 yrs (50%) 17 yrs (60%) 18 yrs (70%) 19 yrs (80%) 20 yrs (90%) 	<p>Junior rates apply to level 2 and 3</p> <p>No apprentice or trades rates</p> <p>Award does not have equivalent GRIA classifications for clerks level 4 or 5. Award level 3 is below GRIA Clerical 3.</p>
Wholesale and retail trade	Commercial Travelers, &c.,	AN120149	NSW	No junior or apprentice provisions	No junior or apprentice rates

	(State) Award				
Who lesale and retail trade	Retail Services Employees (State) Award	AN1 204 70	N S W	No junior or apprentice provisions	No junior or apprentice rates
Who lesale and retail trade	Sydney Markets Award 2003	AN1 205 27	N S W	<p>Part B – Monetary Rates Table 1 – Wage Rates Junior Classification At 17 years or under At 18 yrs At 19 yrs At 20 yrs</p> <p>Clause 5.5 5.5 Juniors - The minimum rates of wages per week for junior employees shall be as set out in Table 1 - Wage Rates of Part B, Monetary Rates..</p>	<p>Junior rates apply but only with dollar values; no percentages.</p> <p>No apprentices</p>
Who lesale and retail trade	Transport Industry Retail (State) Award 1999	AN1 206 18	N S W	<p>Clause 12. Juniors (i) (a) A junior shall mean a person under the age of 21 years.</p> <p>(b) This clause shall only apply to juniors employed in the capacities encompassed by the classification of Transport Worker Grade One and Grade Two.</p> <p>(c) Any junior employed under conditions not in accordance with those set out in this clause, shall receive the same rate of pay prescribed by this award for an adult worker performing the same class of work.</p> <p>(ii) (a) Juniors shall not be employed on shift work except by agreement between the employer and the union.</p> <p>(b) Juniors employed under the conditions prescribed in this clause shall be paid, in accordance with their age, a weekly wage calculated as a percentage of the wage specified in Table 3 — Wages (Juniors) of Part B, Monetary Rates, for the classification of Transport Worker Grade One or Two.</p>	<p>Junior rates apply, limited to ages 18-20 limited to Grade 1 and 2.</p> <p>9 Grade classification structure</p> <p>No Apprenticeships</p>

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				<p>Such weekly wage shall be calculated to the nearest ten cents, any fraction of ten cents in the result not exceeding five cents to be ignored.</p> <p>Table 3 - Wages (Clause 12 - Juniors)</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Clause</th> <th>Age</th> <th>Percentage of Transport Worker Grade One or Two</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12</td> <td>At 18 years of age</td> <td>75</td> </tr> <tr> <td></td> <td>12</td> <td>At 19 years of age</td> <td>85</td> </tr> <tr> <td></td> <td>12</td> <td>At 20 years of age</td> <td>90</td> </tr> </tbody> </table>	Item	Clause	Age	Percentage of Transport Worker Grade One or Two	1	12	At 18 years of age	75		12	At 19 years of age	85		12	At 20 years of age	90	
Item	Clause	Age	Percentage of Transport Worker Grade One or Two																		
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Wholesale and retail trade	Van Sales Employees' (State) Award	AN1 206 29	N S W	No junior or apprentice provisions	No junior rates																
Wholesale and retail trade	Whole sale Fruit and Vegetable Employees' (State) Award	AN1 206 44	N S W	<p>Clause 7 - Junior Labour An employer shall not employ a greater proportion of juniors to seniors than the proportion of one to one.</p> <p>Clause 16 – Wages (iii) Junior weekly employees shall, subject to other provisions of this award, be paid the following minimum percentages of the General Assistant rate of pay:</p> <table border="1"> <thead> <tr> <th>Junior</th> <th>Percentages of General Assistant Rate of Pay per week</th> </tr> </thead> <tbody> <tr> <td>17 years of age and under 95%</td> <td>95</td> </tr> <tr> <td>At 18 years of age</td> <td>100</td> </tr> </tbody> </table>	Junior	Percentages of General Assistant Rate of Pay per week	17 years of age and under 95%	95	At 18 years of age	100	<p>Junior rates limited to under 18 years of age. Adult rate at 18</p> <p>No apprentices</p>										
Junior	Percentages of General Assistant Rate of Pay per week																				
17 years of age and under 95%	95																				
At 18 years of age	100																				
Wholesale and retail trade	Whole sale Fruit and Vegetable Market	AN1 206 45	N S W	<p>Clause 4 – Rates of Pay (ii) Junior Employees-The rates of pay for junior employees shall be as set out in the said Table 1.</p> <p>(iii) The rate payable to junior employees shall be calculated to the nearest 10 cents, any portion of 10 cents not exceeding half of 10 cents in the result shall be disregarded.</p>	<p>Junior rates apply, limited to under 18 years of age.</p>																

