

SDA warns about the real impact of new school casuals' minimum hours shift

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The Shop Distributive and Allied Employees' (SDA) Union has warned Fair Work Australia's decision today to let retailers employ secondary school students for less than three hours will jeopardise rather than encourage greater employment opportunities for youth and other casual workers in the sector.

The decision follows eighteen months of submissions and appeals by the SDA and the ACTU, who believe shorter minimum hour shifts will erode some of the most fundamental entitlements for employees.

In July 2010, the SDA successfully defended an initial submission by the National Retailers' Association and the Master Growers' Association in July, to reduce the minimum start from 3 hours to 2 hours for all casual employees.

In August 2010 the NRA and MGA appealed the decision which was subsequently dismissed by the FWA Full Bench in October.

During the appeal however, the Australian Retailers' Association proposed a new provision for students. While the provision was not considered by the Full Bench, they stated there was no barrier to any party making another application to examine student casuals' minimum hours, and the NRA made a submission that same day to allow school students to work 1.5 hours. The ARA followed on 5 November with a similar provision.

In June this year, Vice President Watson decided to accept the NRA provision subject to a number of conditions. The SDA were dismayed with the decision and immediately appealed.

The Full Bench of FWA today dismissed the SDA appeal on the grounds that VP Watson's decision was legally sound and that the amended provision addressed the potential for disadvantage.

The SDA disagrees in the strongest possible manner with the decision.

"We are bitterly disappointed with today's decision, which we feel chips away at the fundamental entitlements for all employees in the retail industry. Furthermore, the decision sets a dangerous precedent for all employees, with regular part-time and casual shifts threatened by shorter, cheaper shifts," SDA National Secretary Joe de Bruyn said.

"We are certainly in support of increasing both the hours and wages of all casual employees, whether secondary school students, young people who have left school or any other casual worker.

"However, we reject in the strongest possible terms that this decision will empower or encourage greater participation in the workforce. On the contrary, this is a thinly-disguised cost-saving exercise by the retailers to cut back hours for regular casuals and part-timers who cannot compete with school casual rates and hours." Mr de Bruyn said.

"What about young people who have left school and rely on their minimum part-time shifts? What about women working around their family responsibilities? Our concern is that secondary school students will be preferred for these hours over workers who rely on these shifts to support themselves."

The SDA and ACTU continue to advocate that a minimum three hour shift for all workers is a fundamental part of the employee safety net.

Media please contact: Joe de Bruyn 0410 524 579