

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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The SDA News is edited by State Secretary, Chris Gazenbeek

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Out
and about
fighting for
your Penalty
Rates



THE SDA CONTINUES THE FIGHT FOR SDA MEMBERS

This story will not go away. Employer groups and conservative politicians believe they are on a winner and are continuing their fight against weekend and public holiday penalty rates in the retail and hospitality industries.

History of penalty rates

In 1907, Justice Higgins brought down the 'Harvester Judgement'. This judgement established a minimum wage based on the 'normal needs of the average employee, regarded as a human being living in a civilized community'. Importantly, the Judgement included special rates of pay, now known as penalty rates, for work performed on Sundays and public holidays.

Penalty rates today

In 2016, Australia is still regarded as a civilized country. The 1907 'Harvester Judgement' is as relevant today as what it was some 109 years ago. Penalty rates are as important today as what they were in 1907. Penalty rates are an important component of a worker's wage and for many SDA members, they are the difference between putting food on the table or not.

Recent history

I have been advising members for close to 12 months about the three-pronged attack on our penalties. Phase 1 of the attack was the federal government directing the Productivity Commission (PC) to conduct a review of Australia's

industrial relations system. Members of the PC are conservative by nature and are philosophically inclined to deregulate everything they touch. Most of all, they wouldn't know a retail or fast food worker unless they fell over them and have little, if any, concept of what penalty rates mean to them.

The PC presented its final report in December. The Report recommended that Sunday penalties should be reduced to time plus 25% with no compensating wage increase. It also attacked minimum wages and conditions, public holidays, loadings, enterprise agreements and the Fair Work Commission itself.

All in all, the PC Report was totally predictable given that it is a notoriously employer-friendly body.

Phase 2 has seen the continuing attack upon workers in the Fair Work Commission (FWC). The Commission called upon interested parties to submit their views on whether penalty rates should be cut.

Employers are using the PC Report against the union movement in the FWC. In other words, they are using the totally predictable anti-worker PC's Report against hard-working SDA members in the retail and fast food industries.

The SDA is putting the strongest case forward to show that such a reduction in take-home pay would devastate workers in our industries. The FWC invited workers including SDA members to say in their own words how the reduction in penalty rates would affect them. It is very pleasing to report that hundreds of SDA members have taken up that opportunity to share their important story with the FWC.

We are currently waiting for the FWC's determination of the matter.

Phase 3 of the attack will be the federal coalition's industrial relations policy which they will take into the 2016 federal election. Early indications are that they will support many of the recommendations contained within the Productivity Commission's Report and who is to say what other changes they might propose. Could it be 'WorkChoices Stage 2' or something more sinister?

The future?

When I'm visiting members in their workplaces or chatting to shop stewards and delegates in training courses, I am inundated with questions and comments on penalty rates. It is pleasing that our members have a very good understanding of the issue.

Our members know that their very livelihood is under attack. It is the one issue which, for many, will determine the way they will vote in the forthcoming federal election.

A word of warning to all the politicians out there. Do not take SDA members nor the wider community for granted. They do not want the future to look like the pre-Harvester Judgement days.

Chris Gazenbeek
SDA QLD Secretary



In this issue: | Safe Jobs, Q&A, SDA Family Footy Night & Much More!

OUT AND ABOUT

with Justin Power
SDA Assistant Secretary



In early March, I was speaking to a member in a Coles store and she asked me whether work on public holidays was voluntary. I was happy to inform her that no, she didn't have to work on public holidays at Coles. I still remember Julie's big smile after she heard the good news!

History

Julie has worked for Coles for eight years, is married and has three children. Her sister, who lives on the Sunshine Coast, was going to Bali for two weeks and was happy for Julie to 'baby-sit' her house over the Easter school holidays.

Julie's husband, Peter, is a panel beater and his workplace was closed over the four days of Easter.

Julie is a full-time employee and works Tuesday to Saturday. Her store was closed on Good Friday and Easter Sunday and traded on Easter Saturday and Easter Monday.