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	Emplo yees (Newc astle, &c.) Award			Table 1 – Wages (ii) Junior Employees At 16 years of age At 17 years of age At 18 years of age and over	No apprentice s F 7 8 T
Agri cultu ral indu stry	Agricu ltural Produc e, Fruit and Grain Stores' Award - Southe rn Divisi on (Easter n Distric t) 2002	AN1 400 07	Q L D	Definitions Clause 1.5.10 "Junior" means any employee under 21 years of age and over receiving less than the minimum wage prescribed for Seniors. Clause 5.2 – Wage Rates 5.2.2 Juniors - Percentage of rate for Seniors % 15 and under 16 years of age 45 16 and under 17 years of age 50 17 and under 18 years of age 55 18 and under 19 years of age 65 19 and under 20 years of age 75 20 and under 21 years of age 85 And thereafter the minimum rates prescribed for Seniors.	Junior rates apply to under 21 years of age, ranging from 45- 85%. No apprentice s
Who lesale and retail trade	Brisba ne Marke ts Award - 2003	AN1 400 42	Q L D	Clause 5.3 – Junior Wage Rates Junior employees shall be paid according to the following table: Junior Employees: (Store Workers and Salespersons - Classifications): Percentage of the appropriate skill level % 15 and under 18 years of age 55 18 and under 19 years of age 65	Junior rates apply to under 21 years of age for store workers and salesperso ns. Different rates and ages apply to office worker

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				<p>19 and under 20 75 years of age</p> <p>20 and under 21 85 years of age</p> <p>21 years of age 100</p> <p>An employee who has achieved skill level 2 shall be paid the appropriate percentage above of skill level 2.</p> <p>(Office Worker - Classification):</p> <table border="0"> <thead> <tr> <th></th> <th style="text-align: center;">Percentage of the appropriate Skill Level</th> </tr> <tr> <th></th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr> <td>15 and under 18 years of age</td> <td style="text-align: center;">55</td> </tr> <tr> <td>18 and under 19 years of age</td> <td style="text-align: center;">65</td> </tr> <tr> <td>19 and under 20 years of age</td> <td style="text-align: center;">75</td> </tr> <tr> <td>20 and under 21 years of age</td> <td style="text-align: center;">85</td> </tr> <tr> <td>21 and under 22 years of age</td> <td style="text-align: center;">95</td> </tr> <tr> <td>22 and under 23 years of age</td> <td style="text-align: center;">98</td> </tr> <tr> <td>23 years of age</td> <td style="text-align: center;">100</td> </tr> </tbody> </table> <p>An employee who has achieved skill level 2 shall be paid the appropriate percentage above of skill level 2.</p> <p>No junior rates of pay shall apply to junior employees employed under Skill Levels 3 or 4 of the Classification of Office Worker.</p>		Percentage of the appropriate Skill Level		%	15 and under 18 years of age	55	18 and under 19 years of age	65	19 and under 20 years of age	75	20 and under 21 years of age	85	21 and under 22 years of age	95	22 and under 23 years of age	98	23 years of age	100	<p>employees under 23 years of age.</p> <p>No junior rates of pay shall apply to junior employees employed under Skill Levels 3 or 4 of the Classification of Office Worker.</p> <p>No apprentices/trade classifications</p>
	Percentage of the appropriate Skill Level																						
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Wholesale and retail trade	Fisherly Employees' Award - State 2003	AN140116	Q L D	<p>Clause 5.1 – Wage Rates</p> <p>5.1.2 <i>Junior clerks</i></p> <table border="0"> <thead> <tr> <th></th> <th style="text-align: center;">Percentage of minimum adult rate for the appropriate Division or District</th> </tr> <tr> <th></th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr> <td>16 to 18 years of age</td> <td style="text-align: center;">52.5</td> </tr> <tr> <td>18 to 21 years of age</td> <td style="text-align: center;">75</td> </tr> </tbody> </table>		Percentage of minimum adult rate for the appropriate Division or District		%	16 to 18 years of age	52.5	18 to 21 years of age	75	<p>Junior clerks rates apply to under 21 years of age.</p> <p>Other junior (non-clerks) rates apply</p>										
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16 to 18 years of age	52.5																						
18 to 21 years of age	75																						

