

THE SHOP, DISTRIBUTIVE & ALLIED EMPLOYEES' ASSOCIATION (QLD BRANCH)

The national union representing workers in Retail Sales, Retail Distribution Centres, Fast Food Sales, Retail Hardware Sales, Retail Alcohol and Petrol Console Sales.

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MID-YEAR REPORT

It is pleasing to report to members that the SDA is in very good shape. All the key indicators are very positive which has been well received by the union's executive and I know this upward direction will please our hard-working shop stewards, delegates and members.

by Chris Gazenbeek
SDA Queensland Secretary

There will be a flurry of activity in negotiated Enterprise Agreements in the second half of 2016. In those six months I expect we will be rolling out several key EBA's including Woolworths, Target, Bunnings and Kmart DC. Other negotiations have been somewhat slower but we have been able to negotiate interim wage increases in, for example, Officeworks where members received an interim 3% wage increase.

Training of shop stewards and delegates continues to be a strength of the SDA. Because Tony Martin wants to ease himself into retirement, Kate Banfield has taken over the trainer's role. Tony has mentored Kate over the last nine months and this seamless transition has been well received from our stewards and delegates.

A trained union rep makes a more effective union rep in their workplace. The SDA will continue to invest resources in this area because the net effect will mean that SDA members will be better off in their workplaces.

I am heartened by the increasing amount of members who are ringing or emailing the union office. Our information and industrial officers advise me that members are wanting to learn more about their rights and entitlements which can only lead to more positive outcomes in our shops, DC's, petrol and fast food outlets.

The SDA continues to be the only union in Queensland which funds our members workers' compensations legal cases. Our legal team are continuing to have excellent results and they inform me that the members are more than happy with their outcomes.

It is also pleasing to report that members' awareness of the union's \$45,000 free accident insurance policy is increasing all the time. When I visit members in their workplaces, they continually tell me that they believe it is one of the best SDA services. Once again, we are the only union in Queensland which has this service.

Membership

It is also pleasing to report that our membership is some 500 members higher than at the same time in 2015. This means that another 500 workers are enjoying the benefits of SDA unionism.

Website

Do you have a few spare minutes? Have a look at our new website located at: www.sdaq.asn.au you won't be disappointed.

What the federal budget means for SDA members?

The federal government handed down its 2016-2017 federal budget on 3 May. Very simply, it shows the government's social and political priorities for the forthcoming 12 months.

Whilst members are naturally concerned with the overall objectives of the budget, they also want to know how the budget will hit them in the 'hip pocket'. Very simply:

- If you earn less than \$80,000 per year, you receive nothing in the federal budget except cuts to healthcare and education.
- If you earn between \$80,000 and \$180,000 per year, you get a \$6 per week tax cut plus tax cuts to healthcare and education.
- If you receive over \$1,000,000 per year, you receive a \$16,715 tax cut per year.

I would suggest that less than 15% of our membership earn over \$80,000 per year with the bulk of the membership earning less than \$80,000 per year.

Industrial Relations Policies

At the point of writing, both the Coalition and the ALP have not released their IR policies. This will no doubt impact on members' working lives and will be a major point of difference between the political parties.

Because members will want to know these differences before they vote on 2 July, we will be emailing and posting out further correspondence before the election.

OUT AND ABOUT

with Justin Power
SDA Assistant Secretary



Since the last edition of the SDA News, I have met thousands of members in hundreds of workplaces from the Gold Coast to Rocky, from Cleveland to Toowoomba. I have also attended and participated in 15 SDA training courses where close to 300 shop stewards and delegates have attended.

Training courses and store visits

I am continually humbled but not surprised by how much our SDA stewards and delegates genuinely care about the SDA members they represent. Our training courses cover a wide range of topics including enterprise bargaining, issues, the role of union reps, grievance procedure and making a difference in our workplaces.

In my discussions with our stewards and delegates, I canvassed

a wide range of issues including membership and retention, penalty rates, the anti-SDA and anti-trade union media. I also spent time discussing ineffective unions who spend members' money on, for example, KISS concerts when that same money could be spent on improving the wages and working conditions of hard-working unionists.