Julie and her family were hoping to 'head-off' late on Thursday evening and arrive back in Brisbane on Easter Monday evening. That way, Julie, her husband and their children could enjoy four full days relaxing as a family.

In Julie's scenario, the key to the complete family holiday was Julie having the ability to exercise her Enterprise Agreement rights and NOT VOLUNTEER to work on Easter Saturday.

What happened....

I was very pleased to receive a phone call from Julie some two days later. She informed me that she had spoken to her department manager. The company acknowledged her Enterprise Agreement entitlements and found a replacement employee who was happy to work for the public holiday penalty rate.

If, for example, Julie worked in a supermarket whose rates of pay and conditions were governed by the General Retail Industry Award, she could have been required to work on Easter Saturday. Consequently, she would not have had the opportunity of spending the four day break on the Sunshine Coast with her family.

More good news for Julie

It was also pleasing to inform Julie that because she worked a Tuesday to Saturday roster as a full-time employee, she was entitled to receive the non-working day benefit for the Easter Monday public holiday.

Julie will receive by mutual agreement either:

1. An additional day's pay; or
2. Another day off with pay with Julie's next period of annual leave; or
3. Another day off with pay in the week prior to the public holiday; or
4. Another day off with pay within 28 days after the public holiday.

Once more, Julie received this benefit because she was working under the SDA-negotiated Coles Enterprise Agreement. Sadly, those supermarket employees who work under the General Award do not receive this SDA-negotiated benefit.

Further good news for 18 and 19 year olds working at Coles

During my Coles visit, I met up with some members who just turned 19. I was able to inform them that their rate of pay would increase from 80% of the adult rate to 90% on 1 June, 2016. This 12.5% increase in pay resulted from our last negotiations with Coles. This increase means that 19 year old casual employees will receive an extra \$3.80 per hour more than Award based employees who work during the opening hours on a Saturday.

Furthermore, the increase was just not restricted to 19 year olds. Members aged 18 will have their wage rate increased from 70% to 75% of the adult rate on 1 June, 2016.

Public holidays and non-working day benefits in other companies

In most SDA-negotiated Enterprise Agreements, members have the right to choose whether they work the public holiday or not. Many members take the option of not working and either sleep-in, spend time with family and friends or just chill out. Others jump at the opportunity of working because of the attractive public holiday penalty rates on offer.

Also, most Agreements have the same non-working day benefits as the Coles Agreement. Full-time and part-time members are advised to make sure that they received their respective non-working day benefits over the Easter/ Anzac Day/ Labour Day public holidays. For further information on public holidays and the non-working day benefit, please speak to your SDA shop steward/delegate or members can ring or email the union office.



Save on household goods!

STEP 1 FIND THE DETAILS OF THE ITEM YOU WISH TO PURCHASE INCLUDING MODEL NUMBER & BEST PRICE

STEP 2 PHONE THE SDA ON 1800 657 141



WORKERS VOW TO RAMP UP CAMPAIGN to protect penalty rates

By Gerard Dwyer



In recent times, the SDA has teamed up with United Voice on the important issue of penalty rates. Both unions know that penalty rates are a 'bread and butter' issue for our members. On 11 April 2016, both unions announced that they will ramp up the campaign to protect penalty rates ahead of the federal election unless the Turnbull Government commits to protecting the take-home pay of Australia's low paid workers.

As part of the campaign, both unions protested outside the Fair Work Commission in Sydney during the Penalty Rates Case. Of course, this case is all about stripping workers in the retail and hospitality workers of their weekend and public holiday penalties.

Outside the Commission hearing, I stated that "If the Federal Government won't publicly back workers, workers

will be left with no choice but to ramp up our campaign in the lead up to the Federal Election.

"So far, the Turnbull Government has refused to commit to maintaining penalty rates for people who work weekends, nights and holidays, despite the clear evidence that cutting penalty rates would hit workers and their families hard.

"The Prime Minister and Employment Minister might be trying to stay quiet on the issue for now, but the fact that many Federal Liberal MPs have said quite clearly that they'd like to axe penalty rates should be a huge concern to Australians.

"We're not going to take this lightly. A cut to penalty rates would be disastrous for many Australian families, particularly those in lower paid hospitality and retail jobs."