			<p>5.1.3 <i>Youths - other than junior clerks</i></p> <p style="text-align: center;">Percentage of minimum adult rate for the appropriate Division or District</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Under 17 years of age</td> <td style="text-align: center;">55</td> </tr> <tr> <td>17 and under 18 years of age</td> <td style="text-align: center;">65</td> </tr> <tr> <td>18 and under 19 years of age</td> <td style="text-align: center;">75</td> </tr> </table> <p>5.1.4 Youths 18 years of age and over who perform the ordinary duties of an adult shall be paid not less than the full Award rate for the class of work on which they are engaged.</p>	Under 17 years of age	55	17 and under 18 years of age	65	18 and under 19 years of age	75	<p>to under 19 years of age.</p> <p>But 18 years of age and over who perform the ordinary duties of an adult shall be paid the full Award rate for the class of work on which they are engaged.</p>				
Under 17 years of age	55													
17 and under 18 years of age	65													
18 and under 19 years of age	75													
Wholesale and retail trade	Milk and Cream Distributors and Vendors' Award - Northern and Mackay Divisions 2003	AN140173	<p>Q L D</p> <p>Clause 1.5 – Definitions</p> <p>1.5.4 "Junior Assistant" means an employee under 20 years of age, who is in receipt of less than the prescribed minimum wage for seniors.</p> <p>1.5.9 "Senior" means an employee 20 years of age or over:</p> <p>Provided that a junior in receipt of the minimum wage prescribed for seniors shall be deemed to be a Senior for the purpose of determining the proportion of juniors to seniors.</p> <p>Clause 5.1 – Wage Rates</p> <p>5.1.2 Juniors</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"></td> <td style="text-align: center;">Percentage of rate for Driver of 1.27t vehicle</td> </tr> <tr> <td></td> <td style="text-align: center;">%</td> </tr> <tr> <td>14 years and under 15 years</td> <td style="text-align: center;">40</td> </tr> <tr> <td>15 years and under 16 years</td> <td style="text-align: center;">45</td> </tr> <tr> <td>16 years and under 17 years</td> <td style="text-align: center;">50</td> </tr> </table>		Percentage of rate for Driver of 1.27t vehicle		%	14 years and under 15 years	40	15 years and under 16 years	45	16 years and under 17 years	50	<p>Junior rates apply to under 20 years of age.</p> <p>When a junior is required to drive a motor vehicle with a greater carrying capacity than 1.27t they shall be paid the Senior rate for such class of vehicle.</p>
	Percentage of rate for Driver of 1.27t vehicle													
	%													
14 years and under 15 years	40													
15 years and under 16 years	45													
16 years and under 17 years	50													

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				<p>17 years and under 18 years 55</p> <p>18 years and under 19 years 65</p> <p>19 years and under 20 years 80</p> <p>And thereafter the rates prescribed herein for seniors.</p> <p>When a junior is required to drive a motor vehicle with a greater carrying capacity than 1.27t they shall be paid the Senior rate for such class of vehicle.</p>	No apprentices												
Wholesale and retail trade	Parents and Citizens and Other Associations Retail Award - State 2004	AN140200	Q L D	<p>Clause 1.5 – Definitions 1.5.12 "Junior Employee" means an employee who is under the age of 21 years.</p> <p>Clause 5.2 – Wages 5.2.4 <i>Junior rates</i></p> <p>The junior rates prescribed in clause 5.2.4 shall apply to the positions of Assistants.</p> <table border="0"> <tr> <td>Junior employees</td> <td>% of appropriate adult rate</td> </tr> <tr> <td>Under 17 years of age</td> <td>50</td> </tr> <tr> <td>17 and under 18 years of age</td> <td>55</td> </tr> <tr> <td>18 and under 19 years of age</td> <td>65</td> </tr> <tr> <td>19 and under 20 years of age</td> <td>75</td> </tr> <tr> <td>20 years of age</td> <td>85</td> </tr> </table>	Junior employees	% of appropriate adult rate	Under 17 years of age	50	17 and under 18 years of age	55	18 and under 19 years of age	65	19 and under 20 years of age	75	20 years of age	85	<p>Junior rates apply to under 21 years of age. Do not apply to convenors or managers</p> <p>No apprentices</p>
Junior employees	% of appropriate adult rate																
Under 17 years of age	50																
17 and under 18 years of age	55																
18 and under 19 years of age	65																
19 and under 20 years of age	75																
20 years of age	85																
Wholesale and retail trade	Van Sales Persons Award - Northern and Mackay Divisi	AN140311	Q L D	No Junior Provisions	No junior rates												

