

I have worked in the retail industry for 5 years. During the last 2 years, I have worked for the Woolworths owned Caltex stations. Under the SDA negotiated Enterprise Bargaining Agreement (EBA) I have lost out on my weeknight penalty rates, and my Saturday penalty rates.

I am paid a flat rate after 6pm on weekdays, and on Saturday I get the same pay as a weekday. However, under the Award rate, my Saturday and weekday penalty rates would mean I was earning roughly \$3600 more per year if I was paid under the award rate. I believe this poses an unfair advantage for large companies who can create these dodgy EBA deals in order to pay employees less than the award rate outside of normal hours.

This is a failure of both the BOOT test, and the SDA. The BOOT test failed to take into account the lower penalty rates and how these would affect staff. Although the base rate of weekday pay is higher for staff, these shifts are often taken by management, and a minimum number of other staff are employed. This allows them to pay less staff, and pay them the lower amount outlined in the EBA. The BOOT test needs to take into account the penalty rate pays, because without this the SDA can make dodgy deals that cut or lower penalty rates.