SDA members will continue to be informed on this important issue right up to the federal election.

Join the fight! protectpenaltyrates.org.au



Thank you to all who made Labour Day 2016 such a huge success!

It was a real pleasure to interact with so many members and their families. We hope you enjoyed the day as much as I and the rest of the team did.

- Chris Gazenbeek



Q&A with the SDA

Q A friend of mine lost his brother recently after a long illness and needed some time off to grieve. He returned to work three days after the funeral and applied for funeral leave. He is a full-time employee and has been with his company for nearly three years. Management told him to take it off his sick leave because the budget was tight. This didn't sound right to me.

Was management correct?

A No, management was incorrect. Individual managers cannot make up the 'rules' as they feel. Every SDA-negotiated Enterprise Agreement or Modern Award contains either a bereavement or compassionate leave clause.

Bereavement or compassionate leave is paid leave. The clause identifies, for example, the family members and significant others who are covered, the amount of paid time off and details other contingencies such as when the funeral is being held interstate or overseas.

Even if your friend applied for sick leave, advise him to re-apply for his bereavement leave entitlement. If the problem persists, we will be more than happy to pursue the matter to the next stage of the grievance procedure.

Editor: Because each individual Enterprise Agreement is different, members are advised to read the specific bereavement leave clause in their Agreement. Your trained SDA shop steward or delegate will have a copy.

Q At my store, we are becoming sick and tired of our manager always going on about company policy. Where does company policy rate in the whole scheme of things?

A You raise a very important question. Companies usually have policies on a whole range of matters many of which don't necessarily affect our members. Importantly, company policy cannot override the SDA-negotiated Enterprise Agreement or Award.

Therefore, members can be assured that if a manager says that it is company policy to do something which clearly contradicts the Enterprise Agreement, then that manager is not telling their staff the truth.

In this particular example, we believe that the manager needs to be 'retrained'. We suggest that the SDA shop steward could have a chat to him or failing that, the SDA organiser would be more than happy to have that conversation.

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

A The first step is to complete an 'Incident Report Form'. These forms should be located in your workplace's office.



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

A All SDA members are covered for FREE legal assistance and legal representation to fight any adverse decision. The legal costs associated with workers' compensation can be very expensive sometimes costing thousands of dollars. It's great that SDA members need not worry because ALL legal costs associated with workers' compensation are paid by the SDA. We are more than happy to set up a meeting with our workers' compensation legal team.

Q Is there anyone in the union's Brisbane office who I can talk to in regard to workers' compensation?

A Yes. Ring the union office and speak to our information officers, Diane or Wayne. They will be able to answer your questions. We also have Graham Walker, the SDA WorkCover and Occupational Health and Safety officer, who can also help you every step of the workers' compensation journey.

Closes 24.06.2016

Mail to: The Secretary - SDA, PO Box 490, Spring Hill, QLD 4004

Have a whale of a time!

Members, enter now to go in the draw to win tickets for you and your family to go Whale Watching! Pick your preferred location and if you win, we will arrange the tickets for a time that suits you. Entries close 24.06.2016.

Whale Watching Cruise Competition

M/Ship #

Name

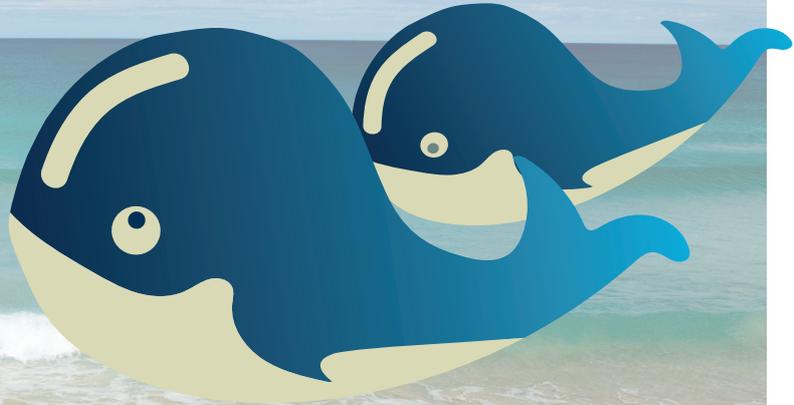
Address

Email

Home Ph Mobile Ph

Which location would you prefer?