I first joined the SDA 25 years ago and have been a full time official since 1997. As a rank-and-file member, I was always impressed by how the SDA concentrated on the bread and butter issues which affect members' lives in and out of the workplace. In 2016, the SDA continues the tradition.

Of course, when I visited the stores, I didn't have the same amount of time to spend with individual

members as I did with our reps in the training courses. In that short time I spent with individual members in their stores, I learned very quickly that our members have an excellent grasp of the SDA's penalty rates campaign. They are fully behind the campaign and were more than happy to sign up to the campaign if they hadn't done so already.

They were also aware that the SDA and the wider union movement had been attacked in the media by ill-informed journalists and commentators. It is pleasing to write here that our members know that most unions are working extremely hard for their members day-in-day-out. They work hard because it is an honour to work for and with hard-working unionists such as SDA members.



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TURNBULL GOVERNMENT'S PaTH internship program

By Gerard Dwyer



The Turnbull Government's PaTH internship program announced in the 2016 Federal Budget appears devoid of practical protections and will pave the way for further exploitation of younger workers.

This isn't a plan to create real, fair-paying jobs – this is a plan that will open the doors to the exploitation of younger workers.

Of course you'd hope the majority of employers would do the right thing. However, we live in the real world. By proposing a system whereby employers can basically get free labour, the Turnbull Government is just asking for trouble.

This Federal Government has already proven it is not willing to take action to stamp out the exploitation of workers. The Prime Minister has not said a single word about the 7-Eleven issue which we know is still ongoing and now he wants to make it even easier for employers to get their hands on cheap labour.

We should be paving the way for young people to get entry level jobs that pay them fairly for the work they do and provide a pathway for long-term employment. We don't want a system where young people are forced to work for less than the minimum wage.

The figures

Key aspects of the proposed PaTH scheme include:

- A \$1,000 incentive to employers putting on a PaTH intern.
- Internships would be of 4-12 weeks duration for 15-25 hours work per week.
- Any PaTH internship payment would be in addition to any existing income support (e.g. Newstart Allowance – currently \$527.60 per fortnight or \$263.80 per week).

- A PaTH intern working 25 hours per week would receive an extra \$100 (\$4 per hour) (e.g. a Newstart \$263.80 + \$100 = \$363.80 or \$14.55 per hour).

The Retail Award minimum rate for a 20 year old casual is currently \$23.73 per hour. On these figures, we can do the following comparison for a 20 year old casual:

25 hours in a store on the Retail Award @ \$23.73 p.hr	= \$593.33
25 hours in a store on a PaTH internship @ \$14.55 p.hr	= \$363.80 \$229.53 per week below the Retail Award minimum

So the PaTH intern would receive \$229.53 less for a week's work than under the Award, whilst the retail employer would receive 25 hours of labour fully funded by the Australian taxpayer.

Replacing jobs or not??

It is important to note that there is nothing in place to prevent these 'internships' from replacing jobs that would usually be covered by Award workers. There are real questions around exactly what kind of training is going to take place and there are no mechanisms in place to ensure that workers aren't just sent packing after their six month internship.

There are going to be a number of unscrupulous employers looking at this program and rubbing their hands with glee. There's no doubt there are some employers out there who will be asking themselves why would they pay someone a minimum wage when the Federal Government has just agreed to give them \$1000 cash and free labour as an extra?

One can only conclude that the PaTH internship program is a real risk for young and inexperienced workers.

REST Super

NUMBER 1 ON THE RANKINGS!

It was reported in the Sunday Mail, May 15 edition that REST's Super Core Strategy has been the best performing superannuation fund over the last 10 years.

New data from leading investment research firm Morningstar reported that the \$33 billion retail employee fund, REST, topped the rankings earning 6.7% per year over 10 years.

The SDA has long known that superannuation is fast becoming a key component of members' retirement plans and it's comforting to know that the SDA-aligned REST super fund is Number 1.

Morningstar compared 346 growth funds and 47 of them had returns which were even less than the rate of inflation.

Members can have every confidence that REST will continue to deliver for hard-working SDA members.