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	ons 2002												
Who lesal e and retail trade	Van Salesp ersons' Award - Southe rn Divisi on 2003	AN1 403 12	Q L D	No Junior Provisions	No junior rates								
Who lesal e and retail trade	Wine and Spirit Stores Award - South- Easter n Distric t 2002	AN1 403 16	Q L D	<p>Clause 1.6 – Definitions 1.6.3 "Junior" means any employee under the age of 18 years of age.</p> <p>Clause 5.3 – Juniors Juniors may be employed in the proportion of not more than one Junior to every 3 or every fraction of 3 adult employees. The minimum rate of wages for Junior employees will be the following percentages of the rates prescribed for the appropriate adult classifications for the work performed for the area in which such Junior is working.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Percentage</th> </tr> <tr> <th></th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr> <td>17 years of age and under</td> <td style="text-align: center;">70</td> </tr> <tr> <td>18 years of age</td> <td style="text-align: center;">100</td> </tr> </tbody> </table>		Percentage		%	17 years of age and under	70	18 years of age	100	<p>Junior rates apply to under 18 years of age.</p> <p>No apprentices</p>
	Percentage												
	%												
17 years of age and under	70												
18 years of age	100												
Who lesal e and retail trade	Clerks (Retail Industr y) Award	AN1 500 38	S A	<p>Clause 6.3.5 Junior employees No Junior employee under 17 years of age will be required to work overtime on any day after 6:30pm unless the employee agrees otherwise.</p> <p>5 level classification structure</p> <p>Schedule 2 – Wage Rates Clause S2.1 – Rates of Pay S2.1.3.2 Junior Employees</p> <p>The rates of pay below are based on a percentage of the base rate for an adult Clerical Officer Class 1 in the 1st year of adult service.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">%</th> <th style="text-align: center;">Award rate per week</th> </tr> </thead> <tbody> <tr> <td>16 years of age and(50%) under</td> <td style="text-align: center;">271.70</td> </tr> </tbody> </table>	%	Award rate per week	16 years of age and(50%) under	271.70	<p>Junior rates apply only to first 2 levels of 5 level classification structure .</p> <p>This award does not have apprenticeships/trade .</p>				
%	Award rate per week												
16 years of age and(50%) under	271.70												