Gold Coast Hervey Bay



SDA

Family Night



The SDA is excited to announce that this year's Footy Family Night will be the **Broncos vs Storm** match held on **Friday, 1 July, 2016**.

Get in quick to secure your spot. Each ticket comes with a **FREE** sausage sizzle and kids also receive a **FREE** paddle pop.

Enjoy the night with family and friends!



Family Footy Night Order Form

M/Ship #

Name

Address

Email

Home Ph: Mob:

Number of Tickets

| | | |
|----------------------|--------------------------------------|-----------|
| <input type="text"/> | Member ticket \$8 (Save \$26!) | \$ |
| <input type="text"/> | Adult guest ticket \$16 (Save \$18!) | \$ |
| <input type="text"/> | Kids 4-14yrs ticket \$6 (Save \$8!) | \$ |
| <input type="text"/> | No. of Children under 4yrs | FREE |
| TOTAL | | \$ |

Payment details

Cheque Money Order Credit Card (Visa/Mastercard)

Expiry: ___ / ___ Card Holder: _____

Signature: _____

Mail to: The Secretary - SDA, PO Box 490, Spring Hill, QLD 4004

Being paid for work done is not optional

it's the **LAW!**

Getting paid for all the time you work is enshrined in law. Your employer is legally bound to pay you for all work done. You must get paid either ordinary rates or overtime, depending on your circumstances. No person should ever work and not be paid.

The SDA is increasingly finding examples of employees expected to 'work' without pay. Furthermore, employers shouldn't avoid paying somebody by telling them, "it was not authorised". The SDA is finding that some employers are using this as a device to not pay employees.

If you are expected to complete a particular job or task and you do, you must get paid.

Never 'clock-off' and keep working without pay and if you experience any problems with unpaid overtime or other underpayments and you

can't resolve the matter with your immediate manager, contact the SDA and we will help you.

How workers are losing out!

There are many ways an employee can miss out on getting paid properly, including not getting paid the correct overtime penalty rate. They include:

- Coming in and working before your rostered shift begins;
- Working through rest pauses or meal breaks;
- 'clocking off' and then going back to work;
- Taking work home, like paperwork;
- Working after your rostered time off, say for an extra 10 to 15 minutes or more and not getting paid;
- Coming in on your day off or while on leave and not getting paid; and
- Allowing your employer to change your roster deliberately to avoid penalties you would be otherwise entitled to.

Check your Enterprise Agreement

Your Agreement contains specific provisions relating to payment for time worked. Your employer is obliged to know what these entitlements are and apply them to all employees.

If you want to know what your entitlements are, or if you need help in getting paid for time that you have worked, speak to your on-site SDA shop steward, SDA delegate or union organiser. Of course, members can also contact the SDA and speak to an information officer. Please remember that we are not mind-readers. If you need help or assistance, please ask.

You may ask what's an extra 10 or 15 minutes of unpaid work here or there. If you work an extra hour every week for months on end, that's a lot of money lost that's rightfully yours.

Remember you have to tell us so we can act!



MEMBERS SAY

Thank you

To Chris Gazenbeek, SDA Branch Secretary,

I'm writing this email to you to advise you that I am still working in the industry due to the untiring efforts of one of your staff members, Darryn Gaffy.

I was unfairly dismissed in late 2015 and Darryn acted on my behalf from then. I have no doubt that I would be on unemployment benefits now if I was not in the union.

Importantly, Darryn listened to me, believed in me and never gave up.

Thank you again Darryn and thank you SDA!

Ellie Mc

Dear Chris,

I am so amazed and grateful to receive a payment from the SDA's Personal Accident Insurance. I hadn't thought of the insurance coverage at the time as I had a few other things on my mind. It just so happened that the new membership card arrived accompanied by the booklet reminding us of the cover available.

