

Friday, 8 October 2010

## Minimum hours decision protects award safety net, sends a clear message to employers and politicians

Today's decision by Fair Work Australia not to vary the modern retail award and to preserve a minimum three-hour call out will protect the wages of hundreds of thousands of casual workers around Australia, say unions.

ACTU Secretary Jeff Lawrence said the decision should put to rest once and for all a push by employers to wind back an essential award condition for all casual workers.

He urged employer groups and the Coalition to rule out any further attempts to undermine workers' minimum award pay and conditions.

The Full Bench of FWA today has refused an employer appeal against an earlier rejection of an application to vary the modern retail award to reduce the minimum shift from three hours to two.

A minimum shift of at least three hours has been the standard for most retail workers in all states except Victoria, and was reinforced by award modernisation. The three hour minimum was chosen as the national standard for modern awards in the award modernisation process conducted last year

There are about 400,000 casual employees in the retail sector, but an adverse decision today could have undermined the conditions of millions more across the workforce.

Mr Lawrence said the minimum call-out was a crucial safety net condition to ensure all casual workers were paid a decent wage.

"Today's decision by the Full Bench has confirmed the importance of the award safety net that is in place to protect all workers," Mr Lawrence said.

"It was the thin edge of the wedge. A minimum call of three hours exists in dozens of awards, and ensures that people are not called in for short shifts.

"This is particularly unfair for workers who have to travel a long way to attend work, or who have to make childcare arrangements. Allowing students to work short shifts in the afternoon would also undercut the position of day workers (mostly working mums), whose shifts might be cut back to in favour of students working at lower rates."

"They act like a minimum rate of pay, and losing that guarantee of minimum hours would have put at risk the income and job security of not only hundreds of thousands of retail employees, but potentially millions of other casual workers across the economy. With more and more people experiencing precarious casual work, minimum shifts provide some security of income.

"If employers genuinely want flexibility, particularly for their junior staff, they can negotiate collective agreements. Instead, they have sought to use the minimum call-out issue as an excuse to attack all workers' rights in the retail industry.

"Employers have now been rebuffed on this issue on six separate occasions by the independent tribunal. It sends a clear message to employer lobby groups and Parliamentarians not to mess with the modern award system and undermine workers' pay and conditions."

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