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				17 years of age (60%) 326.00 18 years of age (70%) 380.40 19 years of age (80%) 434.70 20 years of age (90%) 489.10 S2.1.3.3 Junior Employees The rates of pay below are based on a percentage of the base rate for an adult Clerical Officer Class 2 in the 1st year of adult service. <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">%</th> <th style="text-align: right;">Award rate per week</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>16 years of age and (50%) under</td> <td style="text-align: right;">284.00</td> </tr> <tr> <td>17 years of age (60%)</td> <td style="text-align: right;">340.70</td> </tr> <tr> <td>18 years of age (70%)</td> <td style="text-align: right;">397.50</td> </tr> <tr> <td>19 years of age (80%)</td> <td style="text-align: right;">454.30</td> </tr> <tr> <td>20 years of age (90%)</td> <td style="text-align: right;">511.10</td> </tr> </tbody> </table>	%	Award rate per week		\$	16 years of age and (50%) under	284.00	17 years of age (60%)	340.70	18 years of age (70%)	397.50	19 years of age (80%)	454.30	20 years of age (90%)	511.10	
%	Award rate per week																		
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20 years of age (90%)	511.10																		
Wholesale and retail trade	Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	AN160080	W A	Clause 11.4 – Junior employees Base Rate (per week) expressed as a percentage of the rate prescribed for the relevant year of experience at the Grade in paragraph 11.1 hereof appropriate to the work performed by the junior employee - <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: right;">%</th> </tr> </thead> <tbody> <tr> <td>At 15 years of age</td> <td style="text-align: right;">40</td> </tr> <tr> <td>At 16 years of age</td> <td style="text-align: right;">50</td> </tr> <tr> <td>At 17 years of age</td> <td style="text-align: right;">60</td> </tr> <tr> <td>At 18 years of age</td> <td style="text-align: right;">70</td> </tr> <tr> <td>At 19 years of age</td> <td style="text-align: right;">80</td> </tr> <tr> <td>At 20 years of age</td> <td style="text-align: right;">90</td> </tr> </tbody> </table>		%	At 15 years of age	40	At 16 years of age	50	At 17 years of age	60	At 18 years of age	70	At 19 years of age	80	At 20 years of age	90	Junior rates apply to under 21 years of age and all classifications. No apprentices/tradespeople
	%																		
At 15 years of age	40																		
At 16 years of age	50																		
At 17 years of age	60																		
At 18 years of age	70																		
At 19 years of age	80																		
At 20 years of age	90																		
Wholesale and retail trade	Commercial Travelers and Sales Representatives' Award 1978	AN160084	W A		No junior rates provision provided in this award.														
Wholesale and	Fruit and Produce	AN160135	W A	Clause 11 – Wages 2 level classification structure only	Junior rates apply to 'male'														

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retail trade	Market Employees Award No. 50 of 1955			(3) Junior Male Workers (per cent of rate prescribed for Storeman in (1) hereof): Under 16 years of age 16 to 17 years of age 17 to 18 years of age 18 to 19 years of age 19 to 20 years of age 20 to 21 years of age	workers' under 21 years of age										
Wholesale and retail trade	Licensed Establishments (Retail and Wholesale) Award 1979	AN160192	W A	Part III – Junior Workers (1) The minimum rates of wages payable to all junior workers covered by this award shall be as follows: Junior workers (per cent of the wage prescribed herein for Storeman. Packer, Despatch Hand, Reserve Stock hand) <table style="margin-left: 40px;"> <tr> <td>17 to 18 years of age</td> <td style="text-align: right;">%</td> </tr> <tr> <td>18 to 19 years of age</td> <td style="text-align: right;">60</td> </tr> <tr> <td>19 to 20 years of age</td> <td style="text-align: right;">70</td> </tr> <tr> <td>20 to 21 years of age</td> <td style="text-align: right;">80</td> </tr> <tr> <td></td> <td style="text-align: right;">90</td> </tr> </table>	17 to 18 years of age	%	18 to 19 years of age	60	19 to 20 years of age	70	20 to 21 years of age	80		90	Junior rates apply to under 21 years of age. Juniors may be in charge of a store No apprentices or trades
17 to 18 years of age	%														
18 to 19 years of age	60														
19 to 20 years of age	70														
20 to 21 years of age	80														
	90														
Wholesale and retail trade	Meat Retailing Award	AN170059	T A S	Clause 8 – Wage Rates 2 (c) How the Minimum Wage Applies to Juniors (i) The wage rates provided for juniors by this award continue to apply unless the amount determined under subclause (c)(ii) is greater. (ii) The minimum wage for an employee to whom a junior rate of pay applies is determined by applying the percentage in the junior wage rates clause applicable to the employee concerned to the relevant amount in subclause (b)(i). <ul style="list-style-type: none"> ▪ 3. APPRENTICES AND JUNIORS <p style="text-align: center;"><u>APPRENTICES</u></p> The minimum weekly wage rate for apprentices engaged as an apprentice slaughtere	Junior rates apply to under 21 years of age at level 1. Apprentice rates apply based on Level 4 rates for apprentice slaughtere r, apprentice butcher or apprentice smallgoods-person.										