GOOD AND BAD	
BEST PERFORMERS (growth)	
REST Super Core Strategy	6.7%
Care Super Balanced	6.3%
Optimum Corporate Super	
Schroder Balanced	6.1%
Optimum Personal Super	
Schroder Balanced	6.1%
Rest Super Diversified	6.1%
WORST PERFORMERS	
OnePath OA PS-OP	
Active Growth	1.38%
ANZ OA PS-OP	
Active Growth	1.52%
AMP - SuperGuard 2 - Managed Pflolio	1.6%
AMP RB Prop Biased	1.67%
AMP SuperGuard 2 - Prop Biased	1.69%

Source: Morningstar

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NRA applies to extend

CHRISTMAS TRADING



DECEMBER						
Mon	Tues	Wed	Thur	Fri	Sat	Sun
			1	2	3	4
			8	9	10	11
5	6	7	15	16	17	18
12	13	14	22	23	24	25
19	20	21	29	30	31	
26	27	28				

The National Retail Association (NRA) lodged an application on Monday, 13 June 2016 to allow stores in the Brisbane CBD and nine southeast Queensland shopping centres to be allowed to open until midnight for five consecutive days before Christmas Day.

Shops can currently open until midnight on December 23 and the NRA application to the Queensland Industrial Relations Commission seeks to extend the longer trading hours to December 19-22.

The changes would apply to Brisbane's city centre, Carindale, Chermside, Garden City, Indooroopilly, North Lakes, Maroochydore, Robina, Pacific Fair and the Kmart Centre at Oxenford.

Members who work in the nominated areas will be consulted on this issue. Members will be asked for their opinions via hard-copy and digital surveys.

Potential issues which will be canvassed in the survey will include important issues such as the right to volunteer to work or not, staff security, safe transport home, individual member's work/life balance and time off between finishing work on one day and commencing work the next.

The results of our surveys will help formulate the SDA's response to the NRA's application.

Members will continue to be advised on this issue.

Employers' obligations regarding 'Safe Jobs' for pregnant employees

Recently, we have been inundated with members contacting the union to seek advice on how they are being treated by their employers during their pregnancies. Their stories are unfortunately becoming more common and this article provides a general guide to member's rights on safe work when working throughout their pregnancy.

Employers have a general or common law duty of care to provide a safe work environment to their employees. For pregnant employees, this duty is extended and enshrined as a legal obligation under *The National Employment Standards* of the Fair Work Act 2009. Generally, employment agreements will outline the obligations of each party regarding parental leave and safe work.

When you have no health issues!

In the event that an individual member has no pregnancy related health issues, it is usual to simply commence parental leave at the specified time set out under the terms of your Agreement or under your Award.

If you continue to work during the six weeks prior to the expected date of birth, the Act allows your employer to request you to provide a 'medical certificate' stating:

- That you are fit for duties
- That if you are fit whether it is inadvisable for you to continue to work in your position because of any illness or risks with the pregnancy or arising from or connected to hazards with your position.

If you fail to provide the medical certificate within seven days after the request, the employer can require you to commence a period of unpaid parental leave which will count towards your total entitlement to unpaid parental leave.

Your employer must always ensure that you are not placed at risk by doing the normal duties required of your role. Hence it is not unusual for an employer to regularly check on what you are doing and how you are coping with your duties.

The failure of the employer to do this may lead to claims of negligence should you suffer any injury as a result.

You are also under a duty to ensure that if there is any possibility of risk that you bring this to the attention of the employer so they can review the situation. Many members fear that if they raise any possibility of risk/injury that the employer will automatically require them to take early parental leave which limits the time they enjoy with their newborn child. Obviously, this will depend on individual circumstances and should this issue arise and you object to early leave, the union may be able to assist you.

When you have health issues! Unfit to work:

If you have pregnancy related health issues that prevent you from working or in the event the pregnancy ends within 28 weeks of the expected birth date other than by having a living child, the Act allows you to give notice to your employer and access a period of 'special maternity leave'. Your employer may require evidence to prove the leave is genuine. This type of leave will not reduce your total entitlement to any period of unpaid parental leave by the amount of Special Leave taken whilst you were pregnant.