In all my years of being a member of the SDA, this is only the second time I have asked for support and on both occasions I have been more than happy. Once again thank-you and fingers crossed I won't be in need of this benefit again.

Cheryl P

THE GRIEVANCE PROCEDURE

Most of us can expect to work up to 50 years in the paid workforce and most of us, at some time, will experience a difficulty or an issue or problem at work. Given this, it is important to have a procedure in place which guides the employee on the steps which can be taken to fix the problem. This procedure is commonly called a grievance or disputes procedure.

Every Enterprise Agreement or Award negotiated by the SDA contains a grievance or disputes procedure. A grievance procedure is a process that enables issues or problems to be worked through and resolved. If matters ever arise at your workplace, it's important that you're aware of the agreed procedure.

A typical process:

Below is an outline of a typical grievance procedure:

- 1 Contact your immediate supervisor or line manager and raise your issue.
- 2 If the problem cannot be resolved satisfactorily at this level, you should then raise it with the workplace manager. We advise members that you take your trained SDA shop steward or delegate to the meeting with you.
- 3 If the problem still cannot be resolved, it would be appropriate to involve the SDA organiser and have a further meeting with the workplace manager.
- 4 If the matter is still unresolved at the workplace level, the SDA organiser would enlist the assistance of an SDA industrial officer who would then pursue the matter with senior management. In many cases, the SDA industrial officer may deem it appropriate to involve the respective company's state or national office.
- 5 The final stage of the grievance procedure is referral to the Fair Work Commission for determination.

The SDA is an important link in the grievance procedure. We work for our members to help resolve any issues or problems that may arise. The quicker a matter can be satisfactorily resolved for members, the better it is for everyone.

DINING TRAVEL ACTIVITIES MOVIES SHOPPING LIFESTYLE BOX OFFICE UPDATES FREQUENTLY ASKED QUESTIONS



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Ekka

Royal Queensland Show



Are you planning on going to the Brisbane Ekka?

(From 5-14 August)

Purchase your tickets through the SDA and save!

BUY EKKA TICKETS

Membership No.: _____
Name: _____
Address: _____
Email: _____
Home Ph: _____ Mobile: _____

NUMBER OF TICKETS REQUIRED

| | |
|---|--|
| <input type="checkbox"/> Adult Pass - \$25ea <i>(Save \$6 per ticket)</i> | <input type="checkbox"/> Family Pass - \$73ea <i>(2 Adults/2 Kids, Save \$14)</i> |
| <input type="checkbox"/> Child Pass - \$18ea <i>(5-14, Save \$2 per ticket)</i> | <input type="checkbox"/> Ride Card - \$35ea <i>(Save \$5)</i> |
| <input type="checkbox"/> Little Ekka Pass - FREE <i>(Under 4 - Ticket to be shown at door)</i> | TOTAL \$ <input type="text"/> |

PAYMENT

Cheque Money Order Credit Card

Expiry:...../..... Card Holder:.....
Signature:.....

Mail to: The Secretary
SDA, PO Box 490, Spring Hill, QLD 4004

SDA

Scholarships

Applications close
24/06/2016

MEMBER'S DETAILS

Membership No.: _____
Name: _____
Address: _____
Email: _____
Home Ph: _____ Mobile: _____
Employer: _____ Location: _____

\$80 High School Entry Form

Student's Name: _____
Relationship to you: [] Self [] Child [] Grandchild
School attending in 2016: _____
Year/Grade/Level in 2016: _____

\$150 Tertiary (Uni/TAFE) Entry Form

Student's Name: _____
Relationship to you:
[] Self [] Child [] Grandchild [] Spouse
Uni/TAFE attending in 2016: _____
Course to be studied in 2016: _____

Please provide proof of enrolment with this application. Proof includes confirmation of enrolment printout or Uni/TAFE stamp.

UNI/TAFE STAMP HERE

In respect of this application, I acknowledge that it will be subject to a ballot conducted by the State Secretary of the Union and I agree to accept the ballot result as final.

Member's Signature

Mail to: The Secretary
SDA, PO Box 490, Spring Hill, QLD 4004