			<p>butcher or apprentice smallgoods-person shall be the undermentioned percentages of the tradespersons wage contained in Level 4:</p> <p style="text-align: center;">%</p> <table style="width: 100%;"> <tr> <td>First year</td> <td style="text-align: right;">50</td> </tr> <tr> <td>Second year</td> <td style="text-align: right;">65</td> </tr> <tr> <td>Third year</td> <td style="text-align: right;">72</td> </tr> <tr> <td>Fourth year</td> <td style="text-align: right;">95</td> </tr> </table> <p>PROVIDED that the employees employed as apprentices and who do not receive accredited off-the-job technical training shall be paid the relevant tradespersons weekly wage rate as set out in Wage Rates - Level 4.</p> <p style="text-align: center;"><u>JUNIOR WORKERS</u></p> <p>The minimum weekly wage rates that may be paid to junior workers shall be the undermentioned percentages of Level 1 adjusted to the nearest 10 cents.</p> <p style="text-align: center;">%</p> <table style="width: 100%;"> <tr> <td>Under 17</td> <td style="text-align: right;">50</td> </tr> <tr> <td>17 to 18 year old</td> <td style="text-align: right;">60</td> </tr> <tr> <td>18 to 19 year old</td> <td style="text-align: right;">70</td> </tr> <tr> <td>19 to 20 year old</td> <td style="text-align: right;">80</td> </tr> <tr> <td>20 to 21 year old</td> <td style="text-align: right;">90</td> </tr> </table>	First year	50	Second year	65	Third year	72	Fourth year	95	Under 17	50	17 to 18 year old	60	18 to 19 year old	70	19 to 20 year old	80	20 to 21 year old	90													
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Wholesale and retail trade	Produce Award	AN170083	<p>T A S</p> <p>Part III 1 – Wage Rate (b) Junior Employees</p> <table style="width: 100%;"> <tr> <td style="text-align: center;">Clerks, counter sales, and driver</td> <td style="text-align: center;">% of Wage Group Level 3</td> <td></td> </tr> <tr> <td>16 years and under</td> <td style="text-align: right;">45</td> <td></td> </tr> <tr> <td>17 years of age</td> <td style="text-align: right;">55</td> <td></td> </tr> <tr> <td>18 years of age</td> <td style="text-align: right;">70</td> <td></td> </tr> <tr> <td>19 years of age</td> <td style="text-align: right;">80</td> <td></td> </tr> <tr> <td>20 years of age</td> <td style="text-align: right;">90</td> <td></td> </tr> <tr> <td style="text-align: center;">All others</td> <td style="text-align: center;">% of Wage Group Level 1</td> <td></td> </tr> <tr> <td>16 years and under</td> <td style="text-align: right;">45</td> <td></td> </tr> <tr> <td>17 years of age</td> <td style="text-align: right;">50</td> <td></td> </tr> <tr> <td>18 years of age</td> <td style="text-align: right;">62.5</td> <td></td> </tr> </table>	Clerks, counter sales, and driver	% of Wage Group Level 3		16 years and under	45		17 years of age	55		18 years of age	70		19 years of age	80		20 years of age	90		All others	% of Wage Group Level 1		16 years and under	45		17 years of age	50		18 years of age	62.5		<p>Junior rates apply to under 21 years of age.</p> <p>The award does not cover apprenticeship training.</p> <p>Level 1 Stores Employee Grade 1 Level 3</p>
Clerks, counter sales, and driver	% of Wage Group Level 3																																	
16 years and under	45																																	
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				19 years of age 20 years of age	75 87.5	- Stores Employee Grade 3 -Clerical and Administrative Employee Adult Entry
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3. BAKERY AWARDS TABLE

3. —

The following summary represents views of the SDA which are not agreed by ABI and therefore should not be taken to be part of the Joint Report:
11 Awards operated across Australia in retail areas.
2 Awards have no Junior rates and in another 7 awards Junior rates are limited to lower classifications or specific roles in lower classification levels (2 of these also have adult rate at 20 years). The remaining 2 awards have adult rates at 18 years.
A qualified Tradesperson is paid the adult rate under all awards.

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~~11 Awards operated across Australia in retail areas.~~

~~2 Awards have no Junior rates and in another 7 awards Junior rates are limited to lower classifications or specific roles in lower classification levels (2 of these also have adult rate at 20 years). The remaining 2 awards have adult rates at 18 years.~~

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AWARD: Bakery	Junior/Apprentice Condition	Link to Award
NSW Bread AN120080 Bread Industry (State) Award	Juniors U/17 71% 17 yo 85% 18 yo 100% Apprentice rates level 3 (Trade) 4yr apprenticeship 6 level classification structure	http://www.airc.gov.au/consolidated_awards/an/an120080/asframe.html
Pastry Cooks AN120410* Pastrycooks, &c. (State) Award	Junior rates apply only to Junior Packer, Junior Assistant Group 2, Junior Assistant Group 3 Apprentice rates apply to trades levels	www.airc.gov.au/UpdatedAwards/AN120410.rtf