Fit but a Safe job is advised:

If you receive medical advice that indicates it is advisable to place you into a less risky position than your current role, the Act requires the employer to place you into a 'safe job' whilst the risk remains or whilst you are pregnant. The job must:

- (a) Be safe for the condition you are in;
- (b) Be the same ordinary hours of work as your present position;
- (c) Be in line with the same terms and

conditions of employment you were on for the hours worked in the risk period.

Fit but there is no 'safe job' available

If the employer cannot transfer you into a 'safe job', you have the ability to access 'paid no safe job leave' for the risk period. No safe job pay ends when your normal parental leave period commences (usually @ 4 weeks prior to birth). Payments for this will be based on your base rate of pay for ordinary hours of work. Accessing this leave does not reduce your parental leave entitlement.

General guidelines whilst you're pregnant

- Your condition does not entitle you not to do jobs that you are fully capable of doing.
- Your condition does entitle you to be treated with care when managers allocate tasks that may place you at risk of injury.
- Your condition may require you to be placed in a safe role where your other conditions of employment should not be altered.
- Your condition may require you to take early parental leave if you have health or high risk issues but your employer does not have the right to force you to take early leave if you are not at risk.
- Your condition requires others to be more respectful and mindful of your health and general capabilities.

Should there be any issues that arise during your pregnancy that you feel are not in line with the entitlements or obligations under your Agreement or Award, contact the union to have a confidential discussion so the matter may be resolved as soon as possible.

Labour Day in Barcaldine 2016



Barcaldine today is a charming little town in central Queensland about 500 kilometres west of Rockhampton. It was also once the location of arguably the most sinister occurrence in the history of the Australian trade union movement.

Barcaldine was the site of the Great Shearers' Strike of 1891. It was a watershed for unionism in Australia resulting in 13 Australian Workers' Union (AWU) officials being jailed for sedition because they stood up for their shearer members at a time of great hardship when the property owners were threatening to cut their already meagre wages.

Sedition is any conduct or speech inciting people to rebel against the authority of a state or monarch and should never be confused with our modern thinking of freedom of speech; freedom to speak openly to criticise those in control of the State, or the monarchy, if we believe their

actions or motivation is wrong. Such freedom was not granted to those 13 union officials. A subsequent meeting of the shearers under the Tree of Knowledge in the main street of Barcaldine saw the formation of the Labour Electoral League which later developed into the Australian Labor Party.

This year is the 125th anniversary of the Great Shearers' Strike. SDA official, Tony Martin, travelled to Barcaldine for the Labour Day celebrations in a spirit of support for the AWU and to show our respect and gratitude to those officials who went to prison for standing up for their beliefs and what they saw as right and just treatment of workers in particularly hard times.

Others who made the journey to this event included former Prime Minister Bob Hawke, Premier Anastacia Palaszczuk, former Deputy Prime Minister Wayne Swan, Hon. Cameron Dick MP and Stirling Hinchcliffe MP.

To see a very interesting 26 minute film about the Great Shearers' Strike and how it led to the development of the great Australian industrial system we enjoy today, follow this link to "Waltzing Matilda and the Sunshine Harvester Factory" on the Fair Work Commission website. <https://www.fwc.gov.au/content/video/waltzing-matilda-film>



Clockwise from top left
 1 - SDA official Tony Martin with part of the Australian Workers Union (AWU) presence in Barcaldine.
 2 - Premier Anastacia Palaszczuk addressing the crowd at the showgrounds.
 3 - AWU banner commemorating the 125th Anniversary of the Great Shearers' Strike.
 4 - AWU Secretary Ben Swan recalls the part his union played in changing the face of Australian unionism.
 5 - Ex Prime Minister Bob Hawke sang Solidarity Forever to the delight of those present.

