



16 April 2013

Committee Secretary
Senate Education, Employment and Workplace Relations Legislation Committee
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Re: Fair Work Amendment Bill (2013)

I write to outline the Australian National Retailers' Association (ANRA) concerns about aspects of the Fair Work Amendment Bill (2013).

ANRA represents Australia's largest retailers across the full spectrum of retail goods and services. ANRA's membership includes leading household names in supermarkets, department stores and specialty retailers. ANRA members account for more than \$100 billion of the more than \$255 billion in retail spending across Australia annually.

Within the Fair Work Act Amendment Bill (2013), ANRA is particularly concerned about the Federal Government's intention to expand the modern awards objective to deal with penalty rates etc., ANRA submits that these are matters best dealt with by the Fair Work Commission as part of the normal arbitration process, rather than being contained in the Act. The Fair Work Amendment Bill (2013) proposes to add in, after (134(1)(d)), the following:

- (da) the need to provide additional remuneration for:*
- (i) employees working overtime; or*
 - (ii) employees working unsocial, irregular or unpredictable hours; or*
 - (iii) employees working on weekends or public holidays; or*
 - (iv) employees working shifts; and*

The current General Retail Award ("Award") already contains provisions for penalty rates around weekends, late nights and public holidays. In addition, the Award recognises the differences in regularity of hours and entitlements for full-time and casual employees via the use of casual loadings. The recent application to vary the Award, and the arbitration process that was followed, is the correct manner for penalty rates to be dealt by FWC. As a result this proposed amendment is unnecessary within the context of the current industrial relations arrangements.

This specific amendment was not considered as part of the Fair Work Act Review process, in 2012, and ANRA believes a better approach by the Federal Government would be to withdraw this aspect of the Bill until further consultation with employers and employees can take place.

Sincerely

Margy Osmond
Chief Executive