	15 levels in classifications	
* Bread Trade (Vic) AP769688 Bread Trade (Victoria) Award 1999	No junior rates Apprentice rates apply level 5 5 level classification structure	http://www.airc.gov.au/consolidated_awards/ap/ap769688/asframe.html
* Pastry Cooks (Vic) AP792620* Pastrycooks (Victoria) Award 1999*	Junior rates apply to 2 levels CI 15.1.1 Persons under 21 years of age (other than Apprentices) employed as follows: Level 2 (General Hands) Level 4 (Employees engaged decorating Christmas, Wedding, Birthday and Similar Cakes) 5 level classification structure Apprentice rates apply to level 5.	http://www.airc.gov.au/consolidated_awards/ap/ap792620/asframe.html
* Baking Industry Southern & Mackay AN140024* Baking Industry Award - Southern and Mackay Divisions 2003	CI 5 Under 16 years of age 45% 16 and under 17 years of age 50% 17 and under 18 years of age 55% 18 yrs Adult rate Apprentice When qualified Adult trade rate applies as per AN140326 - <i>Order - Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) 2003 (see extract below)</i> 4 level classification structure	https://www.fwc.gov.au/documents/consolidated_awards/an/an140024/asframe.html
* Baking Industry TAS AN170007 Baking Industry Award	7 level classification structure. Each level has a production/transport section, clerical role and a Sales role (3 different roles at most level) Junior rates apply only to classifications levels for : Level 2 Production * 20 yr old paid as adult	www.airc.gov.au/UpdatedAwards/AN170007.rtf

	<p>Level 3 Clerks Level 4 Sales</p> <p>Apprentice Rates only apply to level 5 trade rate</p>	
<p>Retail In-Store Bakehouse SA AN150129</p> <p>Retail In-Store Bakehouse Award</p>	<p>2 Levels of classifications</p> <p>Juniors % apply to Bakery Assistant</p> <p>Apprentice % apply to Baker</p>	<p>http://www.airc.gov.au/UpdatedAwards/AN150129.rtf</p>
<p>Bread & Yeast Goods Award SA AN150017*</p> <p>Bread and Yeast Goods Award</p>	<p>Junior rates apply to level 1 and 2 (classification relativities 89%, 92%)</p> <p>Apprentice rates apply to level 3 (trade)</p> <p>4 level classifications</p>	<p>http://www.airc.gov.au/consolidated_awards/an/an150017/asframe.html</p>
<p>Bakers (Metro) WA AN160023*</p> <p>Bakers' (Metropolitan) Award No. 13 of 1987</p>	<p>Trade classifications Level 3. Apprenticeship rates for Level 3</p> <p>Junior Rates for level 1 or 2</p> <p>Under 16 years 45%</p> <p>Between 16 and 17 60%</p> <p>Between 17 and 18 70%</p> <p>Between 18 and 19 80%</p> <p>Between 19 and 20 90%</p> <p>Between 20 and 21 100%</p> <p>(Schedule 1.4 or S1.4)</p>	<p>www.airc.gov.au/UpdatedAwards/AN160023.rtf</p>
<p>* Bakers (ACT) AP769420*</p> <p>Bakers (Australian Capital Territory) Award 1998</p>	<p>6 Levels classifications</p> <p>Junior rates</p> <p>Level 1-3</p> <p>At 18 years of age 80% and under</p> <p>At 19 years of age 90%</p> <p>At 20 years of age 100%</p> <p>A junior employee employed at baking or pastry worker levels 4, 5 and 6 will be paid the full adult rate.</p> <p>Apprentice rates apply level 4.</p>	<p>http://www.airc.gov.au/consolidated_awards/ap/ap769420/asframe.html</p>

Baking & Pastry Cooks NT AP819011*	No Junior Rates	http://www.airc.gov.au/consolidated_awards/ap/ap819011/asframe.html
Baking and Pastrycooking Industry (Northern Territory) Award 2002	6 level classification Apprentice rates apply to level 4	

* = These awards were not originally considered as part of the Award Modernisation for the Retail industry, however, we note that these Awards were considered as part of AM2009/180.

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