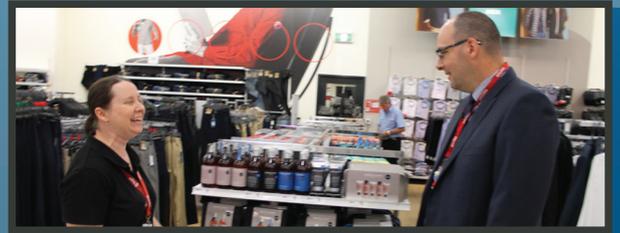
MEMBERS SAY

Thank you

Subject: **Resignation from Big W Chermside**
To Whom It May Concern,

I wish to withdraw my subscription from the Union as I have retired from 29th March, 2016. I would like to take this opportunity to thank you for all your support during my time with working with Big W. I am very grateful and never forget your help.

Yours sincerely, Keith



Hi Chris,

We have just received a cheque in the mail from your Scholarship fund and would like to say thank you very much.

It will benefit our Grandson Jack and be a wonderful surprise for his Mum when she gets home from work today.

She is a single Mum and does a wonderful job of raising her son but like so many today she struggles to make ends meet.

Once again thank you from all of us

Warm regards, the Fullers

Dear SDA Industrial Officer, David Kerr

I would like to thank you for your unbelievable support for me. Your calm reassurance and succinct instructions were invaluable to me when facing the mediator and Bunnings.

I am very happy with outcome as I knew that Bunnings would not take me back but being able to resign will definitely help me move forward with future employment.

Unfortunately now that I am no longer employed, I wish to resign from the union but will definitely re-join when I get future employment.

I wish to thank the union for listening and understanding, for not letting me down when I needed you....WELL DONE

Cheers L G

Dear Chris,

What a wonderful surprise it was to receive your letter and cheque in the mail. To say that it made my day is an understatement! Because of the severity of the ankle fractures, surgery, plates and screws, I have now learned that I won't be able to walk unaided for months with a 1.5 - 2 year progression to full recovery. So that cheque will greatly help with all the ongoing medical costs.

I have always been a strong union advocate and appreciate that I wouldn't have such fair and safe work conditions without all the hard work and commitment of the SDA for its members. This benefit is such a bonus.

Thank you all again

Kind regards

Janette



QUESTIONS

Q. I was injured at work. What do I do?

A. SDA members know that the SDA has dedicated Brisbane-based staff including Graham Walker, our information and industrial officers who can assist them every step along the way of the workers' compensation maze.

Members are reminded that all advice is FREE.

Q. I have just learned that my WorkCover claim has been knocked back. What do I do?

A. All SDA members are covered by FREE legal assistance and legal representation to fight any adverse decision. The legal costs associated with workers' compensation can be very expensive but SDA members need not worry because ALL legal costs associated with workers' compensation are paid by the SDA.

A recent example in an SDA workplace:

- **SDA member was injured at work.** He filled in the necessary paperwork and submitted his claim to his company. The company's workers' compensation insurer rejected the claim.
- **The SDA organised legal assistance and representation for him** to fight the adverse decision. Sciaccas Lawyers (SDA's workers' compensation lawyers) organised for him to see a Specialist to get more medical evidence regarding his injury.
- **Sciaccas then made submissions to Q Comp.** as part of the formal Review process. This led to Q Comp. overturning the insurer's rejection decision and substituting a decision to refer the case to a Medical Assessment Tribunal for determination.
- **Sciaccas continued to represent the SDA member** at his hearing before the Medical Assessment Tribunal, the result of which was that the Tribunal directed the insurer to accept and pay the SDA member's claim.

As a result, the SDA member was able to get surgery done which was necessary to repair the injury. He also received weekly benefits to replace his lost wages both during and after this surgery while he was off work recuperating.

Finally, he received a lump sum payment for a permanent impairment.

Retail, Warehouse and Fast Food workers NEED to be an SDA member or else have very deep pockets.

SDA members have a right to go to work, enjoy a decent wage and good working conditions and return home at the end of their shift safe and sound. We also know that working in our industries is very physical and demanding. Consequently, SDA members get injured.



COSTS

The cost to the SDA to provide our member with this legal representation was over \$2,600 and the benefits that he received as an outcome from this (which he would otherwise not have received) totalled in excess of \$10,000.

Total cost to SDA member – NOTHING!